

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF  
2019

MARCH 27, 2019.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1585]

The Committee on the Judiciary, to whom was referred the bill  
(H.R. 1585) to reauthorize the Violence Against Women Act of  
1994, and for other purposes, having considered the same, report  
favorably thereon with an amendment and recommend that the bill  
as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Violence Against Women Reauthorization Act of 2019”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Universal definitions and grant conditions.

**TITLE I—ENHANCING LEGAL TOOLS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

- Sec. 101. Stop grants.  
 Sec. 102. Grants to improve the criminal justice response.  
 Sec. 103. Legal assistance for victims.  
 Sec. 104. Grants to support families in the justice system.  
 Sec. 105. Outreach and services to underserved populations grants.  
 Sec. 106. Criminal provisions.  
 Sec. 107. Rape survivor child custody.

**TITLE II—IMPROVING SERVICES FOR VICTIMS**

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

**TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS**

- Sec. 301. Rape prevention and education grant.  
 Sec. 302. Creating hope through outreach, options, services, and education (CHOOSE) for children and youth.  
 Sec. 303. Grants to combat violent crimes on campuses.  
 Sec. 304. Combat online predators.

**TITLE IV—VIOLENCE REDUCTION PRACTICES**

- Sec. 401. Study conducted by the Centers for Disease Control and Prevention.  
 Sec. 402. Saving Money and Reducing Tragedies (SMART) through Prevention grants.

**TITLE V—STRENGTHENING THE HEALTHCARE SYSTEMS RESPONSE**

- Sec. 501. Grants to strengthen the healthcare systems response to domestic violence, dating violence, sexual assault, and stalking.

**TITLE VI—SAFE HOMES FOR VICTIMS**

- Sec. 601. Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.  
 Sec. 602. Ensuring compliance and implementation; prohibiting retaliation against victims.  
 Sec. 603. Protecting the right to report crime from one's home.  
 Sec. 604. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.  
 Sec. 605. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.  
 Sec. 606. United States Housing Act of 1937 amendments.

**TITLE VII—ECONOMIC SECURITY FOR VICTIMS**

- Sec. 701. Findings.  
 Sec. 702. National Resource Center on workplace responses to assist victims of domestic and sexual violence.  
 Sec. 703. Entitlement to unemployment compensation for victims of sexual and other harassment and survivors of domestic violence, dating violence, sexual assault, or stalking.  
 Sec. 704. Study and reports on barriers to survivors' economic security access.  
 Sec. 705. GAO Study.  
 Sec. 706. Education and information programs for survivors.  
 Sec. 707. Severability.

**TITLE VIII—HOMICIDE REDUCTION INITIATIVES**

- Sec. 801. Prohibiting persons convicted of misdemeanor crimes against dating partners and persons subject to protection orders.  
 Sec. 802. Prohibiting stalkers and individuals subject to court order from possessing a firearm.

**TITLE IX—SAFETY FOR INDIAN WOMEN**

- Sec. 901. Findings and purposes.  
 Sec. 902. Authorizing funding for the tribal access program.  
 Sec. 903. Tribal jurisdiction over crimes of domestic violence, dating violence, sexual violence, sex trafficking, stalking, and violence against law enforcement officers.  
 Sec. 904. Annual reporting requirements.

**TITLE X—OFFICE ON VIOLENCE AGAINST WOMEN**

- Sec. 1001. Establishment of Office on Violence Against Women.

**TITLE XI—IMPROVING CONDITIONS FOR WOMEN IN FEDERAL CUSTODY**

- Sec. 1101. Improving the treatment of primary caretaker parents and other individuals in federal prisons.  
 Sec. 1102. Public health and safety of women.

**TITLE XII—LAW ENFORCEMENT TOOLS TO ENHANCE PUBLIC SAFETY**

- Sec. 1201. Notification to law enforcement agencies of prohibited purchase or attempted purchase of a firearm.  
 Sec. 1202. Reporting of background check denials to state, local, and tribal authorities.  
 Sec. 1203. Special assistant U.S. attorneys and cross-deputized attorneys.

## TITLE XIII—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE

Sec. 1301. Short title.  
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## TITLE XIV—OTHER MATTERS

Sec. 1401. National stalker and domestic violence reduction.  
 Sec. 1402. Federal victim assistants reauthorization.  
 Sec. 1403. Child abuse training programs for judicial personnel and practitioners reauthorization.  
 Sec. 1404. Sex offender management.  
 Sec. 1405. Court-appointed special advocate program.  
 Sec. 1406. Rape kit backlog.  
 Sec. 1407. Sexual assault forensic exam program grants.

**SEC. 2. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.**

Section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291) is amended—

(1) in subsection (a)—

(A) by striking “In this title” and inserting “In this title, including for the purpose of grants authorized under this Act,”;

(B) by redesignating paragraph (34) through paragraph (45) as paragraphs (41) through (52);

(C) by inserting after paragraph (33) the following:

“(39) INTERNET ENABLED DEVICE.—The term ‘internet enabled device’ means devices that have a connection the Internet, send and receive information and data, and maybe accessed via mobile device technology, video technology, or computer technology, away from the location where the device is installed, and may include home automation systems, door locks, and thermostats.

“(40) TECHNOLOGICAL ABUSE.—The term ‘technological abuse’ means behavior intended to harm, threaten, intimidate, control, stalk, harass, impersonate, or monitor, except as otherwise permitted by law, another person, that occurs using the Internet, internet enabled devices, social networking sites, computers, mobile devices, cellular telephones, apps, location tracking devices, instant messages, text messages, or other forms of technology. Technological abuse may include—

“(A) unwanted, repeated telephone calls, text messages, instant messages, or social media posts;

“(B) non-consensual accessing e-mail accounts, texts or instant messaging accounts, social networking accounts, or cellular telephone logs;

“(C) controlling or restricting a person’s ability to access technology with the intent to isolate them from support and social connection;

“(D) using tracking devices or location tracking software for the purpose of monitoring or stalking another person’s location;

“(E) impersonating a person (including through the use of spoofing technology in photo or video or the creation of accounts under a false name) with the intent to deceive or cause harm; or

“(F) sharing or urging or compelling the sharing of another person’s private information, photographs, or videos without their consent.”;

(D) in paragraph (19)(B), by striking “and probation” and inserting “probation, and vacatur or expungement”;

(E) by redesignating paragraphs (13) through (33) as paragraphs (18) through (38);

(F) by striking paragraph (11) and inserting the following:

“(13) DIGITAL SERVICES.—The term ‘digital services’ means services, resources, information, support or referrals provided through electronic communications platforms and media, whether via mobile device technology, video technology, or computer technology, including utilizing the internet, as well as any other emerging communications technologies that are appropriate for the purposes of providing services, resources, information, support, or referrals for the benefit of victims of domestic violence, dating violence, sexual assault, or stalking.

“(14) ECONOMIC ABUSE.—The term ‘economic abuse’, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

“(A) restrict a person’s access to money, assets, credit, or financial information;

“(B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or

“(C) exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

“(15) ELDER ABUSE.—The term ‘elder abuse’ has the meaning given that term in section 2 of the Elder Abuse Prevention and Prosecution Act. The terms ‘abuse,’ ‘elder,’ and ‘exploitation’ have the meanings given those terms in section 2011 of the Social Security Act (42 U.S.C. 1397j).

“(16) FORCED MARRIAGE.—The term ‘forced marriage’ means a marriage to which one or both parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault or stalking.

“(17) HOMELESS.—The term ‘homeless’ has the meaning given such term in section 41403(6).”;

(G) by redesignating paragraphs (9) and (10) as paragraphs (11) and (12), respectively;

(H) by amending paragraph (8) to read as follows:

“(10) DOMESTIC VIOLENCE.—The term ‘domestic violence’ means a pattern of behavior involving the use or attempted use of physical, sexual, verbal, emotional, economic, or technological abuse or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who—

“(A) is a current or former spouse or dating partner of the victim, or other person similarly situated to a spouse of the victim under the family or domestic violence laws of the jurisdiction;

“(B) is cohabitating with or has cohabitated with the victim as a spouse or dating partner, or other person similarly situated to a spouse of the victim under the family or domestic violence laws of the jurisdiction;

“(C) shares a child in common with the victim;

“(D) is an adult family member of, or paid or nonpaid caregiver for, a victim aged 50 or older or an adult victim with disabilities; or

“(E) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.”.

(I) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively;

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

“(7) COURT-BASED AND COURT-RELATED PERSONNEL.—The term ‘court-based personnel’ and ‘court-related personnel’ means persons working in the court, whether paid or volunteer, including—

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

“(B) court security personnel;

“(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

“(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.”.

(K) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6) respectively;

(L) by inserting after paragraph (1) the following:

“(3) ALTERNATIVE JUSTICE RESPONSE.—The term ‘alternative justice response’ means a process, whether court-ordered or community-based, that—

“(A) involves, on a voluntary basis, and to the extent possible, those who have committed a specific offense and those who have been harmed as a result of the offense;

“(B) has the goal of collectively seeking accountability from the accused, and developing a process whereby the accused will take responsibility for his or her actions, and a plan for providing relief to those harmed, through allocation, restitution, community service, or other processes upon which the victim, the accused, the community, and the court (if court-ordered) can agree;

“(C) is conducted in a framework that protects victim safety and supports victim autonomy; and

“(D) provides that information disclosed during such process may not be used for any other law enforcement purpose, including impeachment or prosecution, without the express permission of all participants.”.

(M) by redesignating paragraph (1) as paragraph (2); and

(N) by inserting before paragraph (2) (as redesignated in subparagraph (O) of this paragraph) the following:

“(1) ABUSE IN LATER LIFE.—The term ‘abuse in later life’ means neglect, abandonment, domestic violence, dating violence, sexual assault, or stalking of an adult over the age of 50 by any person, or economic abuse of that adult by a person in an ongoing, relationship of trust with the victim. Self-neglect is not included in this definition.”; and

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (F) and (G) as subparagraphs (H) and (I);

(ii) by inserting after subparagraph (E) the following:

“(G) DEATH OF THE PARTY WHOSE PRIVACY HAD BEEN PROTECTED.—In the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, such requirement shall continue to apply, and the right to authorize release of any confidential or protected information is be vested in the next of kin, except that consent for release of the deceased victim’s information may not be given by a person who had perpetrated abuse against the deceased victim.”.

(iii) by redesignating subparagraphs (D) through (E) as subparagraphs (E) through (F); and

(iv) by inserting after subparagraph (C) the following:

“(D) USE OF TECHNOLOGY.—Grantees and subgrantees may use telephone, internet, and other technologies to protect the privacy, location and help-seeking activities of victims using services. Such technologies may include—

“(i) software, apps or hardware that block caller ID or conceal IP addresses, including instances in which victims use digital services; or

“(ii) technologies or protocols that inhibit or prevent a perpetrator’s attempts to use technology or social media to threaten, harass or harm the victim, the victim’s family, friends, neighbors or co-workers, or the program providing services to them.”;

(B) in paragraph (3), by inserting after “designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking” the following: “provided that the confidentiality and privacy requirements of this title are maintained, and that personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault and stalking is not requested or included in any such collaboration or information-sharing”;

(C) in paragraph (6), by adding at the end the following: “However, such disbursing agencies must ensure that the confidentiality and privacy requirements of this title are maintained in making such reports, and that personally identifying information about adult, youth and child victims of domestic violence, dating violence, sexual assault and stalking is not requested or included in any such reports.”;

(D) in paragraph (11), by adding at the end the following: “The Office on Violence Against Women shall make all technical assistance available as broadly as possible to any appropriate grantees, subgrantees, potential grantees, or other entities without regard to whether the entity has received funding from the Office on Violence Against Women for a particular program or project.”;

(E) in paragraph (13)—

(i) in subparagraph (A), by inserting after “the Violence Against Women Reauthorization Act of 2013” the following: “(Public Law 113–4; 127 Stat. 54)”;

(ii) in subparagraph (C), by striking “section 3789d of title 42, United States Code” and inserting “section 809 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10228)”;

(F) in paragraph (14), by inserting after “are also victims of” the following: “forced marriage, or”;

(G) in paragraph (16)(C)(i), by striking “\$20,000 in Department funds, unless the Deputy Attorney General” and inserting “\$100,000 in Department funds, unless the Director or Principal Deputy Director of the Office on Violence Against Women, the Deputy Attorney General.”.

# **TITLE I—ENHANCING LEGAL TOOLS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

## **SEC. 101. STOP GRANTS.**

(a) **IN GENERAL.**—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (3), by inserting before the semicolon at the end the following: “including implementation of the non-discrimination requirements in section 40002(b)(13) of the Violence Against Women Act of 1994”;

(B) in paragraph (9)—

(i) by striking “older and disabled women” and inserting “people 50 years of age or over and people with disabilities”; and

(ii) by striking “older and disabled individuals” and inserting “people”;

(C) in paragraph (19), by striking “and” at the end;

(D) in paragraph (20), by striking the period at the end and inserting “; and”;

(E) by inserting after paragraph (20), the following:

“(21) developing and implementing laws, policies, procedures, or training to ensure the lawful recovery and storage of any dangerous weapon by the appropriate law enforcement agency from an adjudicated perpetrator of any offense of domestic violence, dating violence, sexual assault, or stalking, and the return of such weapon when appropriate, where any Federal, State, tribal, or local court has—

“(A)(i) issued protective or other restraining orders against such a perpetrator; or

“(ii) found such a perpetrator to be guilty of misdemeanor or felony crimes of domestic violence, dating violence, sexual assault, or stalking; and

“(B) ordered the perpetrator to relinquish dangerous weapons that the perpetrator possesses or has used in the commission of at least one of the aforementioned crimes.

Policies, procedures, protocols, laws, regulations, or training under this section shall include the safest means of recovery of, and best practices for storage of, relinquished and recovered dangerous weapons and their return, when applicable, at such time as the individual is no longer prohibited from possessing such weapons under Federal, State, or Tribal law, or posted local ordinances.”;

(2) in section 2007—

(A) in subsection (d)—

(i) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

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

“(5) proof of compliance with the requirements regarding protocols to strongly discourage compelling victim testimony, described in section 2017;

“(6) proof of compliance with the requirements regarding civil rights under section 40002(b)(13) of the Violent Crime Control and Law Enforcement Act of 1994;”;

(B) in subsection (i)—

(i) in paragraph (1), by inserting before the semicolon at the end the following: “and the requirements under section 40002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12291(b))”; and

(ii) in paragraph (2)(C)(iv), by inserting after “ethnicity,” the following: “sexual orientation, gender identity,”; and

(C) by adding at the end the following:

“(k) **REVIEWS FOR COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS.**—

“(1) **IN GENERAL.**—If allegations of discrimination in violation of section 40002(b)(13)(A) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(13)(A)) by a potential grantee under this part have been made to the Attorney General, the Attorney General shall, prior to awarding a grant under this part to such potential grantee, conduct a review of the compliance of the potential grantee with such section.

“(2) **ESTABLISHMENT OF RULE.**—Not later than 1 year after the date of enactment of the Violence Against Women Reauthorization Act of 2019, the Attorney General shall by rule establish procedures for such a review.

“(3) ANNUAL REPORT.—Beginning on the date that is 1 year after the date of enactment of the Violence Against Women Reauthorization Act of 2019, the Attorney General shall report to the Committees on the Judiciary of the Senate and of the House of Representatives regarding compliance with section 40002(b)(13)(A) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(13)(A)) by recipients of grants under this part.”; and

(3) by adding at the end the following:

**“SEC. 2017. GRANT ELIGIBILITY REGARDING COMPELLING VICTIM TESTIMONY.**

“In order to be eligible for a grant under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will include a detailed protocol to discourage the use of bench warrants, material witness warrants, perjury charges, or other means of compelling victim-witness testimony in the investigation, prosecution, trial, or sentencing of a crime related to the domestic violence, sexual assault, dating violence or stalking of the victim.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(18)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

**SEC. 102. GRANTS TO IMPROVE THE CRIMINAL JUSTICE RESPONSE.**

(a) HEADING.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461 et seq.) is amended in the heading, by striking “GRANTS TO ENCOURAGE ARREST POLICIES” and inserting “GRANTS TO IMPROVE THE CRIMINAL JUSTICE RESPONSE”.

(b) GRANTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461) is amended—

(1) by striking subsection (a) and inserting the following:

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

(2) in subsection (b)—

(A) in paragraph (1), by striking “proarrest” and inserting “offender accountability and homicide reduction”;

(B) in paragraph (8)—

(i) by striking “older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002))” and inserting “people 50 years of age or over”; and

(ii) by striking “individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)))” and inserting “people with disabilities (as defined in the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))”;

(C) in paragraph (19), by inserting before the period at the end the following “, including victims among underserved populations (as defined in section 40002(a)(46) of the Violence Against Women Act of 1994)”;

(D) by adding at the end the following:

“(23) To develop and implement an alternative justice response (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994).

“(24) To develop and implement policies, procedures, protocols, laws, regulations, or training to ensure the lawful recovery and storage of any dangerous weapon by the appropriate law enforcement agency from an adjudicated perpetrator of any offense of domestic violence, dating violence, sexual assault, or stalking, and the return of such weapon when appropriate, where any Federal, State, tribal, or local court has—

“(A)(i) issued protective or other restraining orders against such a perpetrator; or

“(ii) found such a perpetrator to be guilty of misdemeanor or felony crimes of domestic violence, dating violence, sexual assault, or stalking; and

“(B) ordered the perpetrator to relinquish dangerous weapons that the perpetrator possesses or has used in the commission of at least one of the aforementioned crimes.

Policies, procedures, protocols, laws, regulations, or training under this section shall include the safest means of recovery of and best practices for storage of relinquished and recovered dangerous weapons and their return, when applicable, at such time as the persons are no longer prohibited from possessing such weapons under Federal, State, Tribal or municipal law.”; and

(3) in subsection (c)(1)—

(A) in subparagraph (A)—

- (i) in clause (i), by striking “encourage or mandate arrests of domestic violence offenders” and inserting “encourage arrests of offenders”; and
- (ii) in clause (ii), by striking “encourage or mandate arrest of domestic violence offenders” and inserting “encourage arrest of offenders”; and

(B) by inserting after subparagraph (E) the following:

“(F) certify that, not later than 3 years after the date of the enactment of this subparagraph, their laws, policies, or practices will include a detailed protocol to strongly discourage the use of bench warrants, material witness warrants, perjury charges, or other means of compelling victim-witness testimony in the investigation, prosecution, trial, or sentencing of a crime related to the domestic violence, sexual assault, dating violence or stalking of the victim.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(19)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

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

Section 1201 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (34 U.S.C. 20121) is amended—

- (1) in subsection (a), by inserting after “no cost to the victims” the following: “. When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided.”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting after “stalking, and sexual assault” the following: “, or for dependents when necessary for the safety of a victim”;

(B) in paragraph (2), by inserting after “stalking, and sexual assault” the following: “, or for dependents when necessary for the safety of a victim,” and

(C) in paragraph (3), by inserting after “sexual assault, or stalking” the following: “, or for dependents when necessary for the safety of a victim,”; and

- (3) in subsection (f)(1), by striking “2014 through 2018” and inserting “2020 through 2024”.

#### **SEC. 104. GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.**

Section 1301 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (34 U.S.C. 12464) is amended—

(1) in subsection (b)—

(A) in paragraph (7), by striking “and” at the end;

(B) in paragraph (8)—

- (i) by striking “to improve” and inserting “improve”; and

- (ii) by striking the period at the end and inserting “; and” ; and

(C) by inserting after paragraph (8) the following:

“(9) develop and implement an alternative justice response (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994).”; and

- (2) in subsection (e), by striking “2014 through 2018” and inserting “2020 through 2024”.

#### **SEC. 105. OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS GRANTS.**

Section 120(h) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20123(h)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

#### **SEC. 106. CRIMINAL PROVISIONS.**

Section 2265 of title 18, United States Code, is amended—

(1) in subsection (d)(3)—

(A) by striking “restraining order or injunction.”; and

(B) by adding at the end the following: “The prohibition under this paragraph applies to all protection orders for the protection of a person residing within a State, territorial, or tribal jurisdiction, whether or not the protection order was issued by that State, territory, or Tribe.”; and

- (2) in subsection (e), by adding at the end the following: “This applies to all Alaska tribes without respect to ‘Indian country’ or the population of the Native village associated with the Tribe.”.

#### **SEC. 107. RAPE SURVIVOR CHILD CUSTODY.**

Section 409 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 21308) is amended by striking “2015 through 2019” and inserting “2020 through 2024”.



## TITLE II—IMPROVING SERVICES FOR VICTIMS

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

Section 41601(f)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12511(f)(1)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

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

Section 40295 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12341) is amended—

- (1) in subsection (a)(3), by striking “women” and inserting “adults, youth,”; and
- (2) in subsection (e)(1), by striking “2014 through 2018” and inserting “2020 through 2024”.

### SEC. 203. TRAINING AND SERVICES TO END VIOLENCE AGAINST PEOPLE WITH DISABILITIES.

Section 1402 of division B of the Victims of Trafficking and Violence Protection Act of 2000 (34 U.S.C. 20122) is amended—

- (1) in the heading, by striking “**WOMEN**” and inserting “**PEOPLE**”;
- (2) in subsection (a), by striking “individuals” each place it appears and inserting “people”;
- (3) in subsection (b)—
  - (A) by striking “disabled individuals” each place it appears and inserting “people with disabilities”;
  - (B) in paragraph (3), by inserting after “law enforcement” the following: “and other first responders”; and
  - (C) in paragraph (8), by striking “providing advocacy and intervention services within” and inserting “to enhance the capacity of”;
- (4) in subsection (c), by striking “disabled individuals” and inserting “people with disabilities”; and
- (5) in subsection (e), by striking “2014 through 2018” and inserting “2020 through 2024”.

### SEC. 204. TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

Section 40801 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12421)—

- (1) in the heading, by striking “**ENHANCED TRAINING**” and inserting “**TRAINING**”;
- (2) by striking subsection (a) DEFINITIONS.—In this section—” and all that follows through paragraph (1) of subsection (b) and inserting the following: “The Attorney General shall make grants to eligible entities in accordance with the following.”;
- (3) by redesignating paragraphs (2) through (5) of subsection (b) as paragraphs (1) through (4);
- (4) in paragraph (1) (as redesignated by paragraph (3) of this subsection)—
  - (A) by striking “, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect” each place it appears;
  - (B) in subparagraph (A)—
    - (i) in clause (i), by inserting after “elder abuse” the following: “and abuse in later life”;
    - (ii) in clauses (ii) and (iii), by inserting after “victims of” the following: “elder abuse and”; and
    - (iii) in clause (iv), by striking “advocates, victim service providers, and courts to better serve victims of abuse in later life” and inserting “leaders, victim advocates, victim service providers, courts, and first responders to better serve older victims”;
  - (C) in subparagraph (B)—
    - (i) in clause (i), by striking “or other community-based organizations in recognizing and addressing instances of abuse in later life” and inserting “community-based organizations, or other professionals who may identify or respond to abuse in later life”; and
    - (ii) in clause (ii), by inserting after “victims of” the following: “elder abuse and”; and
  - (D) in subparagraph (D), by striking “subparagraph (B)(ii)” and inserting “paragraph (2)(B)”;
- (5) in paragraph (2) (as redesignated by paragraph (3))—
  - (A) in subparagraph (A), by striking “over 50 years of age” and inserting “50 years of age or over”; and

(B) in subparagraph (B), by striking “in later life” and inserting “50 years of age or over”; and  
 (6) in paragraph (4) (as redesignated by paragraph (3)), by striking “2014 through 2018” and inserting “2020 through 2024”.

## **TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS**

### **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 paragraph (2), by inserting before the semicolon at the end the following “or digital services (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994)”; and
  - (B) in paragraph (7), by striking “sexual assault” and inserting “sexual violence, sexual assault, and sexual harassment”;
- (2) in subsection (b), by striking “Indian tribal” and inserting “Indian Tribal”; and
- (3) in subsection (c)—
  - (A) in paragraph (1), by striking “\$50,000,000 for each of fiscal years 2014 through 2018” and inserting “\$150,000,000 for each of fiscal years 2020 through 2024”; and
  - (B) in paragraph (3), by adding at the end the following: “Not less than 80 percent of the total amount made available under this subsection in each fiscal year shall be awarded in accordance with this paragraph.”.

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

Section 41201 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12451) is amended—

- (1) in subsection (a)—
  - (A) by striking “stalking, or sex trafficking” and inserting “or stalking”; and
  - (B) by adding at the end the following: “Grants awarded under this section may be used to address sex trafficking or bullying as part of a comprehensive program focused primarily on domestic violence, dating violence, sexual assault, or stalking.”;
- (2) in subsection (b)—
  - (A) in paragraph (1)—
    - (i) in the matter preceding subparagraph (A), by striking “target youth who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking” and inserting “target youth, including youth in underserved populations who are victims of domestic violence, sexual assault, and stalking”;
    - (ii) in subparagraph (A), by striking “stalking, and sex trafficking” and inserting “and stalking”;
    - (iii) in subparagraph (B)—
      - (I) by striking “stalking, or sex trafficking” and inserting “or stalking”; and
      - (II) by striking “or” at the end;
    - (iv) in subparagraph (C)—
      - (I) by striking “stalking, and sex trafficking” and inserting “or stalking”; and
      - (II) by striking the period at the end and inserting “; or”; and
    - (v) by inserting after subparagraph (C) the following:
 

“(D) clarify State or local mandatory reporting policies and practices regarding peer-to-peer dating violence, sexual assault, and stalking.”; and
  - (B) in paragraph (2)—
    - (i) by striking “stalking, or sex trafficking” each place it appears and inserting “or stalking”;
    - (ii) in subparagraph (C), by inserting “confidential” before “support services”;
    - (iii) in subparagraph (D), by striking “stalking, and sex trafficking” and inserting “and stalking”; and
    - (iv) in subparagraph (E), by inserting after “programming for youth” the following: “, including youth in underserved populations.”;
- (3) in subsection (c)—

(A) in paragraph (1), by striking “stalking, or sex trafficking” and inserting “or stalking”; and

(B) in paragraph (2)(A), by striking “paragraph (1)” and inserting “subparagraph (A) or (B) of paragraph (1)”;

(4) in subsection (d)(3), by striking “stalking, and sex trafficking” and inserting “and stalking, including training on working with youth in underserved populations”; and

(5) in subsection (f), by striking “\$15,000,000 for each of fiscal years 2014 through 2018” and inserting “\$25,000,000 for each of fiscal years 2020 through 2024”.

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

Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20125) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking the second sentence;

(B) by amending paragraph (3) to read as follows:

“(3) To provide prevention and education programming about domestic violence, dating violence, sexual assault, and stalking, including technological abuse and reproductive and sexual coercion, that is age-appropriate, culturally relevant, ongoing, delivered in multiple venues on campus, accessible, promotes respectful nonviolent behavior as a social norm, and engages men and boys. Such programming should be developed in partnership or collaboratively with experts in intimate partner and sexual violence prevention and intervention.”;

(C) in paragraph (9), by striking “and provide” and inserting “, provide, and disseminate”;

(D) in paragraph (10), by inserting after “or adapt” the following “and disseminate”; and

(E) by inserting after paragraph (10) the following:

“(11) To train campus health centers on how to recognize and respond to domestic violence, dating violence, sexual assault, and stalking, including training health providers on how to provide universal education to all members of the campus community on the impacts of violence on health and unhealthy relationships and how providers can support ongoing outreach efforts.”;

(2) in subsection (c)(3), by striking “2014 through 2018” and inserting “2020 through 2024”;

(3) in subsection (d)—

(A) in paragraph (3)(B), by striking “for all incoming students” and inserting “for all students”; and

(B) in paragraph (4)(C), by inserting after “sex,” the following: “sexual orientation, gender identity,”; and

(4) in subsection (e), by striking “\$12,000,000 for each of fiscal years 2014 through 2018” and inserting “\$16,000,000 for each of fiscal years 2020 through 2024”.

#### SEC. 304. COMBAT ONLINE PREDATORS.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2261A the following:

##### “§ 2261B. Enhanced penalty for stalkers of children

“(a) IN GENERAL.—Except as provided in subsection (b), if the victim of an offense under section 2261A is under the age of 18 years, the maximum term of imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.

“(b) LIMITATION.—Subsection (a) shall not apply to a person who violates section 2261A if—

“(1) the person is subject to a sentence under section 2261(b)(5); and

“(2)(A) the person is under the age of 18 at the time the offense occurred; or

“(B) the victim of the offense is not less than 15 nor more than 17 years of age and not more than 3 years younger than the person who committed the offense at the time the offense occurred.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to 19 section 2261A the following new item:

“2261B. Enhanced penalty for stalkers of children.”.

(c) CONFORMING AMENDMENT.—Section 2261A of title 18, United States Code, is amended in the matter following paragraph (2)(B), by striking “section 2261(b) of this title” and inserting “section 2261(b) or section 2262B, as the case may be”.

(d) REPORT ON BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit a report to Congress, which shall—

- (1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and
- (2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

## **TITLE IV—VIOLENCE REDUCTION PRACTICES**

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

Section 402 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4) is amended—

- (1) in subsection (b), by striking “violence against women” and inserting “violence against adults, youth,”; and
- (2) in subsection (c), by striking “2014 through 2018” and inserting “2020 through 2024”.

### **SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES (SMART) THROUGH PREVENTION GRANTS.**

Section 41303 of the Violence Against Women Act of 1994 (34 U.S.C. 12463) is amended—

- (1) in subsection (b)(1)—
  - (A) in subparagraph (C), by striking “and” at the end;
  - (B) in subparagraph (D), by striking the period at the end and inserting “, and”; and
  - (C) by adding at the end the following:
 

“(E) strategies within each of these areas addressing the unmet needs of underserved populations.”;
- (2) in subsection (d)(3)—
  - (A) in subparagraph (A), by striking “and” at the end;
  - (B) in subparagraph (B), by striking the period at the end and inserting “, and”; and
  - (C) by adding at the end the following:
 

“(C) include a focus on the unmet needs of underserved populations.”;
- (3) in subsection (f), by striking “\$15,000,000 for each of fiscal years 2014 through 2018” and inserting “\$45,000,000 for each of fiscal years 2020 through 2024”; and
- (4) in subsection (g), by adding at the end the following:
 

“(3) REMAINING AMOUNTS.—Any amounts not made available under paragraphs (1) and (2) may be used for any set of purposes described in paragraphs (1), (2), or (3) of subsection (b), or for a project that fulfills two or more of such sets of purposes.”.

## **TITLE V—STRENGTHENING THE HEALTHCARE SYSTEMS RESPONSE**

### **SEC. 501. GRANTS TO STRENGTHEN THE HEALTHCARE SYSTEMS RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

Section 399P of the Public Health Service Act (42 U.S.C. 280g–4) is amended—

- (1) in subsection (a)—
  - (A) in paragraph (2), by striking “and” at the end;
  - (B) in paragraph (3), by striking the period at the end and inserting “, and”; and
  - (C) by adding at the end the following:
 

“(4) the development or enhancement and implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among families they serve.”;
- (2) in subsection (b)(1)—
  - (A) in subparagraph (A)(ii), by inserting “, including labor and sex trafficking” after “violence and abuse”;
  - (B) in subparagraph (B)(ii)—
    - (i) by striking “on-site access to”; and
    - (ii) by striking “patients by increasing” and all that follows through the semicolon and inserting the following: “patients by—

- “(I) increasing the capacity of existing health care professionals and public health staff to address domestic violence, dating violence, sexual assault, and stalking;
- “ (II) contracting with or hiring advocates for victims of domestic violence or sexual assault to provide such services; or
- “ (III) providing funding to State domestic and sexual violence coalitions to improve the capacity of such coalitions to coordinate and support health advocates and other health system partnerships;”;
- (C) in subparagraph (B)(iii), by striking “and” at the end;
- (D) in subparagraph (B)(iv) by striking the period at the end and inserting the following: “, with priority given to programs administered through the Health Resources and Services Administration, Office of Women’s Health; and”; and
- (E) in subparagraph (B), by adding at the end the following:
  - “(v) the development, implementation, dissemination, and evaluation of best practices, tools, and training materials for behavioral health professionals to identify and respond to domestic violence, sexual violence, stalking, and dating violence.”.
- (3) in subsection (b)(2)(A)—
  - (A) in the heading, by striking “CHILD AND ELDER ABUSE” and inserting the following: “CHILD ABUSE AND ABUSE IN LATER LIFE”; and
  - (B) by striking “child or elder abuse” and inserting the following: “child abuse or abuse in later life”;
- (4) in subsection (b)(2)(C)(i), by striking “elder abuse” and inserting “abuse in later life”;
- (5) in subsection (b)(2)(C)(iii), by striking “or” at the end;
- (6) in subsection (b)(2)(C)(iv)—
  - (A) by inserting “mental health,” after “dental,”; and
  - (B) by striking “exams.” and inserting “exams and certifications.”;
- (7) in subsection (b)(2)(C), by inserting after clause (iv) the following:
  - “(v) development of a State-level pilot program to—
    - “(I) improve the response of substance use disorder treatment programs and systems to domestic violence, dating violence, sexual assault, and stalking; and
    - “(II) improve the capacity of substance use disorder treatment programs and systems to serve survivors of domestic violence, dating violence, sexual assault, and stalking dealing with substance use disorder; or
  - “(vi) development and utilization of existing technical assistance and training resources to improve the capacity of substance use disorder treatment programs to address domestic violence, dating violence, sexual assault, and stalking among patients the programs serve.”
- (8) in subsection (d)(2)(A)—
  - (A) by inserting “or behavioral health,” after “of health”;
  - (B) by inserting “behavioral” after “physical or”; and
  - (C) by striking “mental” before “health care”;
- (9) in subsection (d)(2)(B)—
  - (A) by striking “or health system” and inserting “behavioral health treatment system.”; and
  - (B) after “physical or” by striking “mental” and inserting “behavioral”;
- (10) in subsection (f) in the heading, by striking “RESEARCH AND EVALUATION” and inserting “RESEARCH, EVALUATION, AND DATA COLLECTION”;
- (11) in subsection (f)(1), by striking “research and evaluation” and inserting “research, evaluation, or data collection”;
- (12) in subsection (f)(1)(B), by inserting after “health care” the following: “or behavioral health”;
- (13) in subsection (f)(2)—
  - (A) in the heading, by inserting after “RESEARCH” the following: “AND DATA COLLECTION”;
  - (B) in the matter preceding subparagraph (A), by inserting “or data collection” before “authorized in paragraph (1)”;
  - (C) in subparagraph (C), by striking “and” at the end;
  - (D) in subparagraph (D), by striking the period at the end and inserting a semicolon; and
  - (E) by inserting after subparagraph (D) the following:
    - “(E) research on the intersection of substance use disorder and domestic violence, dating violence, sexual assault, and stalking, including the effect

of coerced use and efforts by an abusive partner or other to interfere with substance use disorder treatment and recovery; and

“(F) improvement of data collection using existing Federal surveys by including questions about domestic violence, dating violence, sexual assault, or stalking and substance use disorder, coerced use, and mental or behavioral health.”;

(14) in subsection (g), by striking “2014 through 2018” and inserting “2020 through 2024”; and

(15) in subsection (h), by striking “herein” and “provided for”.

## TITLE VI—SAFE HOMES FOR VICTIMS

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

Section 41411 of the Violence Against Women Act of 1994 (34 U.S.C. 12491) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking “brother, sister,” and inserting “sibling,”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: “including the direct loan program under such section”;

(ii) in subparagraph (D), by striking “the program under subtitle A” and inserting “the programs under subtitles A through D”;

(iii) in subparagraph (I)—

(I) by inserting after “sections 514, 515, 516, 533,” the following: “542,”; and

(II) by striking “and” at the end;

(iv) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

“(K) the provision of assistance from the Housing Trust Fund as established under section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501);

“(L) the provision of assistance for housing under the Comprehensive Service Programs for Homeless Veterans program under subchapter II of chapter 20 of title 38, United States Code (38 U.S.C. 2011 et seq.);

“(M) the provision of assistance for housing and facilities under the grant program for homeless veterans with special needs under section 2061 of title 38, United States Code;

“(N) the provision of assistance for permanent housing under the program for financial assistance for supportive services for very low-income veteran families in permanent housing under section 2044 of title 38, United States Code; and

“(O) any other Federal housing programs providing affordable housing to low-income persons by means of restricted rents or rental assistance as identified by the appropriate agency.”; and

(C) by adding at the end the following:

“(4) COVERED HOUSING PROVIDER.—The term ‘covered housing provider’ refers to the individual or entity under a covered housing program that has responsibility for the administration or oversight of housing assisted under a covered housing program and includes public housing agencies, sponsors, owners, mortgage holders, managers, Continuums of Care, State and local governments or agencies thereof, and nonprofit or for-profit organizations or entities.

“(5) CONTINUUM OF CARE.—The term ‘Continuum of Care’ means an entity receiving a grant under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).

“(6) INTERNAL TRANSFER.—The term ‘internal transfer’ means a transfer to a unit of the same covered housing provider and under the same covered housing program except for programs under McKinney-Vento Homeless Assistance Act.

“(7) EXTERNAL TRANSFER.—The term ‘external transfer’ means a transfer to a unit of a different covered housing provider under any covered housing program.”;

(2) in subsection (b)(3)—

(A) in the heading, by inserting after “CRIMINAL ACTIVITY” the following: “AND FAMILY BREAK-UP”;

(B) in subparagraph (A), to read as follows:

“(A) DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.—

“(i) IN GENERAL.—A tenant shall not be denied assistance, tenancy, or occupancy rights to housing assisted under a covered housing program 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.

“(ii) CRIMINAL ACTIVITY ENGAGED IN BY PERPETRATOR OF ABUSE.—A tenant shall not be denied assistance, tenancy, or occupancy rights to housing assisted under a covered housing program solely on the basis of criminal activity, including drug-related criminal activity (as such term is defined section 3(b)(9) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(9))), engaged in by the perpetrator of the domestic violence, dating violence, sexual assault, or stalking.

“(iii) REVIEW PRIOR TO DENIAL OF ASSISTANCE.—Prior to denying assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant on the basis of criminal activity of the tenant, including drug-related criminal activity, the covered housing provider must conduct an individualized review of the totality of the circumstances regarding the criminal activity at issue if the tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. Such review shall include consideration of—

“(I) the nature and severity of the criminal activity;

“(II) the amount of time that has elapsed since the occurrence of the criminal activity;

“(III) if the tenant engaged in more than one instance of criminal activity, the frequency and duration of the criminal activity;

“(IV) whether the criminal activity was related to a symptom of a disability, including a substance use disorder;

“(V) whether the victim was coerced by the perpetrator of domestic violence, dating violence, sexual assault, or stalking;

“(VI) whether the victim has taken affirmative steps to reduce the likelihood that the criminal activity will recur; and

“(VII) any mitigating factors.

The covered housing program must provide the tenant with a written summary of its review and the tenant shall have the opportunity to invoke the covered housing program’s grievance policy to dispute the findings.”;

(C) in subparagraph (B)—

(i) in the heading, by striking “BIFURCATION” and inserting “FAMILY BREAK-UP”;

(ii) by redesignating clauses (i) and (ii) as clauses (ii) and (iii) respectively;

(iii) by inserting before clause (ii) (as redesignated by clause (ii) of this subparagraph) the following:

“(i) IN GENERAL.—If a family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, and the perpetrator no longer resides in the unit and was the sole tenant eligible to receive assistance under a covered housing program, the covered housing provider shall—

“(I) provide any other tenant or resident the opportunity to establish eligibility for the covered housing program; or

“(II) provide that tenant or resident with at least 180 days to remain in the unit under the same terms and conditions as the perpetrator and find new housing or establish eligibility for another covered housing program.”.

(iv) in clause (ii) (as redesignated by clause (ii) of this subparagraph)—

(I) in the heading, by striking “IN GENERAL” and inserting “EVICTION”; and

(II) by inserting after “a public housing agency” the following: “, participating jurisdictions, Continuums of Care, grantees.”; and

(v) by striking clause (iii) (as redesignated by clause (ii) of this subparagraph);

(D) in subparagraph (C)—

(i) in clause (iii), by striking “or” at the end;

(ii) in clause (iv), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(v) to limit any right, remedy, or procedure otherwise available under the Violence Against Women Reauthorization Act of 2005 (Public Law 109–162, 119 Stat. 2960) prior to the date of enactment of the Violence Against Women Reauthorization Act of 2019.”; and

(E) by inserting after subparagraph (C) the following:

“(D) EARLY TERMINATION.—A covered housing provider shall permit a tenant assisted under the covered housing program to terminate the lease at any time prior to the end date of the lease, without penalty, if the tenant has been a victim of domestic violence, dating violence, sexual assault, or stalking and the tenant—

“(i) sends notice of the early lease termination to the landlord in writing prior to or within 3 days of vacating the premises unless a shorter notice period is provided for under State law;

“(ii)(I) reasonably believes that the tenant is threatened with imminent harm if the tenant remains within the same dwelling unit subject to the lease; or

“(II) is a victim of sexual assault, the sexual assault occurred on the premises during the 180-day period preceding the request for lease termination; and

“(iii) provides a form of documentation consistent with the requirements outlined in subsection (c)(3).

Nothing in this subparagraph may be construed to preclude any automatic termination of a lease by operation of law.”;

(3) in subsection (c)(4), in the matter preceding subparagraph (A)—

(A) by striking “Any information submitted to a public housing agency or owner or manager” and inserting “Covered housing providers shall ensure any information submitted”; and

(B) by inserting after “owner or manager” the following: “of housing assisted under a covered housing program”;

(4) by amending subsection (e) to read as follows:

“(e) EMERGENCY TRANSFERS.—

“(1) IN GENERAL.—Tenants who are victims of domestic violence, dating violence, sexual assault, or stalking shall be transferred to another available and safe dwelling unit assisted under a covered housing program if—

“(A) the tenant expressly requests the transfer from the covered housing provider; and

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

“(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 180 day period preceding the request for transfer.

A tenant who is not in good standing retains the right to an emergency transfer if they meet the eligibility requirements in this section and the eligibility requirements of the program to which the tenant intends to transfer.

“(2) POLICIES.—Each appropriate agency shall adopt an emergency transfer policy to be overseen by the Department for Housing and Urban Development for use by the covered housing programs within the jurisdiction of a regional office of the Department. Such emergency transfer policies shall reflect the variations in program operation and administration by covered housing program type. The policies must, at a minimum—

“(A) describe a process to permit tenants who are victims of domestic violence, dating violence, sexual assault, or stalking an internal transfer to another available and safe dwelling unit assisted under the same covered housing program;

“(B) describe a process to permit tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to complete an emergency external transfer to another available and safe dwelling unit of a covered housing provider;

“(C) mandate that emergency internal and external transfers take priority over non-emergency transfers;

“(D) mandate that emergency internal and external transfers take priority over existing waiting lists for a covered housing program;



“(E) ensure a victim of domestic violence, dating violence, sexual assault, or stalking is transferred into a comparable covered housing program if available;

“(F) incorporate confidentiality measures to ensure that the appropriate regional office of the Department of Housing and Urban Development (hereinafter in this section referred to as a ‘HUD regional office’) and the covered housing provider do not disclose any information regarding a tenant who is victim of domestic violence, dating violence, sexual assault, or stalking, including the location of a new dwelling unit to any person or entity without the written authorization of the tenant; and

“(G) mandate a uniform policy for how a victim of domestic violence, dating violence, sexual assault, or stalking requests an emergency internal or external transfer.

“(3) REGIONAL OFFICES.—Each HUD regional office shall develop and implement an external emergency transfer plan for all covered housing providers within the regional office’s jurisdictional reach. HUD regional offices shall develop and implement such plans in collaboration with the local Continuum of Care and shall defer to emergency transfer priorities and strategies set by local Continuum of Care. In addition to reflecting the policies of the appropriate agencies as defined by paragraph (2), the plan shall, at a minimum—

“(A) set forth policies and procedures to identify an emergency external transfer a comparable covered housing program, if available, within 30 days of an approved request; and

“(B) set forth policies and procedures for the local Continuum of Care to—

“(i) coordinate emergency external transfers among all covered housing providers participating in the Continuum of Care;

“(ii) coordinate emergency transfers with Continuum of Care in other jurisdictions in cases where the victim requests an out-of-jurisdiction transfer; and

“(iii) ensure a victim is not required to be reassessed through the local Continuum of Care intake process when seeking an emergency transfer placement.

“(4) COVERED HOUSING PROVIDERS.—Each covered housing provider shall—

“(A) provide a victim of domestic violence, dating violence, sexual assault, or stalking residing in a dwelling unit assisted under a covered housing program an internal transfer to another safe dwelling unit assisted under the same covered housing program, if available, not later than 10 days after an approved request for an emergency transfer;

“(B) if an internal transfer described under subparagraph (A) is unavailable or if the victim of domestic violence, dating violence, sexual assault, or stalking determines that a dwelling unit provided by an internal transfer described under subparagraph (A), contact the regional office of the appropriate agency within 10 days of an approved request for an emergency transfer for an external emergency transfer under paragraph (3); and

“(C) allow a victim of domestic violence, dating violence, sexual assault, or stalking to temporarily relocate, and maintain eligibility for the covered housing program without the loss of their housing status, to housing not eligible for assistance under a covered housing program or to housing assisted under another covered housing program if there are no alternative comparable housing program units available until a safe internal or external housing unit under the covered housing program is available.”;

(5) in subsection (f), by adding at the end the following: “The Secretary shall establish these policies and procedures within 60 days after passage of the Violence Against Women Reauthorization Act of 2019.”;

(6) by redesignating subsection (g) as subsection (j); and

(7) by inserting after subsection (f) the following:

“(g) EMERGENCY TRANSFER VOUCHERS.—Provision of emergency transfer vouchers to victims of domestic violence, dating violence, sexual assault, or stalking under subsection (e), shall be considered an eligible use of any funding for tenant protection voucher assistance available under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out emergency transfers under this section, \$20,000,000 under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for each of fiscal years 2020 through 2024.

“(i) IMPLEMENTATION.—

“(1) TRAINING FOR STAFF OF COVERED HOUSING PROGRAMS.—The Secretary of Housing and Urban Development, in partnership with domestic violence experts, shall develop mandatory training for staff of covered housing providers

to provide a basic understanding of domestic violence, dating violence, sexual assault, and stalking, and to facilitate implementation of this section. All staff of covered housing providers shall attend the basic understanding training once annually; and all staff and managers engaged in tenant services shall attend both the basic understanding training and the implementation training once annually.

“(2) REFERRALS.—The appropriate agency with respect to each covered housing program shall supply all appropriate staff of the covered housing providers with a referral listing of public contact information for all domestic violence, dating violence, sexual assault, and stalking service providers offering services in its coverage area.

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

**SEC. 602. ENSURING COMPLIANCE AND IMPLEMENTATION; PROHIBITING RETALIATION AGAINST VICTIMS.**

Chapter 2 of subtitle N of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.) is amended by inserting after section 41411 the following:

**“SEC. 41412. COMPLIANCE REVIEWS.**

“(a) ANNUAL COMPLIANCE REVIEWS.—Each appropriate agency administering a covered housing program shall establish a process by which to review compliance with the requirements of this subtitle, on an annual basis, of the covered housing providers administered by that agency. Such a review shall examine the following topics:

“(1) Covered housing provider compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault, or stalking.

“(2) Covered housing provider compliance with confidentiality provisions set forth in section 41411(c)(4).

“(3) Covered housing provider compliance with the notification requirements set forth in section 41411(d)(2).

“(4) Covered housing provider compliance with accepting documentation set forth in section 41411(c).

“(5) Covered housing provider compliance with emergency transfer requirements set forth in section 41411(e).

“(6) Covered housing provider compliance with the prohibition on retaliation set forth in section 41414.

“(b) REGULATIONS.—Each appropriate agency shall issue regulations to implement subsection (a) not later than one year after the effective date of the Violence Against Women Reauthorization Act of 2019. These regulations shall—

“(1) define standards of compliance for covered housing providers;

“(2) include detailed reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process emergency transfers, disaggregated by external and internal transfers; and

“(3) include standards for corrective action plans where a covered housing provider has failed to meet compliance standards.

“(c) PUBLIC DISCLOSURE.—Each appropriate agency shall ensure that an agency-level assessment of the information collected during the compliance review process completed pursuant to this subsection is made publicly available. This agency-level assessment shall include an evaluation of each topic identified in subsection (a).

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to limit any claim filed or other proceeding commenced, by the date of enactment of the Violence Against Women Reauthorization Act of 2019, with regard to any right, remedy, or procedure otherwise available under the Violence Against Women Reauthorization Act of 2005 (Public Law 109–162, 119 Stat. 2960), as in effect on the day prior to such date of enactment; or

“(2) 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.

**“SEC. 41413. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT VIOLENCE AGAINST WOMEN DIRECTOR.**

“(a) ESTABLISHMENT.—There shall be, within the Office of the Secretary of the Department of Housing and Urban Development, a Violence Against Women Director (in this section referred to as the ‘Director’).

“(b) DUTIES.—The Director shall—

“(1) support implementation of the provisions of this subtitle;

“(2) coordinate development of Federal regulations, policy, protocols, and guidelines on matters relating to the implementation of this subtitle, at each agency administering a covered housing program;

“(3) advise and coordinate with designated officials within the United States Interagency Council on Homelessness, the Department of Housing and Urban Development, the Department of the Treasury, the Department of Agriculture, the Department of Health and Human Services, Department of Veterans Affairs, and the Department of Justice concerning legislation, implementation, and other issues relating to or affecting the housing provisions under this subtitle;

“(4) provide technical assistance, coordination, and support to each appropriate agency regarding advancing housing protections and access to housing for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this subtitle;

“(5) ensure that adequate technical assistance is made available to covered housing providers regarding implementation of this subtitle, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this subtitle;

“(6) act as a liaison with the judicial branches of Federal, State, and local governments on matters relating to the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking;

“(7) implement a quality control system and a corrective action plan system for those covered housing providers that fail to comply with this subtitle, wherein—

“(A) such corrective action plans shall be developed in partnership with national, State, or local programs focused on child or adult victims of domestic violence, dating violence, sexual assault, or stalking; and

“(B) such corrective action plans shall include provisions requiring covered housing providers to review and develop appropriate notices, procedures, and staff training to improve compliance with this subtitle, in partnership with national, state, or local programs focused on child or adult victims;

“(8) establish a formal reporting process to receive individual complaints concerning noncompliance with this subtitle;

“(9) coordinate the development of interagency guidelines to ensure that information concerning available dwelling units is forwarded to the Director by all covered housing providers for use by the Secretary in facilitating the emergency transfer process;

“(10) coordinate with HUD regional offices and officials at each appropriate agency the development of Federal regulations, policy, protocols, and guidelines regarding uniform timeframes for the completion of emergency transfers; and

“(11) ensure that the guidance and notices to victims are distributed in commonly encountered languages.

“(c) EMERGENCY TRANSFER DATABASE.—

“(1) IN GENERAL.—The Director shall maintain a database of information about dwelling units that are available for occupancy or that will be available for occupancy for tenants who are transferred under section 41411(e) and establish the format for its use. The emergency transfer database may be a new system or a modification of an existing database. The database shall incorporate information from all covered housing providers.

“(2) REPORTING REQUIREMENTS.—Not later than 3 business days after a covered housing provider becomes aware of an available dwelling or a dwelling that will imminently become available, the covered housing provider shall report information about that dwelling to the Director, including the following:

“(A) Project name, if applicable.

“(B) Dwelling address.

“(C) Date of availability.

“(D) Number of bedrooms.

“(E) Restrictions on eligibility of potential tenants under the covered housing program for that dwelling.

“(F) Accessibility, including whether the dwelling is accessible by elevator.

“(G) Smoking policy.

“(H) Pet policy.

“(I) Monthly rent and estimated utilities.

“(J) Eligibility of the dwelling for assistance under other covered housing programs.

“(K) Property manager contact information.

“(L) Legal owner.

“(3) DATA ACCESS.—The Director shall have access to all information in the database and shall regularly monitor its usage. The Director shall determine how covered housing providers shall have access to the database, and establish policies for the coordination of emergency transfers across jurisdictions.

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to limit any claim filed or other proceeding commenced, by the date of enactment of the Violence Against Women Reauthorization Act of 2019, with regard to any right, remedy, or procedure otherwise available under the Violence Against Women Reauthorization Act of 2005 (Public Law 109–162, 119 Stat. 2960), as in effect on the day prior to such date of enactment; or

“(2) 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.

**“SEC. 41414. PROHIBITION ON RETALIATION.**

“(a) NONDISCRIMINATION REQUIREMENT.—No covered housing provider shall discriminate against any person because that person has opposed any act or practice made unlawful by this subtitle, or because that individual testified, assisted, or participated in any matter related to this subtitle.

“(b) PROHIBITION ON COERCION.—No covered housing provider shall coerce, intimidate, threaten, or interfere with, or retaliate against, any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other individual in the exercise or enjoyment of, any rights or protections under this subtitle, including—

“(1) intimidating or threatening any person because that person is assisting or encouraging an individual entitled to claim the rights or protections under this subtitle; and

“(2) retaliating against any person because that person has participated in any investigation or action to enforce this subtitle.

“(c) ENFORCEMENT AUTHORITY OF THE SECRETARY.—The authority of the Secretary of Housing and Urban Development and the Office for Fair Housing and Equal Opportunity to enforce this section shall be the same as the Fair Housing Act (42 U.S.C. 3610 et seq.).”.

**SEC. 603. PROTECTING THE RIGHT TO REPORT CRIME FROM ONE’S HOME.**

(a) IN GENERAL.—Chapter 2 of subtitle N of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.), as amended by this Act, is further amended by inserting after section 41414 the following:

**“SEC. 41415. RIGHT TO REPORT CRIME AND EMERGENCIES FROM ONE’S HOME.**

“(a) IN GENERAL.—Landlords, homeowners, residents, occupants, and guests of, and applicants for, housing assisted under a covered housing program shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance, and shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities as defined in subsection (d). Penalties that are prohibited include—

“(1) actual or threatened assessment of penalties, fees, or fines;

“(2) actual or threatened eviction;

“(3) actual or threatened refusal to rent or renew tenancy;

“(4) actual or threatened refusal to issue an occupancy permit or landlord permit; and

“(5) actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation.

“(b) REPORTING.—Consistent with the process provided for in section 104(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(b)), covered governmental entities shall—

“(1) report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and

“(2) certify that they are in compliance with the protections under this subtitle or describe the steps they will take within 180 days to come into compliance, or to ensure compliance among subgrantees.

“(c) OVERSIGHT.—Oversight and accountability mechanisms provided for under title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall be available to address violations of this section.

“(d) DEFINITION.—For purposes of this section, ‘covered governmental entity’ shall mean any municipal, county, or state government that receives funding pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

“(e) SUBGRANTEES.—For those covered governmental entities that distribute funds to subgrantees, compliance with subsection (b)(1) includes inquiring about the existence of laws and policies adopted by subgrantees that impose penalties on landlords, homeowners, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property.”.

(b) SUPPORTING EFFECTIVE, ALTERNATIVE CRIME REDUCTION METHODS.—

(1) ADDITIONAL AUTHORIZED USE OF BYRNE-JAG FUNDS.—Section 501(a)(1) of subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10152(a)(1)) is amended by adding after subparagraph (H) the following:

“(I) Programs for the development and implementation of alternative methods of reducing crime in communities, to supplant punitive programs or policies. For purposes of this subparagraph, a punitive program or policy is a program or policy that (i) imposes a penalty on a victim of domestic violence, dating violence, sexual assault, or stalking, on the basis of a request by the victim for law enforcement or emergency assistance; or (ii) imposes a penalty on such a victim because of criminal activity at the property in which the victim resides.”.

(2) ADDITIONAL AUTHORIZED USE OF COPS FUNDS.—Section 1701(b) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(b)) is amended—

(A) in paragraph (22), by striking “and” after the semicolon;

(B) in paragraph (23), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(24) to develop and implement alternative methods of reducing crime in communities, to supplant punitive programs or policies (as such term is defined in section 501(a)(1)(I)).”.

(3) ADDITIONAL AUTHORIZED USE OF GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(b)) is amended by adding after paragraph (22) the following:

“(23) To develop and implement alternative methods of reducing crime in communities, to supplant punitive programs or policies. For purposes of this paragraph, a punitive program or policy is a program or policy that (A) imposes a penalty on a victim of domestic violence, dating violence, sexual assault, or stalking, on the basis of a request by the victim for law enforcement or emergency assistance; or (B) imposes a penalty on such a victim because of criminal activity at the property in which the victim resides.”.

#### SEC. 604. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

Section 40299 of the Violence Against Women Act of 1994 (34 U.S.C. 12351) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “the Director of the Violence Against Women Office” and inserting “the Director of the Office on Violence Against Women”; and

(B) by inserting after “, other nonprofit, nongovernmental organizations” the following: “, population-specific organizations”; and

(2) in subsection (g)—

(A) in paragraph (1), by striking “2014 through 2018” and inserting “2020 through 2024”; and

(B) in paragraph (2), by striking “5 percent” and inserting “8 percent”.

#### SEC. 605. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) MCKINNEY-VENTO HOMELESS ASSISTANCE GRANTS.—Section 423(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383(a)) is amended—

(1) in paragraph (6), by inserting after “currently residing in permanent housing,” the following: “who are seeking an external emergency transfer (as such term is defined in section 41411 of the Violence Against Women Act of 1994) pursuant to section 41411 of the Violence Against Women Act of 1994,”; and

(2) by adding at the end the following:

“(13) Facilitating and coordinating activities to ensure compliance with section 41411(e) of the Violence Against Women Act of 1994, including, in consulta-

tion with the regional office (if applicable) of the appropriate agency (as such term is defined in section 41411 of the Violence Against Women Act of 1994), development of external emergency transfer memoranda of understanding between covered housing providers, participating in the local Continuum of Care, facilitation of external emergency transfers between those covered housing providers participating in the local Continuum of Care, and monitoring compliance with the confidentiality protections of section 41411(c)(4) of the Violence Against Women Act of 1994 for reporting to that regional office.”.

(b) ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.—Section 428 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386b) is amended—

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

“(4) DEVELOPMENT OF SUPPORTIVE SERVICES AND COORDINATION REGARDING EMERGENCY TRANSFERS.—The Secretary shall provide bonuses or other incentives to geographic areas for developing supportive services under section 423(a)(6) and facilitating and coordinating activities for emergency transfers under section 423(a)(13) that have been proven to be effective at reducing homelessness among victims of domestic violence, dating violence, sexual assault, and stalking.”; and

(2) by adding at the end the following:

“(f) MINIMUM ALLOCATION FOR MONITORING AND FACILITATING COMPLIANCE.—From the amounts made available to carry out this part for a fiscal year, a portion equal to not less than 5 percent of the sums made available to carry out part B and this part shall be made available to monitor and facilitate compliance with section 41411 of the Violence Against Women Act of 1994, including supportive services under section 423(a)(6) and facilitation and coordination activities under section 423(a)(13).”.

(c) DEFINITION OF DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS AMENDED.—Section 103(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(b)) is amended by striking “in the individual’s or family’s current housing situation”.

(d) COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.—Section 41404(i) of the Violence Against Women Act of 1994 (34 U.S.C. 12474(i)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

(e) GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.—Section 41405 of the Violence Against Women Act of 1994 (34 U.S.C. 12475) is amended—

(1) in subsection (b), by striking “the Director of the Violence Against Women Office” and inserting “the Director of the Office on Violence Against Women”;

(2) in subsection (c)(2)(D), by inserting after “linguistically and culturally specific service providers,” the following: “population-specific organizations,”; and

(3) in subsection (g), by striking “2014 through 2018” and inserting the following: “2020 through 2024”.

#### SEC. 606. UNITED STATES HOUSING ACT OF 1937 AMENDMENTS.

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

(1) in paragraph (13), to read as follows:

“(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—

“(A) COPIES.—A copy of—

“(i) all standardized notices issued pursuant to the housing protections under subtitle N of the Violence Against Women Act of 1994, including the notice required under section 41411(d) of the Violence Against Women Act of 1994;

“(ii) the emergency transfer plan issued pursuant to section 41411 of the Violence Against Women Act of 1994; and

“(iii) any and all memoranda of understanding with other covered housing providers developed to facilitate emergency transfers under section 41411(e) of the Violence Against Women Act of 1994.

“(B) DESCRIPTIONS.—A description of—

“(i) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

“(ii) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic vio-

lence, dating violence, sexual assault, or stalking, to obtain or maintain housing;

“(iii) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families; and

“(iv) all training and support services offered to staff of the public housing agency to provide a basic understanding of domestic violence, dating violence, sexual assault, and stalking, and to facilitate implementation of the housing protections of section 41411 of the Violence Against Women Act of 1994.”; and

(2) in paragraph (16), by inserting “the Violence Against Women Act of 1994,” before “the Fair Housing Act”.

## **TITLE VII—ECONOMIC SECURITY FOR VICTIMS**

### **SEC. 701. FINDINGS.**

Congress finds the following:

(1) Over 1 in 3 women experience sexual violence, and 1 in 5 women have survived completed or attempted rape. Such violence has a devastating impact on women’s physical and emotional health, financial security, and ability to maintain their jobs, and thus impacts interstate commerce and economic security.

(2) The Office on Violence Against Women of the Department of Justice defines domestic violence as a pattern of abusive behavior in any relationship that is used by one intimate partner to gain or maintain power and control over another intimate partner. Domestic violence can include physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Domestic violence includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound an individual.

(3) The Centers for Disease Control and Prevention report that domestic violence or intimate partner violence is a serious public health issue for millions of individuals in the United States. Nearly 1 in 4 women and 1 in 9 men in the United States have suffered sexual violence, physical violence, or stalking by an intimate partner.

(4) Homicide is one of the leading causes of death for women on the job. Domestic partners or relatives commit 43 percent of workplace homicides against women. One study found that intimate partner violence resulted in 142 homicides among women at work in the United States from 2003 to 2008, a figure which represents 22 percent of the 648 workplace homicides among women during the period. In fact, in 2010, homicides against women at work increased by 13 percent despite continuous declines in overall workplace homicides in recent years.

(5) Women in the United States are 11 times more likely to be murdered with guns than women in other high-income countries. Female intimate partners are more likely to be murdered with a firearm than all other means combined. The presence of a gun in domestic violence situations increases the risk of homicide for women by 500 percent.

(6) Violence can have a dramatic impact on the survivor of such violence. Studies indicate that 44 percent of surveyed employed adults experienced the effect of domestic violence in the workplace, and 64 percent indicated their workplace performance was affected by such violence. Another recent survey found that 78 percent of offenders used workplace resources to express anger, check up on, pressure, or threaten a survivor. Sexual assault, whether occurring in or out of the workplace, can impair an employee’s work performance, require time away from work, and undermine the employee’s ability to maintain a job. Nearly 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(7) Studies find that 60 percent of single women lack economic security and 81 percent of households with single mothers live in economic insecurity. Significant barriers that survivors confront include access to housing, transportation, and child care. Ninety-two percent of homeless women have experienced domestic violence, and more than 50 percent of such women cite domestic violence as the direct cause for homelessness. Survivors are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety.

(8) The Centers for Disease Control and Prevention report that survivors of severe intimate partner violence lose nearly 8,000,000 days of paid work, which is the equivalent of more than 32,000 full-time jobs and almost 5,600,000 days of household productivity each year. Therefore, women disproportionately need time off to care for their health or to find safety solutions, such as obtaining a restraining order or finding housing, to avoid or prevent further violence.

(9) Annual costs of intimate partner violence are estimated to be more than \$8,300,000,000. According to the Centers for Disease Control and Prevention, the costs of intimate partner violence against women in 1995 exceeded an estimated \$5,800,000,000. These costs included nearly \$4,100,000,000 in the direct costs of medical and mental health care and nearly \$1,800,000,000 in the indirect costs of lost productivity. These statistics are generally considered to be underestimated because the costs associated with the criminal justice system are not included.

(10) Fifty-five percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, and more than 70 percent said domestic violence negatively affects attendance. Seventy-eight percent of human resources professionals consider partner violence a workplace issue. However, more than 70 percent of United States workplaces have no formal program or policy that addresses workplace violence, let alone domestic violence. In fact, only four percent of employers provided training on domestic violence.

(11) Studies indicate that one of the best predictors of whether a survivor will be able to stay away from his or her abuser is the degree of his or her economic independence. However, domestic violence, dating violence, sexual assault, and stalking often negatively impact a survivor's ability to maintain employment.

(12) Abusers frequently seek to exert financial control over their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting their partners' access to cash or transportation, and sabotaging their partners' child care arrangements.

(13) Economic abuse refers to behaviors that control an intimate partner's ability to acquire, use, and maintain access to, money, credit, ownership of assets, or access to governmental or private financial benefits, including defaulting on joint obligations (such as school loans, credit card debt, mortgages, or rent). Other forms of such abuse may include preventing someone from attending school, threatening to or actually terminating employment, controlling or withholding access to cash, checking, or credit accounts, and attempting to damage or sabotage the creditworthiness of an intimate partner, including forcing an intimate partner to write bad checks, forcing an intimate partner to default on payments related to household needs, such as housing, or forcing an intimate partner into bankruptcy.

(14) The Patient Protection and Affordable Care Act (Public Law 111-148), and the amendments made by such Act, ensures that most health plans must cover preventive services, including screening and counseling for domestic violence, at no additional cost. In addition, it prohibits insurance companies from discriminating against patients for preexisting conditions, like domestic violence.

(15) Yet, more can be done to help survivors. Federal law in effect on the day before the date of enactment of this Act does not explicitly—

(A) authorize survivors of domestic violence, dating violence, sexual assault, or stalking to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning activities;

(B) address the eligibility of survivors of domestic violence, dating violence, sexual assault, or stalking for unemployment compensation;

(C) provide job protection to survivors of domestic violence, dating violence, sexual assault, or stalking;

(D) prohibit insurers and employers who self-insure employee benefits from discriminating against survivors of domestic violence, dating violence, sexual assault, or stalking and those who help them in determining eligibility, rates charged, and standards for payment of claims; or

(E) prohibit insurers from disclosing information about abuse and the location of the survivors through insurance databases and other means.

(16) This Act aims to empower survivors of domestic violence, dating violence, sexual assault, or stalking to be free from violence, hardship, and control, which restrains basic human rights to freedom and safety in the United States.



**SEC. 702. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.**

Section 41501 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12501) is amended—

- (1) in subsection (a)—
  - (A) by inserting “and sexual harassment” after “domestic and sexual violence”; and
  - (B) by striking “employers and labor organizations” and inserting “employers, labor organizations, and victim service providers”;
- (2) in subsection (b)(3), by striking “and stalking” and inserting “stalking, and sexual harassment”;
- (3) in subsection (c)(1), by inserting before the period at the end “or sexual harassment”;
- (4) in subsection (c)(2)(A), by inserting “or sexual harassment,” after “sexual violence”; and
- (5) in subsection (e), by striking “\$1,000,000 for each of fiscal years 2014 through 2018” and inserting “\$2,000,000 for each of fiscal years 2020 through 2024”.

**SEC. 703. ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF SEXUAL AND OTHER HARASSMENT AND SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

**(a) UNEMPLOYMENT COMPENSATION.—**

(1) Section 3304(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (18), by redesignating paragraph (19) as paragraph (20), and by inserting after paragraph (18) the following new paragraphs: “(19) no person may be denied compensation under such State law solely on the basis of the individual having a voluntary separation from work if such separation is attributable to such individual being a victim of sexual or other harassment or a survivor of domestic violence, dating violence, sexual assault, or stalking; and”.

(2) Section 3304 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

**“(g) SEXUAL OR OTHER HARASSMENT; ETC.—**

“(1) DOCUMENTATION.—For purposes of subsection (a)(19), a voluntary separation of an individual shall be considered to be attributable to such individual being a survivor of victim of sexual or other harassment or a survivor of domestic violence, dating violence, sexual assault, or stalking if such individual submits such evidence as the State deems sufficient.

“(2) SUFFICIENT DOCUMENTATION.—For purposes of paragraph (1), a State shall deem sufficient, at a minimum—

“(A) evidence of such harassment, violence, assault, or stalking in the form of—

“(i) a sworn statement and a form of identification,

“(ii) a police or court record, or

“(iii) documentation from a survivor services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, a member of the clergy, or another professional, and

“(B) an attestation that such voluntary separation is attributable to such harassment, violence, assault, or stalking.

**“(3) DEFINITIONS.—For purposes of this section—**

“(A) The terms ‘domestic violence’, ‘dating violence’, ‘sexual assault’, and ‘stalking’ have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994.

“(B) The term ‘survivor of domestic violence, dating violence, sexual assault, or stalking’ has the meaning given such term in section 41502 of the Violence Against Women Act of 1994.

“(C) The term ‘survivor services organization’ means an organization exempt from tax under section 501(a) that provides assistance to or advocates for survivors of domestic violence, dating violence, sexual assault, or stalking.”

**(b) UNEMPLOYMENT COMPENSATION PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—**

(1) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

“(4)(A) Such methods of administration as will ensure that—

“(i) applicants for unemployment compensation and individuals inquiring about such compensation are notified of the provisions of section 3304(a)(19) of the Internal Revenue Code of 1986; and

“(ii) claims reviewers and hearing personnel are trained in—

“(I) the nature and dynamics of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking; and

“(II) methods of ascertaining and keeping confidential information about possible experiences of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking to ensure that—

“(aa) requests for unemployment compensation based on separations stemming from sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking are identified and adjudicated; and

“(bb) confidentiality is provided for the individual’s claim and submitted evidence.

“(B) For purposes of this paragraph—

“(i) the terms ‘domestic violence’, ‘dating violence’, ‘sexual assault’, ‘stalking’ have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994 ;

“(ii) the term ‘sexual and other harassment’ has the meaning given such term under State law, regulation, or policy; and

“(iii) the term ‘survivor of domestic violence, dating violence, sexual assault, or stalking’ means—

“(I) a person who has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking; and

“(II) a person whose family or household member has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking.”.

(c) TANF PERSONNEL TRAINING.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

“(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO SURVIVORS OF SEXUAL AND OTHER HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

“(A) IN GENERAL.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

“(i) ensure that applicants for assistance under State program funded under this part and individuals inquiring about such assistance are adequately notified of—

“(I) the provisions of section 3304(a)(19) of the Internal Revenue Code of 1986; and

“(II) assistance made available by the State to survivors of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking;

“(ii) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are adequately trained in—

“(I) the nature and dynamics of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking;

“(II) State standards and procedures relating to the prevention of, and assistance for individuals who are survivors of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking; and

“(III) methods of ascertaining and keeping confidential information about possible experiences of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking;

“(iii) ensure that, if a State has elected to establish and enforce standards and procedures regarding the screening for, and identification of, domestic violence pursuant to paragraph (7)—

“(I) applicants for assistance under the State program funded under this part and individuals inquiring about such assistance are adequately notified of options available under such standards and procedures; and

“(II) case workers and other agency personnel responsible for administering the State program funded under this part are provided with adequate training regarding such standards and procedures and options available under such standards and procedures; and

“(iv) ensure that the training required under subparagraphs (B) and, if applicable, (C)(ii) is provided through a training program operated by an eligible entity.

- “(B) DEFINITIONS.—For purposes of this paragraph—
- “(i) the terms ‘domestic violence’, ‘dating violence’, ‘sexual assault’, ‘stalking’ have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994 ;
  - “(ii) the term ‘sexual and other harassment’ has the meaning given such term under State law, regulation, or policy; and
  - “(iii) the term ‘survivor of domestic violence, dating violence, sexual assault, or stalking’ means—
    - “(I) a person who has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking; and
    - “(II) a person whose family or household member has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking.”.
- (d) SEXUAL AND OTHER HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING TRAINING GRANT PROGRAM.—
- (1) GRANTS AUTHORIZED.—The Secretary of Labor (in this subsection referred to as the “Secretary”) is authorized to award—
- (A) a grant to a national survivor services organization in order for such organization to—
    - (i) develop and disseminate a model training program (and related materials) for the training required under section 303(a)(4)(B) of the Social Security Act, as added by subsection (b), and under subparagraph (B) and, if applicable, subparagraph (C)(ii) of section 402(a)(8) of such Act, as added by subsection (c); and
    - (ii) provide technical assistance with respect to such model training program, including technical assistance to the temporary assistance for needy families program and unemployment compensation personnel; and
  - (B) grants to State, tribal, or local agencies in order for such agencies to contract with eligible entities to provide State, tribal, or local caseworkers and other State, tribal, or local agency personnel responsible for administering the temporary assistance for needy families program established under part A of title IV of the Social Security Act in a State or Indian reservation with the training required under subparagraph (B) and, if applicable, subparagraph (C)(ii) of such section 402(a)(8).
- (2) ELIGIBLE ENTITY DEFINED.—For purposes of paragraph (1)(B), the term “eligible entity” means an entity—
- (A) that is—
    - (i) a State or tribal domestic violence coalition or sexual assault coalition;
    - (ii) a State or local survivor services organization with recognized expertise in the dynamics of domestic violence, dating violence, sexual assault, or stalking whose primary mission is to provide services to survivors of domestic violence, dating violence, sexual assault, or stalking, including a rape crisis center or domestic violence program; or
    - (iii) an organization with demonstrated expertise in State or county welfare laws and implementation of such laws and experience with disseminating information on such laws and implementation, but only if such organization will provide the required training in partnership with an entity described in clause (i) or (ii); and
  - (B) that—
    - (i) has demonstrated expertise in the dynamics of both domestic violence and sexual assault, such as a joint domestic violence and sexual assault coalition; or
    - (ii) will provide the required training in partnership with an entity described in clause (i) or (ii) of subparagraph (A) in order to comply with the dual domestic violence and sexual assault expertise requirement under clause (i).
- (3) APPLICATION.—An entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such form and manner, and containing such information as the Secretary specifies.
- (4) REPORTS.—
- (A) REPORTS TO CONGRESS.—Not later than a year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the grant program established under this subsection.
  - (B) REPORTS AVAILABLE TO PUBLIC.—The Secretary shall establish procedures for the dissemination to the public of each report submitted under

subparagraph (A). Such procedures shall include the use of the internet to disseminate such reports.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated—

(i) \$1,000,000 for fiscal year 2020 to carry out the provisions of paragraph (1)(A); and

(ii) \$12,000,000 for each of fiscal years 2020 through 2024 to carry out the provisions of paragraph (1)(B).

(B) THREE-YEAR AVAILABILITY OF GRANT FUNDS.—Each recipient of a grant under this subsection shall return to the Secretary any unused portion of such grant not later than 3 years after the date the grant was awarded, together with any earnings on such unused portion.

(C) AMOUNTS RETURNED.—Any amounts returned pursuant to subparagraph (B) shall be available without further appropriation to the Secretary for the purpose of carrying out the provisions of paragraph (1)(B).

(e) EFFECT ON EXISTING LAWS, ETC.—

(1) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides greater unemployment insurance benefits for survivors of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking than the rights established under this title.

(2) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Any law, collective bargaining agreement, or employment benefits program or plan of a State or unit of local government is preempted to the extent that such law, agreement, or program or plan would impair the exercise of any right established under this title or the amendments made by this title.

(f) EFFECTIVE DATE.—

(1) UNEMPLOYMENT AMENDMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180-day period beginning on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—

(i) IN GENERAL.—Except as provided in paragraph (2), in a case in which the Secretary of Labor identifies a State as requiring a change to its statutes, regulations, or policies in order to comply with the amendments made by this section, such amendments shall apply in the case of compensation paid for weeks beginning after the earlier of—

(I) the date the State changes its statutes, regulations, or policies in order to comply with such amendments; or

(II) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date, except that in no case shall such amendments apply before the date that is 180 days after the date of enactment of this Act.

(ii) SESSION DEFINED.—In this subparagraph, the term “session” means a regular, special, budget, or other session of a State legislature.

(2) TANF AMENDMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (c) shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State action (including legislation, regulation, or other administrative action) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (c), the State plan shall not be regarded as failing to comply with the requirements of such amendment on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a two-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(g) DEFINITIONS.—In this section, the terms “sexual and other harassment”, “domestic violence”, “dating violence”, “sexual assault”, “stalking”, “survivor of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalk-

ing”, and “survivor services organization” have the meanings given such terms in section 3304(g) of the Internal Revenue Code of 1986.

**SEC. 704. STUDY AND REPORTS ON BARRIERS TO SURVIVORS' ECONOMIC SECURITY ACCESS.**

(a) **STUDY.**—The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall conduct a study on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

(b) **REPORTS.**—Not later than 1 year after the date of enactment of this title, and every 5 years thereafter, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall submit a report to Congress on the study conducted under subsection (a).

(c) **CONTENTS.**—The study and reports under this section shall include—

(1) identification of geographic areas in which State laws, regulations, and practices have a strong impact on the ability of survivors of domestic violence, dating violence, sexual assault, or stalking to exercise—

(A) any rights under this Act without compromising personal safety or the safety of others, including family members and excluding the abuser; and

(B) other components of economic security;

(2) identification of geographic areas with shortages in resources for such survivors, with an accompanying analysis of the extent and impact of such shortage;

(3) analysis of factors related to industries, workplace settings, employer practices, trends, and other elements that impact the ability of such survivors to exercise any rights under this Act without compromising personal safety or the safety of others, including family members;

(4) the recommendations of the Secretary of Health and Human Services and the Secretary of Labor with respect to resources, oversight, and enforcement tools to ensure successful implementation of the provisions of this Act in order to support the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking; and

(5) best practices for States, employers, health carriers, insurers, and other private entities in addressing issues related to domestic violence, dating violence, sexual assault, or stalking.

**SEC. 705. GAO STUDY.**

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate a report that examines, with respect to survivors of domestic violence, dating violence, sexual assault, or stalking who are, or were, enrolled at institutions of higher education and borrowed a loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for which the survivors have not repaid the total interest and principal due, each of the following:

(1) The implications of domestic violence, dating violence, sexual assault, or stalking on a borrower's ability to repay their Federal student loans.

(2) The adequacy of policies and procedures regarding Federal student loan deferment, forbearance, and grace periods when a survivor has to suspend or terminate the survivor's enrollment at an institution of higher education due to domestic violence, dating violence, sexual assault, or stalking.

(3) The adequacy of institutional policies and practices regarding retention or transfer of credits when a survivor has to suspend or terminate the survivor's enrollment at an institution of higher education due to domestic violence, dating violence, sexual assault, or stalking.

(4) The availability or any options for a survivor of domestic violence, dating violence, sexual assault, or stalking who attended an institution of higher education that committed unfair, deceptive, or abusive acts or practices, or otherwise substantially misrepresented information to students, to be able to seek a defense to repayment of the survivor's Federal student loan.

(5) The limitations faced by a survivor of domestic violence, dating violence, sexual assault, or stalking to obtain any relief or restitution on the survivor's Federal student loan debt due to the use of forced arbitration, gag orders, or bans on class actions.

**SEC. 706. EDUCATION AND INFORMATION PROGRAMS FOR SURVIVORS.**

(a) **PUBLIC EDUCATION CAMPAIGN.**—

(1) **IN GENERAL.**—The Secretary of Labor, in conjunction with the Secretary of Health and Human Services (through the Director of the Centers for Disease

Control and Prevention and the grant recipient under section 41501 of the Violence Against Women Act of 1994 that establishes the national resource center on workplace responses to assist victims of domestic and sexual violence) and the Attorney General (through the Principal Deputy Director of the Office on Violence Against Women), shall coordinate and provide for a national public outreach and education campaign to raise public awareness of the workplace impact of domestic violence, dating violence, sexual assault, and stalking, including outreach and education for employers, service providers, teachers, and other key partners. This campaign shall pay special attention to ensure that survivors are made aware of the existence of the following types of workplace laws (federal and/or State): anti-discrimination laws that bar treating survivors differently; leave laws, both paid and unpaid that are available for use by survivors; unemployment insurance laws and policies that address survivor eligibility.

(2) DISSEMINATION.—The Secretary of Labor, in conjunction with the Secretary of Health and Human Services and the Attorney General, as described in paragraph (1), may disseminate information through the public outreach and education campaign on the resources and rights referred to in this subsection directly or through arrangements with health agencies, professional and non-profit organizations, consumer groups, labor organizations, institutions of higher education, clinics, the media, and Federal, State, and local agencies.

(3) INFORMATION.—The information disseminated under paragraph (2) shall include, at a minimum, a description of—

- (A) the resources and rights that are—
  - (i) available to survivors of domestic violence, dating violence, sexual assault, or stalking; and
  - (ii) established in this Act and the Violence Against Women Act of 1994 (34 U.S.C.12291 et seq.);
- (B) guidelines and best practices on prevention of domestic violence, dating violence, stalking, and sexual assault;
- (C) resources that promote healthy relationships and communication skills;
- (D) resources that encourage bystander intervention in a situation involving domestic violence, dating violence, stalking, or sexual assault;
- (E) resources that promote workplace policies that support and help maintain the economic security of survivors of domestic violence, dating violence, sexual assault, or stalking; and
- (F) resources and rights that the heads of Federal agencies described in paragraph (2) determine are appropriate to include.

(b) DEFINITIONS.—In this section:

(1) EMPLOYEE.—

(A) IN GENERAL.—The term “employee” means any individual employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)).

(B) BASIS.—The term includes a person employed as described in subparagraph (A) on a full- or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, or as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

(2) EMPLOYER.—The term “employer”—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more individuals; and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency that employs individuals as described in section 3(e)(2) of the Fair Labor Standards Act of 1938, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(3) FLSA TERMS.—The terms “employ” and “State” have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(c) STUDY ON WORKPLACE RESPONSES.—The Secretary of Labor, in conjunction with the Secretary of Health and Human Services, shall conduct a study on the status of workplace responses to employees who experience domestic violence, dating violence, sexual assault, or stalking while employed, in each State and nationally, to improve the access of survivors of domestic violence, dating violence, sexual assault, or stalking to supportive resources and economic security.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2020 through 2024.

**SEC. 707. SEVERABILITY.**

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

## **TITLE VIII—HOMICIDE REDUCTION INITIATIVES**

**SEC. 801. PROHIBITING PERSONS CONVICTED OF MISDEMEANOR CRIMES AGAINST DATING PARTNERS AND PERSONS SUBJECT TO PROTECTION ORDERS.**

Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (32), by striking all that follows after “The term ‘intimate partner’” and inserting the following: “—

“ (A) means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person; and

“ (B) includes—

“ (i) a dating partner or former dating partner (as defined in section 2266); and

“ (ii) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.”;

(2) in paragraph (33)(A)—

“ (A) in clause (i), by inserting after “Federal, State,” the following: “municipal,”; and

“ (B) in clause (ii), by inserting “intimate partner,” after “spouse,” each place it appears;

(3) by redesignating paragraphs (34) and (35) as paragraphs (35) and (36) respectively; and

(4) by inserting after paragraph (33) the following:

“ (34)(A) the term ‘misdemeanor crime of stalking’ means an offense that—

“ (i) is a misdemeanor crime of stalking under Federal, State, Tribal, or municipal law; and

“ (ii) is a course of harassment, intimidation, or surveillance of another person that—

“ (I) places that person in reasonable fear of material harm to the health or safety of—

“ (aa) that person;

“ (bb) an immediate family member (as defined in section 115) of that person;

“ (cc) a household member of that person; or

“ (dd) a spouse or intimate partner of that person; or

“ (II) causes, attempts to cause, or would reasonably be expected to cause emotional distress to a person described in item (aa), (bb), (cc), or (dd) of subclause (I).

“ (B) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

“ (i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

“ (ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either—

“ (I) the case was tried by a jury; or

“ (II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

“ (C) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.”.

**SEC. 802. PROHIBITING STALKERS AND INDIVIDUALS SUBJECT TO COURT ORDER FROM POSSESSING A FIREARM.**

Section 922 of title 18, United States Code, is amended—

- (1) in subsection (d)—
  - (A) in paragraph (8), by striking “that restrains such person” and all that follows, and inserting “described in subsection (g)(8);”;
  - (B) in paragraph (9), by striking the period at the end and inserting “; or”;
  - (C) by inserting after paragraph (9) the following:
    - “(10) who has been convicted in any court of a misdemeanor crime of stalking.”; and
- (2) in subsection (g)—
  - (A) by amending paragraph (8) to read as follows:
    - “(8) who is subject to a court order—
    - “(A) that was issued—
      - “(i) after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; or
      - “(ii) in the case of an ex parte order, relative to which notice and opportunity to be heard are provided—
        - “(I) within the time required by State, tribal, or territorial law; and
        - “(II) in any event within a reasonable time after the order is issued, sufficient to protect the due process rights of the person;
    - “(B) that restrains such person from—
      - “(i) harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or
      - “(ii) intimidating or dissuading a witness from testifying in court; and
    - “(C) that—
      - “(i) includes a finding that such person represents a credible threat to the physical safety of such individual described in subparagraph (B); or
      - “(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such individual described in subparagraph (B) that would reasonably be expected to cause bodily injury.”;
  - (B) in paragraph (9), by striking the comma at the end and inserting “; or”; and
  - (C) by inserting after paragraph (9) the following:
    - “(10) who has been convicted in any court of a misdemeanor crime of stalking.”.

## **TITLE IX—SAFETY FOR INDIAN WOMEN**

**SEC. 901. FINDINGS AND PURPOSES.**

- (a) FINDINGS.—Congress finds the following:
  - (1) American Indians and Alaska Natives are 2.5 times as likely to experience violent crimes—and at least 2 times more likely to experience rape or sexual assault crimes—compared to all other races.
  - (2) More than 4 in 5 American Indian and Alaska Native women, or 84.3 percent, have experienced violence in their lifetime.
  - (3) The vast majority of Native victims—96% of women and 89% of male victims—report being victimized by a non-Indian.
  - (4) Native victims of sexual violence are three times as likely to have experienced sexual violence by an interracial perpetrator as non-Hispanic White victims and Native stalking victims are nearly 4 times as likely to be stalked by someone of a different race.
  - (5) While tribes exercising jurisdiction over non-Indians have reported significant successes, the inability to prosecute crimes related to the Special Domestic Violence Criminal Jurisdiction crimes continues to leave Tribes unable to fully hold domestic violence offenders accountable.
  - (6) Tribal prosecutors report that the majority of domestic violence cases involve children either as witnesses or victims, and Department of Justice reports that American Indian and Alaska Native children suffer exposure to violence at rates higher than any other race in the United States.
  - (7) Childhood exposure to violence has immediate and long-term effects, including: increased rates of altered neurological development, poor physical and



mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system.

(8) According to the Centers for Disease Control and Prevention, homicide is the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age.

(9) On some reservations, Indian women are murdered at more than 10 times the national average.

(10) According to a 2010 Government Accountability Office report, United States Attorneys declined to prosecute nearly 52 percent of violent crimes that occur in Indian country.

(11) Investigation into cases of missing and murdered Indian women is made difficult for tribal law enforcement agencies due to a lack of resources, such as—

(A) necessary training, equipment, or funding;

(B) a lack of interagency cooperation; and

(C) a lack of appropriate laws in place.

(12) Domestic violence calls are among the most dangerous calls that law enforcement receives.

(13) The complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities;

(B) has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials.

(14) Restoring and enhancing local, tribal capacity to address violence against women provides for greater local control, safety, accountability, and transparency.

(15) In States with restrictive land settlement acts such as Alaska, “Indian country” is limited, resources for local tribal responses either nonexistent or insufficient to meet the needs, jurisdiction unnecessarily complicated and increases the already high levels of victimization of American Indian and Alaska Native women. According to the Tribal Law and Order Act Commission Report, Alaska Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the State population, but are 47 percent of reported rape victims. And among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country.

(b) **PURPOSES.**—The purposes of this title are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to responding to cases of domestic violence, dating violence, stalking, trafficking, sexual violence, crimes against children, and assault against tribal law enforcement officers and murdered Indians;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies; and

(3) to empower tribal governments with the resources and information necessary to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing and murdered Indians; and

(4) to increase the collection of data related to missing and murdered Indians and the sharing of information among Federal, State, and tribal officials responsible for responding to and investigating cases of missing and murdered Indians.

#### **SEC. 902. AUTHORIZING FUNDING FOR THE TRIBAL ACCESS PROGRAM.**

Section 534 of title 28, United States Code, is amended by adding at the end the following:

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$3,000,000 for each of fiscal years 2020 through 2024, to remain available until expended, for the purposes of enhancing the ability of tribal government entities to access, enter information into, and obtain information from, Federal criminal information databases, as authorized by this section.”.

#### **SEC. 903. TRIBAL JURISDICTION OVER CRIMES OF DOMESTIC VIOLENCE, DATING VIOLENCE, OBSTRUCTION OF JUSTICE, SEXUAL VIOLENCE, SEX TRAFFICKING, STALKING, AND ASSAULT OF A LAW ENFORCEMENT OFFICER OR CORRECTIONS OFFICER.**

Section 204 of Public Law 90–284 (25 U.S.C. 1304) (commonly known as the “Indian Civil Rights Act of 1968”) is amended—

(1) in the heading, by striking “**CRIMES OF DOMESTIC VIOLENCE**” and inserting “**CRIMES OF DOMESTIC VIOLENCE, DATING VIOLENCE, OBSTRUCTION OF JUSTICE, SEXUAL VIOLENCE, SEX TRAFFICKING, STALKING, AND ASSAULT OF A LAW ENFORCEMENT OR CORRECTIONS OFFICER**”;

(2) in paragraph (6), in the heading, by striking “SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION” and inserting “SPECIAL TRIBAL CRIMINAL JURISDICTION”;

(3) by striking “special domestic violence criminal jurisdiction” each place such term appears and inserting “special tribal criminal jurisdiction”;

(4) in subsection (a)—

(A) by adding at the end the following:

“(12) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that would cause a reasonable person to—

“(A) fear for the person’s safety or the safety of others; or

“(B) suffer substantial emotional distress.”;

(B) by redesignating paragraphs (6) and (7) as paragraphs (10) and (11);

(C) by inserting before paragraph (10) (as redesignated) the following:

“(8) SEX TRAFFICKING.—

“(A) IN GENERAL.—The term ‘sex trafficking’ means conduct—

“(i) consisting of—

“(I) recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting by any means a person; or

“(II) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in subclause (I); and

“(ii) carried out with the knowledge, or, except where the act constituting the violation of clause (i) is advertising, in reckless disregard of the fact, that—

“(I) means of force, threats of force, fraud, coercion, or any combination of such means will be used to cause the person to engage in a commercial sex act; or

“(II) the person has not attained the age of 18 years and will be caused to engage in a commercial sex act.

“(B) DEFINITIONS.—In this paragraph, the terms ‘coercion’ and ‘commercial sex act’ have the meanings given the terms in section 1591(e) of title 18, United States Code.

“(9) SEXUAL VIOLENCE.—The term ‘sexual violence’ means any nonconsensual sexual act or contact proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs, including in any case in which the victim lacks the capacity to consent to the act.”;

(D) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7);

(E) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4);

(F) in paragraph (3) (as redesignated), to read as follows:

“(3) DOMESTIC VIOLENCE.—The term ‘domestic violence’ means violence—

“(A) 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, or by a person similarly situated to a spouse of the victim under the domestic- or family- violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs; or

“(B) committed against a victim who is a child under the age of 18, or an elder (as such term is defined by tribal law) who resides or has resided in the same household as the defendant.”;

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

“(1) ASSAULT OF A LAW ENFORCEMENT OR CORRECTIONAL OFFICER.—The term ‘assault of a law enforcement or correctional officer’ means any criminal violation of the law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves the threatened, attempted, or actual harmful or offensive touching of a law enforcement or correctional officer.”;

(H) by inserting after paragraph (4) (as redesignated), the following:

“(5) OBSTRUCTION OF JUSTICE.—The term ‘obstruction of justice’ means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs, and the violation involves interfering with the administration or due process of the tribe’s laws including any tribal criminal proceeding or investigation of a crime.”;

(5) in subsection (b)(1), by inserting after “the powers of self-government of a participating tribe” the following: “, including any participating tribes in the State of Maine,”

(6) in subsection (b)(4)—

(A) in subparagraph (A)(i), by inserting after “over an alleged offense” the following: “, other than obstruction of justice or an act of assault of a law enforcement or corrections officer,”; and

(B) in subparagraph (B)—

(i) in clause (ii), by striking “or” at the end;

(ii) in clause (iii)(II), by striking the period at the end and inserting the following: “; or”; and

(iii) by adding at the end the following:

“(iv) is being prosecuted for a crime of sexual violence, stalking, sex trafficking, obstructing justice, or assaulting a police or corrections officer under the laws of the prosecuting tribe.”;

(7) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “domestic violence” and inserting “tribal”; and

(B) in paragraph (1)—

(i) in the paragraph heading, by striking “AND DATING VIOLENCE” and inserting “, DATING VIOLENCE, OBSTRUCTION OF JUSTICE, SEXUAL VIOLENCE, STALKING, SEX TRAFFICKING, OR ASSAULT OF A LAW ENFORCEMENT OR CORRECTIONS OFFICER”; and

(ii) by striking “or dating violence” and inserting “, dating violence, obstruction of justice, sexual violence, stalking, sex trafficking, or assault of a law enforcement or corrections officer”;

(8) in subsection (d), by striking “domestic violence” each place it appears and inserting “tribal”;

(9) in subsection (f)—

(A) by striking “special domestic violence” each place it appears and inserting “special tribal”;

(B) in paragraph (2), by striking “prosecutes” and all that follows through the semicolon at the end and inserting the following: “prosecutes—

“(A) a crime of domestic violence;

“(B) a crime of dating violence;

“(C) a criminal violation of a protection order;

“(D) a crime of sexual violence;

“(E) a crime of stalking;

“(F) a crime of sex trafficking;

“(G) a crime of obstruction of justice; or

“(H) a crime of assault of a law enforcement or correctional officer.”;

(C) in paragraph (4), by inserting “sexual violence, stalking, sex trafficking, assault of a law enforcement or correctional officer,” after “dating violence,”; and

(D) by adding at the end the following:

“(5) to create a pilot project to allow up to five Indian tribes in Alaska to implement special tribal criminal jurisdiction.”;

(10) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(11) by inserting after subsection (f) the following; and

“(g) INDIAN COUNTRY DEFINED.—For purposes of the pilot project described in subsection (f)(5), the definition of ‘Indian country’ shall include Alaska Native-owned Townsites, Allotments, and former reservation lands acquired in fee by Alaska Native Village Corporations pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 33) and other lands transferred in fee to Native villages.”.

(12) in subsection (i) (as redesignated) by striking “fiscal years 2014 through 2018” and inserting “fiscal years 2020 through 2024”.

#### SEC. 904. ANNUAL REPORTING REQUIREMENTS.

Beginning in the first fiscal year after the date of enactment of this title, and annually thereafter, the Attorney General and the Secretary of the Interior shall jointly prepare and submit a report, to the Committee on Indian Affairs and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives, that—

(1) includes known statistics on missing and murdered Indian women in the United States, including statistics relating to incidents of sexual abuse or sexual assault suffered by the victims; and

(2) provides recommendations regarding how to improve data collection on missing and murdered Indian women.

## TITLE X—OFFICE ON VIOLENCE AGAINST WOMEN

### SEC. 1001. ESTABLISHMENT OF OFFICE ON VIOLENCE AGAINST WOMEN.

(a) ESTABLISHMENT OF OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10442) is amended—

(1) in subsection (a), by striking “a Violence Against Women Office” and inserting “an Office on Violence Against Women”;

(2) in subsection (b), by inserting after “within the Department of Justice” the following: “, not subsumed by any other office”;

(3) in subsection (c)(2), by striking “Violence Against Women Act of 1994 (title VI of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386)” and inserting “Violence Against Women Act of 1994 (title VII of Public Law 103–322), the Violence Against Women Act of 2000 (Division B of Public Law 106–386), 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 2013 (Public Law 113–4; 127 Stat. 54); and the Violence Against Women Reauthorization Act of 2019”.

(b) DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10443) is amended to read as follows:

#### “SEC. 2003. DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

“(a) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint a Director for the Office on Violence Against Women (in this title referred to as the ‘Director’) to be responsible, under the general authority of the Attorney General, for the administration, coordination, and implementation of the programs and activities of the Office.

“(b) OTHER EMPLOYMENT.—The Director shall not—

“(1) engage in any employment other than that of serving as Director; or

“(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Violence Against Women Act of 2000 (division B of Public Law 106–386), 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 2013 (Public Law 113–4; 127 Stat. 54); or the Violence Against Women Reauthorization Act of 2019.

“(c) VACANCY.—In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

“(d) COMPENSATION.—The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.”.

(c) DUTIES AND FUNCTIONS OF DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.—Section 2004 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10444) is amended to read as follows:

#### “SEC. 2004. DUTIES AND FUNCTIONS OF DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

“The Director shall have the following duties:

“(1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

“(2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.

“(3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

“(4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

“(5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Violence Against Women Act of 2000 (division B of Public Law 106–386), 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 2013 (Public Law 113–4; 127 Stat. 54); and the Violence Against Women Reauthorization Act of 2019, including with respect to those functions—

- “(A) the development of policy, protocols, and guidelines;
  - “(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and
  - “(C) the award and termination of grants, cooperative agreements, and contracts.
- “(6) Providing technical assistance, coordination, and support to—
- “(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;
  - “(B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, synchronize federal definitions and protocols, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and
  - “(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.
- “(7) Exercising such other powers and functions as may be vested in the Director pursuant to this subchapter or by delegation of the Attorney General.
- “(8) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.”.

(d) **STAFF OF OFFICE ON VIOLENCE AGAINST WOMEN.**—Section 2005 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10445) is amended in the heading, by striking “**VIOLENCE AGAINST WOMEN OFFICE**” and inserting “**OFFICE ON VIOLENCE AGAINST WOMEN**”.

(e) **CLERICAL AMENDMENT.**—Section 121(a)(1) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20124(a)(1)) is amended by striking “the Violence Against Women Office” and inserting “the Office on Violence Against Women”.

## TITLE XI—IMPROVING CONDITIONS FOR WOMEN IN FEDERAL CUSTODY

### SEC. 1101. IMPROVING THE TREATMENT OF PRIMARY CARETAKER PARENTS AND OTHER INDIVIDUALS IN FEDERAL PRISONS.

(a) **SHORT TITLE.**—This section may be cited as the “Ramona Brant Improvement of Conditions for Women in Federal Custody Act”.

(b) **IN GENERAL.**—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 4050. Treatment of primary caretaker parents and other individuals

“(a) **DEFINITIONS.**—In this section—

- “(1) the term ‘correctional officer’ means a correctional officer of the Bureau of Prisons;
- “(2) the term ‘covered institution’ means a Federal penal or correctional institution;
- “(3) the term ‘Director’ means the Director of the Bureau of Prisons;
- “(4) the term ‘post-partum recovery’ means the first 8-week period of post-partum recovery after giving birth;
- “(5) the term ‘primary caretaker parent’ has the meaning given the term in section 31903 of the Family Unity Demonstration Project Act (34 U.S.C. 12242);
- “(6) the term ‘prisoner’ means an individual who is incarcerated in a Federal penal or correctional institution, including a vulnerable person; and
- “(7) the term ‘vulnerable person’ means an individual who—
  - “(A) is under 21 years of age or over 60 years of age;
  - “(B) is pregnant;
  - “(C) identifies as lesbian, gay, bisexual, transgender, or intersex;
  - “(D) is victim or witness of a crime;
  - “(E) has filed a nonfrivolous civil rights claim in Federal or State court;
  - “(F) has a serious mental or physical illness or disability; or
  - “(G) during the period of incarceration, has been determined to have experienced or to be experiencing severe trauma or to be the victim of gender-based violence—

- “(i) by any court or administrative judicial proceeding;
  - “(ii) by any corrections official;
  - “(iii) by the individual’s attorney or legal service provider; or
  - “(iv) by the individual.
- “(b) GEOGRAPHIC PLACEMENT.—
  - “(1) ESTABLISHMENT OF OFFICE.—The Director shall establish within the Bureau of Prisons an office that determines the placement of prisoners.
  - “(2) PLACEMENT OF PRISONERS.—In determining the placement of a prisoner, the office established under paragraph (1) shall—
    - “(A) if the prisoner has children, place the prisoner as close to the children as possible;
    - “(B) in deciding whether to assign a transgender or intersex prisoner to a facility for male or female prisoners, and in making other housing and programming assignments, consider on a case-by-case basis whether a placement would ensure the prisoner’s health and safety, including serious consideration of the prisoner’s own views with respect to their safety, and whether the placement would present management or security problems; and
    - “(C) consider any other factor that the office determines to be appropriate.
- “(c) PROHIBITION ON PLACEMENT OF PREGNANT PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY IN SEGREGATED HOUSING UNITS.—
  - “(1) PLACEMENT IN SEGREGATED HOUSING UNITS.—A covered institution may not place a prisoner who is pregnant or in post-partum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to the prisoner or others.
  - “(2) RESTRICTIONS.—Any placement of a prisoner described in subparagraph (A) in a segregated housing unit shall be limited and temporary.
- “(d) PARENTING CLASSES.—The Director shall provide parenting classes to each prisoner who is a primary caretaker parent.
- “(e) TRAUMA SCREENING.—The Director shall provide training to each correctional officer and each employee of the Bureau of Prisons who regularly interacts with prisoners, including each instructor and health care professional, to enable those correctional officers and employees to—
  - “(1) identify a prisoner who has a mental or physical health need relating to trauma the prisoner has experienced; and
  - “(2) refer a prisoner described in paragraph (1) to the proper healthcare professional for treatment.
- “(f) INMATE HEALTH.—
  - “(1) HEALTH CARE ACCESS.—The Director shall ensure that all prisoners receive adequate health care.
  - “(2) HYGIENIC PRODUCTS.—The Director shall make essential hygienic products, including shampoo, toothpaste, toothbrushes, and any other hygienic product that the Director determines appropriate, available without charge to prisoners.
  - “(3) GYNCOLOGIST ACCESS.—The Director shall ensure that all prisoners have access to a gynecologist as appropriate.
- “(g) USE OF SEX-APPROPRIATE CORRECTIONAL OFFICERS.—
  - “(1) REGULATIONS.—The Director shall make rules under which—
    - “(A) a correctional officer may not conduct a strip search of a prisoner of the opposite sex unless—
      - “(i) the prisoner presents a risk of immediate harm to the prisoner or others, and no other correctional officer of the same sex as the prisoner, or medical staff is available to assist; or
      - “(ii) the prisoner has previously requested that an officer of a different sex conduct searches;
    - “(B) a correctional officer may not enter a restroom reserved for prisoners of the opposite sex unless—
      - “(i) a prisoner in the restroom presents a risk of immediate harm to themselves or others; or
      - “(ii) there is a medical emergency in the restroom and no other correctional officer of the appropriate sex is available to assist;
    - “(C) a transgender prisoner’s sex is determined according to the sex with which they identify; and
    - “(D) a correctional officer may not search or physically examine a prisoner for the sole purpose of determining the prisoner’s genital status or sex.
  - “(2) RELATION TO OTHER LAWS.—Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.).”.

(c) **SUBSTANCE ABUSE TREATMENT.**—Section 3621(e) of title 18, United States Code, is amended by adding at the end the following:

“(7) **ELIGIBILITY OF PRIMARY CARETAKER PARENTS AND PREGNANT WOMEN.**—

The Director of the Bureau of Prisons may not prohibit an eligible prisoner who is a primary caretaker parent (as defined in section 4050) or pregnant from participating in a program of residential substance abuse treatment provided under paragraph (1) on the basis of a failure by the eligible prisoner, before being committed to the custody of the Bureau of Prisons, to disclose to any official of the Bureau of Prisons that the prisoner had a substance abuse problem on or before the date on which the eligible prisoner was committed to the custody of the Bureau of Prisons.”.

(d) **IMPLEMENTATION DATE.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Director of the Bureau of Prisons shall implement this section and the amendments made by this section.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Director of the Bureau of Prisons shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section and the amendments made by this section.

(e) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 303 of title 18, United States Code, is amended by adding at the end the following: “4050. Treatment of primary caretaker parents and other individuals.”.

**SEC. 1102. PUBLIC HEALTH AND SAFETY OF WOMEN.**

(a) **SHORT TITLE.**—This section may be cited as the “Stop Infant Mortality And Recidivism Reduction Act” or the “SIMARRA Act”.

(b) **ESTABLISHMENT.**—Not later than 270 days after the date of the enactment of this section, the Director of the Federal Bureau of Prisons (in this section referred to as the “Director”) shall establish a pilot program (in this section referred to as the “Program”) in accordance with this section to permit women incarcerated in Federal prisons and the children born to such women during incarceration to reside together while the inmate serves a term of imprisonment in a separate housing wing of the prison.

(c) **PURPOSES.**—The purposes of this section are to—

(1) prevent infant mortality among infants born to incarcerated mothers and greatly reduce the trauma and stress experienced by the unborn fetuses of pregnant inmates;

(2) reduce the recidivism rates of federally incarcerated women and mothers, and enhance public safety by improving the effectiveness of the Federal prison system for women as a population with special needs;

(3) establish female offender risk and needs assessment as the cornerstones of a more effective and efficient Federal prison system;

(4) implement a validated post-sentencing risk and needs assessment system that relies on dynamic risk factors to provide Federal prison officials with a roadmap to address the pre- and post-natal needs of Federal pregnant offenders, manage limited resources, and enhance public safety;

(5) perform regular outcome evaluations of the effectiveness of programs and interventions for federally incarcerated pregnant women and mothers to assure that such programs and interventions are evidence-based and to suggest changes, deletions, and expansions based on the results of such evaluations; and

(6) assist the Department of Justice to address the underlying cost structure of the Federal prison system and ensure that the Department can continue to run prison nurseries safely and securely without compromising the scope or quality of the Department’s critical health, safety and law enforcement missions.

(d) **DUTIES OF THE DIRECTOR OF BUREAU OF PRISONS.**—

(1) **IN GENERAL.**—The Director shall carry out this section in consultation with—

- (A) a licensed and board-certified gynecologist or obstetrician;
- (B) the Director of the Administrative Office of the United States Courts;
- (C) the Director of the Office of Probation and Pretrial Services;
- (D) the Director of the National Institute of Justice; and
- (E) the Secretary of Health and Human Services.

(2) **DUTIES.**—The Director shall, in accordance with paragraph (3)—

- (A) develop an offender risk and needs assessment system particular to the health and sensitivities of Federally incarcerated pregnant women and mothers in accordance with this subsection;

(B) develop recommendations regarding recidivism reduction programs and productive activities in accordance with subsection (c);

(C) conduct ongoing research and data analysis on—

(i) the best practices relating to the use of offender risk and needs assessment tools particular to the health and sensitivities of federally incarcerated pregnant women and mothers;

(ii) the best available risk and needs assessment tools particular to the health and sensitivities of Federally incarcerated pregnant women and mothers and the level to which they rely on dynamic risk factors that could be addressed and changed over time, and on measures of risk of recidivism, individual needs, and responsiveness to recidivism reduction programs;

(iii) the most effective and efficient uses of such tools in conjunction with recidivism reduction programs, productive activities, incentives, and rewards; and

(iv) which recidivism reduction programs are the most effective—

(I) for Federally incarcerated pregnant women and mothers classified at different recidivism risk levels; and

(II) for addressing the specific needs of Federally incarcerated pregnant women and mothers;

(D) on a biennial basis, review the system developed under subparagraph (A) and the recommendations developed under subparagraph (B), using the research conducted under subparagraph (C), to determine whether any revisions or updates should be made, and if so, make such revisions or updates;

(E) hold periodic meetings with the individuals listed in paragraph (1) at intervals to be determined by the Director; and

(F) report to Congress in accordance with subsection (i).

(3) METHODS.—In carrying out the duties under paragraph (2), the Director shall—

(A) consult relevant stakeholders; and

(B) make decisions using data that is based on the best available statistical and empirical evidence.

(e) ELIGIBILITY.—An inmate may apply to participate in the Program if the inmate—

(1) is pregnant at the beginning of or during the term of imprisonment; and

(2) is in the custody or control of the Federal Bureau of Prisons.

(f) PROGRAM TERMS.—

(1) TERM OF PARTICIPATION.—To correspond with the purposes and goals of the Program to promote bonding during the critical stages of child development, an eligible inmate selected for the Program may participate in the Program, subject to subsection (g), until the earliest of—

(A) the date that the inmate's term of imprisonment terminates;

(B) the date the infant fails to meet any medical criteria established by the Director or the Director's designee along with a collective determination of the persons listed in subsection (d)(1); or

(C) 30 months.

(2) INMATE REQUIREMENTS.—For the duration of an inmate's participation in the Program, the inmate shall agree to—

(A) take substantive steps towards acting in the role of a parent or guardian to any child of that inmate;

(B) participate in any educational or counseling opportunities established by the Director, including topics such as child development, parenting skills, domestic violence, vocational training, or substance abuse, as appropriate;

(C) abide by any court decision regarding the legal or physical custody of the child;

(D) transfer to the Federal Bureau of Prisons any child support payments for the infant of the participating inmate from any person or governmental entity; and

(E) specify a person who has agreed to take at least temporary custody of the child if the inmate's participation in the Program terminates before the inmate's release.

(g) CONTINUITY OF CARE.—The Director shall take appropriate actions to prevent detachment or disruption of either an inmate's or infant's health and bonding-based well-being due to termination of the Program.

(h) REPORTING.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section and once each year thereafter for 5 years, the Director shall submit a report to the Congress with regards to progress in implementing the Program.



(2) **FINAL REPORT.**—Not later than 6 months after the termination of the Program, the Director shall issue a final report to the Congress that contains a detailed statement of the Director’s findings and conclusions, including recommendations for legislation, administrative actions, and regulations the Director considers appropriate.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there is authorized to be appropriated \$10,000,000 for each of fiscal years 2020 through 2024.

## **TITLE XII—LAW ENFORCEMENT TOOLS TO ENHANCE PUBLIC SAFETY**

### **SEC. 1201. NOTIFICATION TO LAW ENFORCEMENT AGENCIES OF PROHIBITED PURCHASE OR ATTEMPTED PURCHASE OF A FIREARM.**

(a) **IN GENERAL.**—Title I of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by adding at the end the following:

#### **“SEC. 108. NOTIFICATION TO LAW ENFORCEMENT AGENCIES OF PROHIBITED PURCHASE OF A FIREARM.**

“(a) **IN GENERAL.**—In the case of a background check conducted by the National Instant Criminal Background Check System pursuant to the request of a licensed importer, licensed manufacturer, or licensed dealer of firearms (as such terms are defined in section 921 of title 18, United States Code), which background check determines that the receipt of a firearm by a person would violate subsection (g)(8), (g)(9), or (g)(10) of section 922 of title 18, United States Code, and such determination is made after 3 business days have elapsed since the licensee contacted the System and a firearm has been transferred to that person, the System shall notify the law enforcement agencies described in subsection (b).

“(b) **LAW ENFORCEMENT AGENCIES DESCRIBED.**—The law enforcement agencies described in this subsection are the law enforcement agencies that have jurisdiction over the location from which the licensee contacted the system and the law enforcement agencies that have jurisdiction over the location of the residence of the person for which the background check was conducted, as follows:

- “(1) The field office of the Federal Bureau of Investigation.
- “(2) The local law enforcement agency.
- “(3) The State law enforcement agency.
- “(4) The Tribal law enforcement agency.”.

(b) **CLERICAL AMENDMENT.**—The table of contents of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by inserting after the item relating to section 106 the following:

“Sec. 108. Notification to law enforcement agencies of prohibited purchase of a firearm.”.

### **SEC. 1202. REPORTING OF BACKGROUND CHECK DENIALS TO STATE, LOCAL, AND TRIBAL AUTHORITIES.**

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 925A the following:

#### **“§ 925B. Reporting of background check denials to State, local, and tribal authorities**

“(a) **IN GENERAL.**—If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) provides a notice pursuant to section 922(t) of this title that the receipt of a firearm by a person would violate subsection (g)(8), (g)(9), or (g)(10) of section 922 of this title or State law, the Attorney General shall, in accordance with subsection (b) of this section—

“(1) report to the law enforcement authorities of the State where the person sought to acquire the firearm and, if different, the law enforcement authorities of the State of residence of the person—

- “(A) that the notice was provided;
- “(B) of the specific provision of law that would have been violated;
- “(C) of the date and time the notice was provided;
- “(D) of the location where the firearm was sought to be acquired; and
- “(E) of the identity of the person; and

“(2) report the incident to local or tribal law enforcement authorities and, where practicable, State, tribal, or local prosecutors, in the jurisdiction where the firearm was sought and in the jurisdiction where the person resides.

“(b) **REQUIREMENTS FOR REPORT.**—A report is made in accordance with this subsection if the report is made within 24 hours after the provision of the notice de-

scribed in subsection (a), except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.

“(c) **RULE OF CONSTRUCTION.**—Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that originally issued the notice with respect to the person.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for such chapter is amended by inserting after the item relating to section 925A the following:

“925B. Reporting of background check denials to state, local, and tribal authorities.”.

**SEC. 1203. SPECIAL ASSISTANT U.S. ATTORNEYS AND CROSS-DEPUTIZED ATTORNEYS.**

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, as amended by this Act, is further amended by inserting after section 925B the following:

**“§ 925C. Special assistant U.S. attorneys and cross-deputized attorneys**

“(a) **IN GENERAL.**—In order to improve the enforcement of paragraphs (8), (9), and (10) of section 922(g), the Attorney General may—

“(1) appoint, in accordance with section 543 of title 28, qualified State, tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs;

“(2) deputize State, tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs; and

“(3) establish, in order to receive and expedite requests for assistance from State, tribal, territorial and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact within—

“(A) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

“(B) each District Office of the United States Attorneys.

“(b) **IMPROVE INTIMATE PARTNER AND PUBLIC SAFETY.**—The Attorney General shall—

“(1) identify no less than 75 jurisdictions among States, territories and tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8), (9), and (10) of section 922(g) and where local authorities lack the resources to address such violence; and

“(2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates.

“(c) **QUALIFIED DEFINED.**—For purposes of this section, the term ‘qualified’ means, with respect to an attorney, that the attorney is a licensed attorney in good standing with any relevant licensing authority.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for such chapter is amended by inserting after the item relating to section 925B the following:

“925C. Special assistant U.S. attorneys and cross-deputized attorneys.”.

## **TITLE XIII—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the “Closing the Law Enforcement Consent Loophole Act of 2019”.

**SEC. 1302. PROHIBITION ON ENGAGING IN SEXUAL ACTS WHILE ACTING UNDER COLOR OF LAW.**

(a) **IN GENERAL.**—Section 2243 of title 18, United States Code, is amended—

(1) in the section heading, by adding at the end the following: “**or by any person acting under color of law**”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c) **OF AN INDIVIDUAL BY ANY PERSON ACTING UNDER COLOR OF LAW.**—

“(1) **IN GENERAL.**—Whoever, acting under color of law, knowingly engages in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any Federal law enforcement

officer, shall be fined under this title, imprisoned not more than 15 years, or both.

“(2) DEFINITION.—In this subsection, the term ‘sexual act’ has the meaning given the term in section 2246.”; and

(4) in subsection (d), as so redesignated, by adding at the end the following:

“(3) In a prosecution under subsection (c), it is not a defense that the other individual consented to the sexual act.”.

(b) DEFINITION.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (6) the following:

“(7) the term ‘Federal law enforcement officer’ has the meaning given the term in section 115.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 109A of title 18, United States Code, is amended by amending the item related to section 2243 to read as follows:

“2243. Sexual abuse of a minor or ward or by any person acting under color of law.”.

#### **SEC. 1303. INCENTIVES FOR STATES.**

(a) AUTHORITY TO MAKE GRANTS.—The Attorney General is authorized to make grants to States that have in effect a law that—

(1) makes it a criminal offense for any person acting under color of law of the State to engage in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(b) REPORTING REQUIREMENT.—A State that receives a grant under this section shall submit to the Attorney General, on an annual basis, information on—

(1) the number of reports made to law enforcement agencies in that State regarding persons engaging in a sexual act while acting under color of law during the previous year; and

(2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

(c) APPLICATION.—A State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (a).

(d) GRANT AMOUNT.—The amount of a grant to a State under this section shall be in an amount that is not greater than 10 percent of the average of the total amount of funding of the 3 most recent awards that the State received under the following grant programs:

(1) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”).

(2) Section 41601 of the Violence Against Women Act of 1994 (34 U.S.C. 12511) (commonly referred to as the “Sexual Assault Services Program”).

(e) GRANT TERM.—

(1) IN GENERAL.—The Attorney General shall provide an increase in the amount provided to a State under the grant programs described in subsection (d) for a 2-year period.

(2) RENEWAL.—A State that receives a grant under this section may submit an application for a renewal of such grant at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(3) LIMIT.—A State may not receive a grant under this section for more than 4 years.

(f) USES OF FUNDS.—A State that receives a grant under this section shall use—

(1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and

(2) 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of subsection (d).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter \$5,000,000 for each of fiscal years 2020 through 2024.

(h) DEFINITION.—For purposes of this section, the term “State” means each of the several States and the District of Columbia, Indian Tribes, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

**SEC. 1304. REPORTS TO CONGRESS.**

(a) **REPORT BY ATTORNEY GENERAL.**—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report containing—

(1) the information required to be reported to the Attorney General under section 3(b); and

(2) information on—

(A) the number of reports made, during the previous year, to Federal law enforcement agencies regarding persons engaging in a sexual act while acting under color of law; and

(B) the disposition of each case in which sexual misconduct by a person acting under color of law was reported.

(b) **REPORT BY GAO.**—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall submit to Congress a report on any violations of section 2243(c) of title 18, United States Code, as amended by section 2, committed during the 1-year period covered by the report.

**SEC. 1305. DEFINITION.**

In this title, the term “sexual act” has the meaning given the term in section 2246 of title 18, United States Code.

## **TITLE XIV—OTHER MATTERS**

**SEC. 1401. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.**

Section 40603 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12402) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

**SEC. 1402. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.**

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

**“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM’S COUNSELORS.**

“There are authorized to be appropriated for the United States Attorneys for the purpose of appointing victim/witness counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), \$1,000,000 for each of fiscal years 2020 through 2024.”.

**SEC. 1403. CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS REAUTHORIZATION.**

Section 224(a) of the Crime Control Act of 1990 (34 U.S.C. 20334(a)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

**SEC. 1404. SEX OFFENDER MANAGEMENT.**

Section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12311(c)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

**SEC. 1405. COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.**

Section 219(a) of the Crime Control Act of 1990 (34 U.S.C. 20324(a)) is amended by striking “2014 through 2018” and inserting “2020 through 2024”.

**SEC. 1406. RAPE KIT BACKLOG.**

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40701) is amended by striking “2015 through 2019” and inserting “2020 through 2024”.

**SEC. 1407. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.**

Section 304(d) of the DNA Sexual Assault Justice Act of 2004 (34 U.S.C. 40723(d)) is amended by striking “2015 through 2019” and inserting “2020 through 2024”.

### **Purpose and Summary**

H.R. 1585, the “Violence Against Women Reauthorization Act of 2019,” would reauthorize grant programs under the Violence Against Women Act (VAWA)<sup>1</sup> as well as expand critical protections

<sup>1</sup> Pub. L. No. 103–322 (1994).

for vulnerable populations such as youth, Native American women, LGBTQ persons, and survivors who lack shelter. H.R. 1585 is intended to make modifications, as Congress has done in the past to all previous reauthorizations of VAWA. These moderate enhancements will address the many growing and unmet needs of victims and survivors of domestic violence, dating violence, sexual assault, and stalking. This bill is supported by the National Task Force to End Sexual and Domestic Violence Against Women, a coalition of more than 200 domestic violence groups.<sup>2</sup>

## Background and Need for Legislation

### BACKGROUND

The Violence Against Women Act is a landmark piece of legislation first enacted in 1994 and signed into law by President Bill Clinton as part of the Violent Crime Control and Law Enforcement Act of 1994.<sup>3</sup> This legislation was enacted in response to the prevalence of domestic and sexual violence, and the significant impact of such violence on the lives of women. The 1994 Act offered a comprehensive approach to reducing this violence and marked a national commitment to reverse the legacy of laws and social norms that served to excuse, and even justify, violence against women. As the first comprehensive federal legislative package designed to end violence against women, the 1994 Act's enactment was a recognition by Congress of the severity of the crimes associated with domestic violence and the need to provide life-saving assistance to hundreds of thousands of women, men, and children.

It is estimated that more than two million adults and more than 15 million children are exposed to domestic violence annually. On a typical day, domestic violence hotlines nationwide receive more than 20,000 calls.<sup>4</sup> In addition to its devastating human toll, domestic violence costs our nation \$8 billion annually in lost productivity and health care expenses and is responsible for the loss of eight million paid days of work each year<sup>5</sup>—or the equivalent of 32,000 full-time jobs.<sup>6</sup>

The domestic abuse statistics for both men and women are alarming. For example, one in three women experienced some form of physical violence by an intimate partner, according to a 2010 Centers for Disease Control and Prevention (CDC) survey.<sup>7</sup> A 2008 study found that one in three female murder victims were killed

<sup>2</sup>Letter from the Nat'l Task Force to End Sexual and Domestic Violence Against Women to Representative Karen Bass (D-CA), Chair, Subcomm. on Crime, Terrorism, & Homeland Security of the H. Comm. on the Judiciary, & Brian K. Fitzpatrick (R-PA) (Mar. 11, 2019) (on file with H. Comm. on the Judiciary Democratic staff).

<sup>3</sup>Pub. L. No. 103-322 (1994).

<sup>4</sup>Nat'l Network to End Domestic Violence, 11th Annual Domestic Violence Counts—National Summary (2017), [https://nnedv.org/mdocsposts/census 2016 handout national-summary/](https://nnedv.org/mdocsposts/census%202016%20handout%20national-summary/).

<sup>5</sup>Robert Pearl, *Domestic Violence: The Secret Killer That Costs \$8.3 Billion Annually*, FORBES, Dec. 5, 2013, <https://www.forbes.com/sites/robertpearl/2013/12/05/domestic-violence-the-secret-killer-that-costs-8-3-billion-annually/#75d5a7ed4681> (last visited Mar. 20, 2019).

<sup>6</sup>U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Nat'l Center for Injury Prevention and Control, *Costs of Intimate Partner Violence Against Women in the United States* 1 (Mar. 2003).

<sup>7</sup>M.C. Black et al., *The National Intimate Partner and Sexual Violence Survey—2010 Summary Report* (2011), U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention, Nat'l Center for Injury Prevention and Control, [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf).

by intimate partners.<sup>8</sup> And, the Violence Policy Center reported in 2012 that of 72% of all murder-suicides perpetrated by intimate partners, 94% of murder-suicide victims were female.<sup>9</sup>

Men are also victims of domestic abuse. An estimated 2.8 million American males experience completed or attempted rape victimization in their lifetime<sup>10</sup> and approximately 10.6 million men experience sexual coercion in their lifetime.<sup>11</sup> In addition, nearly one fifth of men (17.9% or approximately 19.9 million men) report unwanted sexual contact at some point in their lives, according to a CDC survey.<sup>12</sup>

According to the Centers for Disease Control and Prevention (CDC), it is important that prevention efforts address different levels of the social ecology (i.e., individual, relationship, community, and society) to reduce future risk and the many costs associated with violence.<sup>13</sup> This may explain why the impact of the Violence Against Women Act has been remarkable. The Act's emphasis on a coordinated community response—bringing together law enforcement, the courts, and victim services—resulted in a paradigm shift in the way communities addressed violence against women. VAWA improved the criminal justice system's ability to keep victims safe and hold perpetrators accountable as well as provide victims with critical services, such as transitional housing, legal assistance, and supervised visitation services. In response to this historic legislation, every state enacted laws to make stalking a crime and to strengthen criminal rape statutes. As a result, the annual incidence of domestic violence has decreased by 53 percent.<sup>14</sup>

Championed by then-Senator Joseph Biden (D-DE) and the late Representative Louise Slaughter (D-NY), the 1994 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. The law has since been reauthorized three times—in 2000,<sup>15</sup> 2005,<sup>16</sup> and 2013<sup>17</sup>—with strong bipartisan approval and overwhelming support from Congress, states, and local communities.

As originally enacted in 1994, VAWA provided for enhanced sentences for repeat federal sex offenders; mandated restitution to victims of specified federal sex offenses; and authorized grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women. Proponents of the legislation in the Senate “highlighted the insufficient response to violence against women by police and prosecutors.”<sup>18</sup> Ultimately, the

<sup>8</sup>F. Stephen Bridges et al., *Domestic Violence Statutes and Rates of Intimate Partner and Family Homicide: A Research Note*, CRIMINAL JUSTICE POLICY REV. 117–30 (Mar. 1, 2008).

<sup>9</sup>Violence Policy Center, *American Roulette: Murder-Suicide in the United States*—4th ed. (May 2012), [www.vpc.org/studies/amroul2012.pdf](http://www.vpc.org/studies/amroul2012.pdf).

<sup>10</sup>National Intimate Partner and Sexual Violence Survey, U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention (Nov. 2018), [http://www.cdc.gov/ViolencePrevention/pdf/NISVSI\\_Report2018-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVSI_Report2018-a.pdf) [hereafter NISVS survey].

<sup>11</sup>*Id.*

<sup>12</sup>*Id.*

<sup>13</sup>NISVS survey, *supra* note 10.

<sup>14</sup>Shannan Catalano et al., *Female Victims of Violence*, U.S. Department of Justice, Bureau of Justice Statistics (Sept. 2009) (decrease is based on data collected between 1993 and 2008), <http://www.ojp.usdoj.gov/bjs/intimate/ipv.htm>.

<sup>15</sup>Pub. L. No. 106–386, div. B, 114 Stat. 1492, 1492–1539 (2000).

<sup>16</sup>Pub. L. No. 109–162, 119 Stat. 2960 (2006).

<sup>17</sup>Pub. L. No. 113–4, 127 Stat. 54 (2013).

<sup>18</sup>Lisa N. Sacco, *The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization*, Cong. Res. Serv. R45410, at 2 (Nov. 19, 2018).

“shortfalls of legal responses and the need for a change in attitudes toward violence against women were primary reasons cited for the passage of VAWA.”<sup>19</sup>

In 2000, Congress reauthorized VAWA on a bipartisan basis as part of the Victims of Trafficking and Violence Protection Act.<sup>20</sup> Among other significant changes, the 2000 Act, as signed into law by President George W. Bush, improved the law with respect to the needs of battered immigrants, older victims, and victims with disabilities. Other modifications included additional protections for battered nonimmigrants; a new program providing transitional housing for victims of domestic violence, dating violence, sexual assault, and stalking; a requirement for grant recipients to submit reports on the effectiveness of programs; new programs designed to protect elderly and disabled women; mandatory funds to be used exclusively for rape prevention and education programs; and the inclusion of dating violence among the offenses covered by VAWA.

As further reauthorized by the Violence Against Women and Department of Justice Reauthorization Act in 2005,<sup>21</sup> VAWA dramatically improved the law enforcement response to violence against women and provided critical services necessary to support women in their struggle to overcome abusive situations. As with the 2000 Act, the 2005 Act expanded the initial mandate from 1994 to address not only domestic violence, but sexual assault and stalking as well, and specifically took into account the needs of underserved populations. It also added protections for battered and trafficked nonimmigrants, programs for Native American victims, and programs designed to improve the public health response to domestic violence.<sup>22</sup>

The 2005 Act also: (1) established the Court Training and Improvements, Child Witness, and Culturally Specific programs; (2) enhanced penalties for repeat stalking offenders; (3) expanded the federal criminal definition of stalking to include cyberstalking; and (4) amended the federal criminal code to revise the definition of the crime of interstate stalking to: (a) include placing someone under surveillance where there is an intent to kill, injure, harass, or intimidate a person; and (b) require consideration of substantial emotional harm to the stalking victim.

Although VAWA lapsed in 2013, it was ultimately reauthorized in 2013 after resolution of issues concerning immigration, tribal, and LGBTQ matters. As signed into law by President Barack Obama in 2013, the Act included new nondiscrimination provisions for all VAWA grant programs intended to ensure that victims receive services and are not subjected to discrimination based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.<sup>23</sup>

In addition, the 2013 Act included a number of other substantive provisions. First, it amended the DNA Analysis Backlog Elimination Act of 2000<sup>24</sup> to strengthen audit requirements for sexual assault evidence backlogs. It also required that for each fiscal year

<sup>19</sup> *Id.*

<sup>20</sup> Pub. L. No. 106-386, 114 Stat. 1464 (2000).

<sup>21</sup> Pub. L. No. 109-162, 119 Stat. 2960 (2006).

<sup>22</sup> See *id.*; William A. Kandel, *Immigration Provisions of the Violence Against Women Act* (VAWA), Cong. Res. Serv. R42477 (Aug. 9, 2013).

<sup>23</sup> Pub. L. No. 113-4, 127 Stat. 54 (2013).

<sup>24</sup> Pub. L. No. 106-546, 114 Stat. 2726 (2000).

through FY2018, not less than 75% of the total grant amounts (known as Debbie Smith grants) be awarded to carry out DNA analyses of samples from crime scenes for inclusion in the Combined DNA Index System (CODIS) and to increase the capacity of state or local government laboratories to carry out DNA analyses.<sup>25</sup>

Second, the 2013 Act amended and authorized appropriations for the Trafficking Victims Protection Act of 2000.<sup>26</sup> In particular, it enhanced measures to combat trafficking in persons, and amended the purpose areas for several grants to address sex trafficking.<sup>27</sup>

Third, it included new provisions involving Native American tribes. It granted authority to tribes to exercise what is known as “special domestic violence criminal jurisdiction” and civil jurisdiction to issue and enforce protection orders over any person. It also created a voluntary two-year pilot program for tribes to apply to the Attorney General to be designated as a participating tribe with the authority to exercise special criminal jurisdiction over domestic violence cases.<sup>28</sup>

Fourth, the 2013 Act provided a benefit to foreign nationals under the family based provisions of the Immigration and Nationality Act (INA). This benefit extended coverage to derivative children whose self-petitioning parent died during the petition process.<sup>29</sup> It also added housing rights for victims of domestic violence, dating violence, sexual assault, and stalking, including a provision ensuring that applicants could not be denied public housing assistance based on their status as victims of domestic violence, dating violence, sexual assault, or stalking.

Finally, the 2013 Act required each executive department carrying out a covered housing program to adopt a plan whereby tenants who are victims of domestic violence, dating violence, sexual assault, or stalking could be transferred to another available and safe unit of assisted housing. And, it required the Secretary of Housing and Urban Development to establish policies and procedures through which a victim requesting such a transfer might receive Section 8 assistance under the U.S. Housing Act of 1937.<sup>30</sup>

#### NEED FOR THE LEGISLATION

Even with this progress, however, domestic and sexual violence remain a significant and widespread problem. According to a 2018 National Intimate Partner and Sexual Violence Survey conducted by the CDC, sexual violence, stalking, and intimate partner violence are serious public health problems affecting 12 million men and women in the United States each year.<sup>31</sup> Nearly one in five women and one in 71 men have been raped in their lifetime.<sup>32</sup> In

<sup>25</sup> See generally Nathan James, *DNA Testing in Criminal Justice: Background, Current Laws, and Grants*, Cong. Res. Serv. R41800 (Jan. 24, 2018).

<sup>26</sup> Pub. L. 106–386, div. A, 114 Stat. 1466, 1466–91 (2000).

<sup>27</sup> Liana W. Rosen & Michael A. Weber, *Human Trafficking and Foreign Policy: An Introduction*, Cong. Res. Serv. IF10587, at 1 (Jan. 7, 2019); Kristin Finklea et al., *Justice for Victims of Trafficking Act of 2015: Changes to Domestic Human Trafficking Policies*, Cong. Res. Serv. R44315, at 4 (Dec. 17, 2015).

<sup>28</sup> National Congress of American Indians, *VAWA 2013’s Special Domestic Violence Criminal Jurisdiction Five-Year Report*, 2018, [http://www.ncai.org/resources/ncai-publications/SDVCJ\\_5\\_Year\\_Report.pdf](http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf).

<sup>29</sup> Kandell, *supra* note 19, at 6.

<sup>30</sup> See generally Maggie McCarty, *An Overview of the Section 8 Housing Programs: Housing Choice Vouchers and Project-Based Rental Assistance*, Cong. Res. Serv. RL32284 (Feb. 7, 2014).

<sup>31</sup> NISVS survey, *supra* note 10.

<sup>32</sup> *Id.*



the United States, 43.6% of women (nearly 52.2 million) experienced some form of contact sexual violence in their lifetime.<sup>33</sup> Nearly one in four women and one in seven men report experiencing severe physical violence by an intimate partner,<sup>34</sup> and 45 percent of the women killed in the United States die at the hands of an intimate partner.<sup>35</sup> And, vulnerable populations continue to face barriers to receiving services.

After the 2013 Act expired on September 30, 2018, a temporary extension was included as part of a continuing resolution appropriations act, which extended VAWA until December 7, 2018.<sup>36</sup> VAWA has since expired. Thus, not only must VAWA be reauthorized, but it must also be strengthened and enhanced. H.R. 1585 would reauthorize the expired VAWA and, as has been the case with each prior reauthorization, make various meaningful improvements to the Act to meet the varied and changing needs of survivors.

With respect to prevention, the bill increases authorized funding for the Rape Prevention & Education Program (RPE), and specifically authorizes programs addressing sexual harassment. In addition, the bill increases funding for VAWA Consolidated Youth grants, which provides prevention education that engages men and boys as allies and promotes healthy relationships as keys to reducing gender-based violence.

H.R. 1585 expands access and promotes safety for victims of violence on tribal lands by clarifying that tribal courts can hold accountable domestic violence offenders who assault tribal police officers or corrections officials. It ensures that non-Indian perpetrators who commit sexual assault, stalking, child abuse, and sex trafficking offenses on tribal lands are held accountable; it creates a permanent authorization for DOJ's Tribal Access to National Crime Information Program; it improves the response to cases of missing and murdered women in tribal communities; and it addresses the unique barriers to safety for Alaska Native women. The bill also expressly adds sexual harassment to the allowable uses of the National Resource Center on Workplace Responses to Domestic and Sexual Violence, which provides tools, resources, and training to private employers and federal agencies.

In addition, the bill promotes economic security for survivors and assists victims leaving abusers with targeted enhancements to existing law, which would allow domestic violence, sexual assault and stalking victims to be eligible for unemployment insurance. It authorizes training for healthcare providers to better recognize and respond to individuals who experience domestic violence, dating violence, sexual assault and stalking.

H.R. 1585 removes barriers to ensure compliance with VAWA's non-discrimination requirements and guarantees equal access to protections for all victims regardless of gender, especially those from marginalized communities. It will enforce housing rights for survivors/victims, create a position at the U.S. Department of Housing and Urban Development (HUD) specifically tasked with

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Catalano et al., *supra* note 10, at 4.

<sup>36</sup> Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245 (2018).

this work, increase survivors' options to maintain housing or break their leases, and strengthen the emergency transfer protections in federal housing programs to assist survivors who need to leave their existing homes due to safety concerns.

Further, the bill strengthens privacy protections online and across state lines and preserves confidentiality upon a survivor's death in accordance with their wishes. It discourages the use of bench warrants and other body attachments to compel victim cooperation and testimony, as this has been found to be traumatizing for the victim and counterproductive in encouraging victims to cooperate. It also acknowledges the trauma of incarceration on women and their family members, especially their children, and improves health care services and trauma informed responses to better prepare incarcerated women to return to their communities.

H.R. 1585 also improves the enforcement of current domestic violence-related firearms laws and equally protects all victims. It does this by allowing the use of Services Training Officers Prosecutors (STOP) grants to develop and institute relinquishment protocols for abusers prohibited by court order or state law from possessing firearms. The STOP Formula Grant Program is awarded to states and territories to enhance the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women. H.R. 1585 will require state, territorial, local, and tribal governments to certify that they have established and implemented such relinquishment programs within three years to be eligible for these grants.

In sum, H.R. 1585 is a comprehensive piece of legislation that recognizes the devastating and wide-ranging harm resulting from violence against women and men alike.<sup>37</sup>

### Hearings

The Committee's hearing on the "Reauthorization of the Violence Against Women Act," held on March 7, 2019, was used to develop H.R. 1585. During this hearing, the Committee heard testimony from the Honorable Ramona A. Gonzalez, President-Elect of the National Council of Juvenile and Family Court Judges, and a presiding judge in La Crosse County, Wisconsin; Sarah Deer, a MacArthur Fellow in 2014, and Professor at the University of Kansas; Roberta Valente, a Policy Consultant for the National Coalition Against Domestic Violence, a member organization of the National Task Force to End Sexual and Domestic Violence; and Ms. Julia Beck, a member of Women's Liberation Front, and a former Law and Policy Co-Chair of Baltimore City's LGBTQ Commission. In this hearing, the witnesses testified about the importance of VAWA and the urgency to reauthorize this law and to expand its protections.

<sup>37</sup> For example, According to the CDC, nearly a quarter of men (24.8% or 27.6 million) in the U.S. experienced some form of contact sexual violence in their lifetime, with 3.5% of men experiencing contact sexual violence in the 12 months preceding a 2018 survey. NISVS survey, *supra* note 10.

**Committee Consideration**

On Wednesday, March 13, 2019, the Committee met in open session and ordered the bill, H.R. 1585, favorably reported with an amendment, by a rollcall vote of 22 to 10, 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. 1585:

1. An amendment by Mr. Sensenbrenner amending section 903 to repeal current law with respect to tribal jurisdiction over crimes of domestic violence, dating violence, and criminal violations of protection orders was defeated by a rollcall vote of 9 to 16.

Roll Call No. \

Date: 3/13/14

## COMMITTEE ON THE JUDICIARY

House of Representatives

116<sup>th</sup> CongressAmendment # 2 ( ) to the ~~ANS~~ to HR 1585 offered by Rep. Sensenbrenner☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)			
Karen Bass (CA-37)		✓	
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)			
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)			
Lou Correa (CA-46)			
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES.
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)			
Louie Gohmert (TX-01)			
Jim Jordan (OH-04)	✓		
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)			
Guy Reschenthaler (PA-14)			
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)	✓		
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	9	16	

2. An amendment by Mr. Buck to: (1) add an additional conclusion to the findings in the bill that, after accounting for variables, when a woman who had been a victim of domestic violence has sole access to a firearm, she is safer; and (2) allow the Attorney General to provide VAWA grant money to organizations that conduct firearms training courses for victims of VAWA-related crimes was defeated by a rollcall vote of 14 to 19.

Roll Call No. 2Date: 3/13/14

## COMMITTEE ON THE JUDICIARY

House of Representatives

116<sup>th</sup> CongressAmendment # 4 ( ) to the ANS to HR 1585 offered by Rep. Buck☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)		✓	
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)			
Lou Correa (CA-46)			
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES.
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)	✓		
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)	✓		
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	14	19	

3. An amendment by Ms. Lesko providing that nothing in the bill or the amendments made by the bill may be construed to compel a victim service provider to place a woman or child into a circumstance in which the woman or child has grounds to fear for a violation of privacy or for his or her safety was defeated by a roll-call vote of 11 to 22.

Roll Call No. 3Date: 3/13/14

## COMMITTEE ON THE JUDICIARY

House of Representatives

116<sup>th</sup> CongressAmendment # 6 ( ) to the HNS to HR 155 offered by Rep. Lesko☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)		✓	
Cedric Richmond (LA-02)		✓	
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES.
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)			
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)			
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)	✓		
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	11	22	



4. An amendment by Mr. Gohmert removing the gender identity language from the bill was defeated by a rollcall vote of 11 to 22.

Roll Call No. 4Date: 3/13/11

## COMMITTEE ON THE JUDICIARY

House of Representatives

116<sup>th</sup> CongressAmendment # 8 ( ) to H.R. ANS to H.R. 85 offered by Rep. Gohmert☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)		✓	
Cedric Richmond (LA-02)		✓	
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES.
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)	✓		
Ken Buck (CO-04)			
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)	✓		
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	11	22	

5. An amendment by Ms. Lesko and Mr. Chabot amending section 2 of the bill to provide that: (1) no religious entity (as described in section 702(a) or 703(e)(2) of the Civil Rights Act of 1964) may be subject to any prohibition of workplace discrimination on the basis of religion; (2) a faith-based organization may adopt or implement standards with respect to employee conduct or delivery of services that are consistent with such organization's religious beliefs and moral convictions; and (3) no contract, grant, or other agreement under the bill may be denied or revoked based on the assertion of any right protected under section 40002(b) of VAWA as amended by the bill was defeated by a rollcall vote of 12 to 23.

Roll Call No. 5Date: 3/13/14

## COMMITTEE ON THE JUDICIARY

House of Representatives

116<sup>th</sup> CongressAmendment # 9 ( ) to the ANS to HR 1548 offered by Rep. Chabot + Lesko☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)			
Karen Bass (CA-37)		✓	
Cedric Richmond (LA-02)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES.
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)		✓	
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)	✓		
Ken Buck (CO-04)			
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)	✓		
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	12	23	

6. An amendment in the nature of a substitute by Mr. Nadler making a series of technical revisions to the bill was agreed to by a rollcall vote of 22 to 10.

Roll Call No. 6Date: 3/13/19

## COMMITTEE ON THE JUDICIARY

*in the nature of a*  
House of Representatives  
116<sup>th</sup> CongressAmendment # 1 ( ) to HR 1585 offered by Rep. Nadler☒ PASSED☐ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)	✓		
Zoe Lofgren (CA-19)	✓		
Sheila Jackson Lee (TX-18)	✓		
Steve Cohen (TN-09)	✓		
Hank Johnson (GA-04)	✓		
Ted Deutch (FL-02)			
Karen Bass (CA-37)	✓		
Cedric Richmond (LA-02)	✓		
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)	✓		
Eric Swalwell (CA-15)	✓		
Ted Lieu (CA-33)	✓		
Jamie Raskin (MD-08)	✓		
Pramila Jayapal (WA-07)	✓		
Val Demings (FL-10)	✓		
Lou Correa (CA-46)	✓		
Mary Gay Scanlon (PA-05)	✓		
Sylvia Garcia (TX-29)	✓		
Joseph Neguse (CO-02)	✓		
Lucy McBath (GA-06)	✓		
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)	✓		
Debbie Mucarsel-Powell (FL-26)	✓		
Veronica Escobar (TX-16)	✓		
	AYES	NOS	PRES
Doug Collins (GA-27)		✓	
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)		✓	
Louie Gohmert (TX-01)		✓	
Jim Jordan (OH-04)			
Ken Buck (CO-04)			
John Ratcliffe (TX-04)		✓	
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)		✓	
Andy Biggs (AZ-05)		✓	
Tom McClintock (CA-04)		✓	
Debbie Lesko (AZ-08)		✓	
Guy Reschenthaler (PA-14)		✓	
Ben Cline (VA-06)		✓	
Kelly Armstrong (ND-AL)		✓	
Greg Steube (FL-17)		✓	
	AYES	NOS	PRES.
TOTAL	22	10	

7. Motion to report H.R. 1585, as amended, favorably, was agreed to by a rollcall vote of 22 to 11.

Roll Call No. 7

Date: 3/13/14

## COMMITTEE ON THE JUDICIARY

House of Representatives  
116<sup>th</sup> Congress

Final Passage on H.R. 1585

☐ PASSED☐ FAILED

	AYES	NOS	PRES.	
Jerrold Nadler (NY-10)	✓			
Zoe Lofgren (CA-19)	✓			
Sheila Jackson Lee (TX-18)	✓			
Steve Cohen (TN-09)	✓			
Hank Johnson (GA-04)	✓			
Ted Deutch (FL-02)	✓			
Karen Bass (CA-37)	✓			
Cedric Richmond (LA-02)	✓			
Hakeem Jeffries (NY-08)	✓			
David Cicilline (RI-01)	✓			
Eric Swalwell (CA-15)	✓			
Ted Lieu (CA-33)	✓			
Jamie Raskin (MD-08)	✓			
Pramila Jayapal (WA-07)	✓			
Val Demings (FL-10)	✓			
Lou Correa (CA-46)	✓			
Mary Gay Scanlon (PA-05)	✓			
Sylvia Garcia (TX-29)	✓			
Joseph Neguse (CO-02)	✓			
Lucy McBath (GA-06)	✓			
Greg Stanton (AZ-09)	✓			
Madeleine Dean (PA-04)	✓			
Debbie Mucarsel-Powell (FL-26)	✓			
Veronica Escobar (TX-16)	✓			
	AYES	NOS	PRES.	
Doug Collins (GA-27)		✓		
James F. Sensenbrenner (WI-05)				
Steve Chabot (OH-01)		✓		
Louie Gohmert (TX-01)		✓		
Jim Jordan (OH-04)		✓		
Ken Buck (CO-04)		✓		
John Ratcliffe (TX-04)		✓		
Martha Roby (AL-02)				
Matt Gaetz (FL-01)				
Mike Johnson (LA-04)				
Andy Biggs (AZ-05)		✓		
Tom McClintock (CA-04)		✓		
Debbie Lesko (AZ-08)		✓		
Guy Reschenthaler (PA-14)		✓		
Ben Cline (VA-06)		✓		
Kelly Armstrong (ND-AL)		✓		
Greg Steube (FL-17)		✓		
	AYES	NOS	PRES.	
TOTAL	22	11		



### **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 and Congressional Budget Office Cost Estimate**

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

### **Duplication of Federal Programs**

No provision of H.R. 1585 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

### **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. 1585 would reauthorize the Violence Against Women Act of 1994 and make moderate enhancements to address the current needs of victims and survivors of domestic violence, dating violence, sexual assault, and stalking.

### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1585 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

### **Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

*Sec. 1. Short Title.* Section 1 sets forth the short title of the bill as the “Violence Against Women Reauthorization Act of 2019,” and includes a table of contents for the measure.

*Sec. 2. Universal Definitions and Grant Conditions.* Section 2 amends section 12291 of title 34 of the U.S. Code to define various

new terms and to amend existing terminology. Among the new terms are “abuse in later life,” “alternative justice response,” “digital services,” “economic abuse,” “forced marriage,” and “technological abuse.” It also updates the existing definitions for domestic violence and elder abuse and amends the criteria for certain grant conditions pertaining to the nondisclosure of confidential or private information, broadens the availability of technical assistance by the Office on Violence Against Women (OVW), and extends coverage of victim services and legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking (“the enumerated VAWA crimes”) who are also victims of forced marriage.

TITLE I—ENHANCING LEGAL TOOLS TO COMBAT DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

*Sec. 101. STOP Grants.* Section 101 amends section 10441 et seq., of title 34 of the U.S. Code to update terminology, and allow the use of Services, Training, Officers, and Prosecutors (STOP) grants to develop law enforcement tools and protocols for preventing domestic violence homicides, by ensuring the appropriate recovery and storage by law enforcement of dangerous weapons by adjudicated perpetrators of domestic violence, dating violence, sexual assault or stalking, as well as the return of such weapons where appropriate. Section 101 also incentivizes the implementation of the non-discrimination requirements of VAWA and it conditions eligibility for grant monies on the development of protocols that strongly discourage compelling victim testimony and requires state, territorial, local, and tribal governments to certify that they have established and implemented such programs to be eligible for grants. It authorizes funding for fiscal years 2020 through 2024.

*Sec. 102. Grants to Improve the Criminal Justice Response.* Section 102 amends section 10461 of title 34 of the U.S. Code to direct the implementation of programs for offender accountability and homicide reduction. It eliminates use of the term “older individuals” and “individuals with disabilities” in favor of the term “people 50 years of age or over” and “people with disabilities.” Section 102 also establishes an additional grant purpose area by introducing language to open grants for pilot programs focused on increasing survivor, law enforcement, and community safety by looking at alternative and community-based methods of survivor safety and perpetrator accountability. In addition, it uses grant monies to carry out policies and procedures relative to the surrender, removal, and storage of dangerous weapons from prohibited possessors. Eligible grantees must certify they have developed protocols to discourage the use of bench warrants and compelling witness testimony. Section 102 authorizes funding for 2020 through 2024.

*Sec. 103. Legal Assistance for Victims.* Section 103 amends section 20121 of title 34 of the U.S. Code to authorize funding for legal assistance for victims for fiscal years 2020 through 2024, and expands such legal assistance to address the needs of the dependents of victims.

*Sec. 104. Grants to Support Families in the Justice System.* Section 104 amends section 12464 of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 for grants to support families in the justice system with a history of domestic violence, dating violence, sexual assault, or stalking. It also expands

the categories for which such funds may be used to develop and implement an alternative justice response to these problems.

*Sec. 105. Outreach and Services to Underserved Populations Grants.* Section 105 amends section 20123(h) of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 for grants for outreach and services to underserved populations.

*Sec. 106. Criminal Provisions.* Section 106 amends section 2265 of title 18 of the U.S. Code to ensure that the limitations placed on the Internet publication of information pertaining to the filing of a protection order apply in a particular state, territorial, or tribal jurisdiction regardless of whether the protection order was issued in that same state, territory, or tribal jurisdiction. The bill also ensures that all Alaska tribes have the same full civil jurisdiction as other tribal courts already have to issue and enforce protection orders.

*Sec. 107. Rape Survivor Child Custody.* Section 107 amends section 121308 of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 for grants to states that have in place laws allowing the mother of a child conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child.

#### TITLE II—IMPROVING SERVICES FOR VICTIMS

*Sec. 201. Sexual Assault Services Program.* Section 201 amends section 12511(f)(1) of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 for grants to states, territories, and Native American tribes for sexual assault services programs.

*Sec. 202. Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program.* Section 202 amends section 12341 of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 for grants to states, territories, and Native American tribes for rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance programs.

*Sec. 203. Training and Services to End Violence Against People with Disabilities.* Section 203 amends section 20122 of title 34 of the U.S. Code to update key terminology and authorizes funding to advance services for survivors with disabilities for fiscal years 2020 through 2024. It includes a minor change directing funds for capacity-building to organizations to respond to victims of domestic violence, dating violence, sexual abuse, and stalking who are people with disabilities.

*Sec. 204. Training and Services to End Abuse in Later Life.* Section 204 amends section 12421 of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 to educate community-based organizations and other professionals on abuse in later life, enhance coordinated community response teams, and advance services for older survivors of abuse. It makes minor revisions to clarify eligibility criteria and expand who can receive training and education pursuant to grants.

#### TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS

*Sec. 301. Rape Prevention and Education Grant.* Section 301 amends section 280b-1b of title 42 of the U.S. Code to increase the authorization amount to \$150 million for each of fiscal years 2020

through 2024. It requires that at least 80% of funds go to states for community-based, culturally-specific prevention activities in collaboration with state sexual assault coalitions that work on rape prevention activities. Section 301 expands the categories for permitted use of funds to reflect the work grantees are engaged in that specifically addresses sexual harassment.

*Sec. 302. Creating Hope through Outreach, Options, Services, and Education (CHOOSE) for Children and Youth.* Section 302 amends section 12451 of title 34 of the U.S. Code to clarify that funding under the CHOOSE program for children and youth is being provided for the core areas of VAWA—domestic violence, dating violence, sexual assault, and stalking—and that services that target youth should also incorporate youth in underserved populations. It increases funding by \$10 million annually for fiscal years 2020 through 2024. Section 302 directs that funds also be used to clarify state or local mandatory reporting policies and practices regarding peer-to-peer dating violence, sexual assault, and stalking. It would include sex trafficking and bullying as elements that can be addressed with CHOOSE grants when part of a comprehensive youth violence response program.

*Sec. 303. Grants to Combat Violent Crimes on Campuses.* Section 303 amends section 20125 of title 34 of the U.S. Code to improve campus grant programs for fiscal years 2020 through 2024 to support institutions of higher education in developing and disseminating comprehensive prevention education for all students. It expands training for campus-based personnel and campus health centers to meet the needs of young victims of violence and to provide training for health providers on how to provide universal education on the impacts of violence on health. It requires any statistical summary report to Congress on persons served under these grants include data on sexual orientation and gender identity. Section 303 increases authorized funding by \$4 million annually to \$16 million for fiscal years 2020 through 2024.

*Sec. 304. Combat Online Predators.* Section 304 amends chapter 110A of title 18 of the U.S. Code to provide for an enhanced penalty (up to five extra years) for stalkers of children, but it limits application of the enhancement, under certain circumstances, if the person who committed the offense is also a minor or the victim is not less than 15 nor more than 17 years of age and not more than three years younger than the person who committed the offense. The bill also requires the Attorney General, not later than one year after enactment of this legislation, to submit a report to Congress on best practices regarding the enforcement of anti-stalking laws.

#### TITLE IV—VIOLENCE REDUCTION PRACTICES

*Sec. 401. Study Conducted by the Centers for Disease Control and Prevention.* Section 401 amends section 280b–4 of title 42 of the U.S. Code to clarify that funds administered by the Centers for Disease Control and Prevention are to be appropriated for research on prevention and intervention programs whose goal is to reduce and prevent violence against adults, youth, and children. The bill also preserves dedicated funding for fiscal years 2020 through 2024 for these grants.

*Sec. 402. Saving Money and Reducing Tragedies (SMART) through Prevention Grants.* Section 402 amends section 12463 of

title 34 of the U.S. Code to allow the SMART Prevention grants administered by the Attorney General to prioritize youth violence prevention programming that: includes outcome-based evaluation; does not duplicate existing efforts; and has a significant focus on underserved populations. Section 402 restores the authorized appropriation for this program back to its originally authorized annual level of \$45 million for fiscal years 2020 through 2024.

#### TITLE V—STRENGTHENING THE HEALTHCARE SYSTEMS RESPONSE

*Sec. 501. Grants to Strengthen the Healthcare Systems Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking.* Section 501 amends section 280g-4 of title 42 of the U.S. Code to address the four enumerated VAWA crimes—domestic violence, dating violence, sexual assault, and stalking—across the lifespan, including addressing domestic and sexual violence experienced by older adults and children/youth. For these purposes, it authorizes funding, through the Secretary of Health and Human Services (HHS), for fiscal years 2020 through 2024. It broadens the reach of grants that develop services to address the safety, medical, and mental health needs of patients, while maintaining their local focus of providing funds to state domestic and sexual violence coalitions to improve their capacity to coordinate with and support health advocates and other health system partnerships.

Section 501 directs HHS to focus some of its grants on training programs to improve the capacity of early childhood programs to address their responses to domestic violence, dating violence, sexual assault, and stalking. It specifies that funding for the development of culturally competent clinical trainings in the context of medical and health education must specifically address protective factors related to labor and sex trafficking. It also authorizes the development, implementation, and evaluation of best practices, tools, and training materials for behavioral health professionals to identify and respond to the enumerated VAWA crimes and it incorporates the integration of knowledge about these crimes into professional licensing and accreditation by mental health boards.

Section 501 provides a portion of the funding to implement and support programming for community health centers, rural health providers and others who serve medically-underserved communities. It also authorizes the development of state-level pilot programs to improve the ability of substance use disorder treatment programs to address issues pertaining to the enumerated VAWA crimes, and improves “data collection” regarding the VAWA crimes and their interaction with substance use disorder, coerced use of substances, and mental or behavioral health.

#### TITLE VI—SAFE HOMES FOR VICTIMS

*Sec. 601. Housing Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.* Section 601 amends section 12491 of title 34 of the U.S. Code to clarify that a “covered housing program” includes the direct loan program that provides supportive housing for the elderly and it adds five additional programs as VAWA covered programs, including housing assistance for homeless veterans and for homeless veterans with special needs. For purposes of this section, the bill incorporates key definitions, including “covered housing provider,” which includes those

persons and entities responsible for administration or oversight of a covered housing program, including public housing agencies, state and local governments, and Continuums of Care.

Section 601 adds a prohibition against evicting survivors based on the abuse committed by or the criminal activity of a perpetrator of abuse. Any adverse eviction decision requires an individualized review of the relevant circumstances and an opportunity to challenge the decision. In the event of a “family break-up,” the bill requires a covered housing provider to afford the survivor an opportunity to establish their own eligibility for the covered housing program; or to give the survivor at least 180 days to find new housing or to establish eligibility for another covered housing program. It permits early termination of a covered housing program lease by a victim of domestic violence, dating violence, sexual assault, or stalking. In addition, it requires tenants who are victims of domestic violence, dating violence, sexual assault, or stalking be transferred to another available safe dwelling assisted under covered housing if they request transfer and they reasonably believe they are threatened with imminent harm or they have been sexually assaulted on the premises during the 180-day period preceding the transfer request.

Section 601 also requires HUD to adopt an emergency transfer policy for use by covered programs associated with each HUD regional office, to include policies that mandate that emergency transfers take priority over non-emergency transfers and over existing waiting lists, and policies that incorporate confidentiality measures. The bill requires covered housing providers to make an internal transfer to another safe unit within 10 days, or, if unavailable, to make a referral to the appropriate HUD regional office. The bill provides for emergency transfer vouchers for victims, and it authorizes \$20M for emergency transfers for each of fiscal years 2020 through 2024. Implementation with respect to each covered housing program includes training for staff of covered housing programs and dissemination of information pertaining to service providers in the coverage area.

*Sec. 602. Ensuring Compliance and Implementation; Prohibiting Retaliation Against Victims.* Section 602 amends section 12491 et seq. of title 34 of the U.S. Code to establish a requirement for annual reviews by each covered housing program to ensure compliance with the housing protections established on behalf of victims of the VAWA crimes. It establishes a Violence Against Women Director in HUD (VAWA Director), and implements data collection and oversight practices and requires the VAWA Director to maintain a database of available and soon-to-be available dwellings for emergency transfers. It also prohibits covered housing providers from retaliating against persons exercising their rights or participating in processes relative to the housing protections established to benefit victims of the enumerated VAWA crimes.

*Sec. 603. Protecting the Right to Report Crime from One’s Home.* Section 603 amends section 12491 et seq. of title 34 of the U.S. Code to allow reporting of crimes and emergencies by landlords, homeowners, residents, occupants, guests, and housing applicants where they are the victim, without being penalized by any covered governmental entities. Section 603 enables reporting and oversight to ensure compliance with these provisions. Covered governmental

entities include any municipal, county or state entities receiving federal housing and community development funding, including subgrantees of such funding. Section 603 authorizes grants for the development and implementation of effective, alternative crime reduction methods to supplant punitive programs and policies, including proscribing the imposition of penalties on victims of crimes because criminal activity occurred at the property where the victim resides.

*Sec. 604. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.* Section 604 amends section 12351 of title 34 of the U.S. Code to authorize funding for fiscal years 2020 through 2024 for transitional housing grants for victims of the enumerated VAWA crimes and ensures that up to 8% of the funding made available for this section may be used by the Attorney General for evaluation and other administrative expenses. It also makes funds available to “population-specific organizations.”

*Sec. 605. Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.* Section 605 amends section 11383(a) of title 42 of the U.S. Code to make eligibility for Continuum of Care grants (McKinney-Vento Homeless Assistance Grants) to those serving homeless individuals or families and also makes such grants available for use to facilitate and ensure compliance with the provisions of VAWA that provide housing protections for victims of the enumerated VAWA crimes. Additionally, Section 605 expands the range of individuals who may qualify for such grants. It authorizes funding for fiscal years 2020 through 2024 for collaborative grants to increase the long-term stability of victims who are homeless or at risk of becoming homeless as well as authorizes funding for fiscal years 2020 through 2024 for grants to combat the enumerated VAWA crimes when they take place in public and assisted housing and makes such funds available to “population-specific organizations.”

*Sec. 606. United States Housing Act of 1937 Amendments.* Section 606 amends section 1437c–1(d) of title 42 of the U.S. Code to require that annual public housing agency plans include copies of: (1) all standardized notices issued pursuant to VAWA; (2) the VAWA emergency transfer plan; and (3) all memoranda of understanding with other covered housing providers to facilitate emergency transfers. In addition to descriptions already required under existing law, the bill also requires the annual housing agency plans to include descriptions of all training and support services offered to staff of the public housing agency relative to the enumerated VAWA crimes and the implementation of VAWA’s housing protections. Section 606 requires public housing agency plans include certifications of compliance with VAWA.

#### TITLE VII—ECONOMIC SECURITY FOR VICTIMS

*Sec. 701. Findings.* Section 701 makes a series of findings pertaining to the prevalence of sexual violence, domestic violence, and intimate partner violence, stalking, workplace homicides, firearm deaths, and the presence of firearms in domestic violence situations; the negative effects of domestic violence on the workplace and on the autonomy, liberty, and security of survivors; the cost of intimate partner violence and its effect on workplace productivity;

the prevalence of economic abuse; and the need for additional responses to assist survivors.

*Sec. 702. National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence.* Section 702 amends section 12501 of title 34 of the U.S. Code to reauthorize the National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence, and increases its authorization to \$2 million annually for fiscal years 2020 through 2024. Section 702 also extends grant authority to assist victims of sexual harassment and extends the provision of information and assistance by the Resource Center to victim service providers.

*Sec. 703. Entitlement to Unemployment Compensation for Victims of Sexual and other Harassment and Survivors of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.* Section 703 amends section 3304(a) of the Internal Revenue Code of 1986 to provide that state unemployment compensation shall not be denied to an individual who voluntarily separates from employment if such separation is attributable to the individual being a victim of sexual or other harassment, or a survivor of domestic violence, dating violence, sexual assault, or stalking. It specifies the types of documentation that must be considered to establish eligibility for unemployment compensation. Section 703 also requires states to streamline their procedures for documenting eligibility for unemployment compensation by victims and survivors.

In addition, section 703 provides for the training of unemployment compensation personnel and personnel of the Temporary Assistance for Needy Families (TANF) program, regarding these new provisions. TANF personnel training must include a requirement that the state receiving TANF funds certify that it has established and is enforcing standards and procedures regarding notification to survivors about their rights, ensuring training of case workers and eligible personnel by a competent training program, and screening for identification of victims. It authorizes the Secretary of Labor to award grants for the development and dissemination of a model training program and technical assistance relative to sexual and other harassment, domestic violence, dating violence, sexual assault and stalking for unemployment compensation and TANF personnel, including at the state, tribal, and local levels. Section 703 authorizes \$1 million for fiscal year 2020 for development of the model-training program and \$12 million for fiscal years 2020 through 2024 for grants to states, tribal, and local agencies.

Section 703 ensures that this section does not supersede any federal, state or local law, agreement, program, or plan that provides greater unemployment benefit insurance to survivors, and preempts any state or local laws, collective bargaining agreements, or employment benefits programs or plans that diminish the guarantees under this bill. It also provides for effective dates for implementation of this section and for extensions of the effective dates for states that would need to amend their laws to enable proper implementation.

*Sec. 704. Study and Reports on Barriers to Survivors' Economic Security Access.* Section 704 directs the Secretary of Health and Human Services, in consultation with the Secretary of Labor, to conduct a study on the barriers that survivors experience, throughout the United States, in maintaining economic security, as a re-



sult of issues related to domestic violence, dating violence, sexual assault, and stalking. It requires the issuance of recommendations to ensure successful implementation of provisions to ensure the economic security of survivors.

*Sec. 705. GAO Study.* Section 705 directs the Comptroller General to carry out a Government Accountability Office (GAO) study, to be completed 18 months from enactment of the bill, on the effects of domestic violence, dating violence, sexual assault, or stalking on survivors' ability to continue their enrollment in institutions of higher education and their ability to repay their student loans. Among other things, the study would assess the ability of survivors to establish or maintain financial independence from their abusers.

*Sec. 706. Education and Information Programs for Survivors.* Section 706 directs various agencies to coordinate and provide a national public outreach and education campaign to raise public awareness of the workplace impact of domestic violence, dating violence, sexual assault, and stalking; the resources and rights available for survivors; and best practices on prevention. It also directs the Secretary of Labor and the Secretary of Health and Human Services to conduct a study on the status of workplace responses to employees who experience domestic violence, dating violence, sexual assault, or stalking and their access to supportive resources and economic security. Section 706 authorizes appropriations to carry out this section as may be necessary for fiscal years 2020 through 2024.

*Sec. 707. Severability.* If any portion of this legislation is found to be unconstitutional, section 707 provides for severability.

#### TITLE VIII—HOMICIDE REDUCTION INITIATIVES

*Sec. 801. Prohibiting Persons Convicted of Misdemeanor Crimes Against Dating Partners and Persons Subject to Protection Orders.* Section 801 amends section 921(a) of title 18 of the U.S. Code to redefine the terms "intimate partner" and "misdemeanor crime of domestic violence." As defined by this provision, an intimate partner includes a dating partner or former dating partner, and any other person similarly situated to a spouse. A misdemeanor crime of domestic violence includes an offense that is a misdemeanor under municipal law, and also applies to the commission of an offense by an intimate partner. Section 801 defines a misdemeanor crime of stalking as an offense that involves taking an action that causes, attempts to cause, or would reasonably be expected to cause emotional distress by harassment, intimidation, or surveillance of another person. To be considered to have been convicted of a misdemeanor crime of stalking, the convicted individual must have been offered basic due process guarantees.

*Sec. 802. Prohibiting Stalkers and Individuals Subject to Court Order from Possessing a Firearm.* Section 802 amends section 922 of title 18 of the U.S. Code to prohibit persons previously convicted of misdemeanor stalking from possessing firearms and it makes it unlawful for a person to sell or transfer a firearm or ammunition to any person they believe, or have reasonable cause to believe, has been convicted of misdemeanor stalking. Section 802 prohibits respondents to ex parte protection orders from possessing firearms, as long as these individuals have been subject to appropriate due process to respond to the protection order. A person subject to a

court order that restrains such a person from intimidating or dissuading a witness from testifying in court is also a prohibited possessor. Section 802 also prohibits a person from selling or transferring a firearm or ammunition to any person they believe or have reasonable cause to believe is subject to a protection order, including an ex parte protection order or an order that restrains the person from intimidating or dissuading a witness from testifying in court.

#### TITLE IX—SAFETY FOR INDIAN WOMEN

*Sec. 901. Findings and Purposes.* Section 901 makes a number of findings regarding the extraordinarily high rates of murder committed and violent crimes perpetrated against Native American and Alaska Native women. It states that the purposes of this title are to: clarify the responsibilities of federal, state, tribal, and local governments with respect to responding to cases of the enumerated VAWA crimes, among others; increase coordination and communication among law enforcement agencies; empower tribal governments with resources; and increase the collection of data and information-sharing related to missing and murdered Native women.

*Sec. 902. Authorizing Funding for the Tribal Access Program.* Section 902 amends section 534 of title 28 of the U.S. Code to authorize \$3 million per fiscal year for 2020 through 2024 for the Tribal Access Program to enhance the ability of tribal government entities to enter information into and obtain information from Federal criminal information databases.

*Sec. 903. Tribal Jurisdiction over Crimes of Domestic Violence, Dating Violence, Sexual Violence, Sex Trafficking, Stalking, and Violence Against Law Enforcement Officers.* Section 903 amends section 1304 of title 25 U.S. Code to expand the jurisdiction of tribal authorities over a non-Native American who commits a crime in Indian country, if the crime occurs within the territory of a participating Native American tribe (i.e., one that provides certain due process guarantees), including any participating tribes in the State of Maine. The Indian Civil Rights Act currently provides for a “special tribal domestic violence jurisdiction” that extends tribal jurisdiction to non-Native Americans over domestic violence, dating violence, and criminal violations of a protection order. This section reaffirms the jurisdiction of participating tribes over these crimes and extends it to cover the additional crimes of assault of a law enforcement or correctional officer; obstruction of justice; sex trafficking; sexual violence; and stalking. The extended jurisdiction is termed “special tribal criminal jurisdiction.”

Section 903 amends the definition of domestic violence to include violence committed against a victim who is a child under the age of 18 or an elder. It authorizes grants to tribal governments to create a pilot project to allow up to five Native American tribes in Alaska to implement special tribal criminal jurisdiction and, for that specific purpose, to redefine Indian country to include certain lands in Alaska. The bill authorizes \$5 million per year for each of fiscal years 2020 through 2024.

*Sec. 904. Annual Reporting Requirements.* Section 904 directs the Attorney General and the Secretary of the Interior to jointly submit an annual report to Congress that must include statistics on missing and murdered Indian women in the United States, including

statistics relating to incidents of sexual assault. The report must also make recommendations regarding how to improve data collection on missing and murdered Indian women.

#### TITLE X—OFFICE ON VIOLENCE AGAINST WOMEN

*Sec. 1001. Establishment of Office on Violence Against Women.* Section 1001 amends section 10442 of title 34 of the U.S. Code to update the name of the office in the Department of Justice charged with implementing VAWA, from the “Violence Against Women Office” to the “Office on Violence Against Women,” and adds to the jurisdiction of the Office the VAWA reauthorization bills passed in 2005 and 2013, as well as the current reauthorization. It clarifies that the Office on Violence Against Women must not be subsumed under any other grant-making office within the U.S. Department of Justice.

#### TITLE XI—IMPROVING CONDITIONS FOR WOMEN IN FEDERAL CUSTODY

*Sec. 1101. Improving the Treatment of Primary Caretaker Parents and other Individuals in Federal Prisons.* Section 1101 amends chapter 303 of title 18 of the U.S. Code to direct the Director of the Bureau of Prisons (BOP) to establish an office to determine the placement of prisoners. The office would be required to place prisoners taking into consideration several factors, including proximity to the prisoner’s children, health and safety of the prisoner, and other factors determined by the office and by reference to a specific protocol. Section 1101 prohibits segregated housing for prisoners who are pregnant, or in post-partum recovery, and requires the BOP to hold parenting classes for prisoners who are primary caretaker parents. In addition, it requires training for corrections officers and BOP employees to learn to identify trauma among prisoners and to learn how to refer them to health professionals.

Section 1101 directs the BOP to furnish proper health care for all prisoners, including access to a gynecologist, and to provide shampoo, toothpaste, toothbrushes, and other hygienic products, at no cost, for prisoners. The Director of the BOP would also be required to issue regulations pertaining to sex-appropriate strip-searches and the use of restrooms by correctional officers that are reserved for prisoners of the opposite sex. Section 1101 prohibits the BOP Director from preventing an eligible prisoner who is a primary caretaking parent or is pregnant from participating in a program of residential substance abuse treatment because, prior to their commitment to the BOP, the prisoner failed to disclose their substance abuse problem. Section 1101 requires implementation of these provisions not later than two years from enactment.

*Sec. 1102. Public Health and Safety of Women.* Section 1102 directs the BOP to establish, no later than 270 days from enactment, a pilot program to permit women incarcerated in the BOP and the children born to such women during incarceration to reside together while the prisoner serves a term of imprisonment in a separate housing wing of the prison. Any inmate who is pregnant at the beginning of the term of imprisonment in BOP would be eligible to apply for the program. Inmates would be selected to participate for up to 30 months, unless released from custody earlier. Section 1102 directs the development of an offender risk and needs assessment system particular to the health sensitivities of federally incarcer-

ated pregnant women and mothers; the development of recommendations for recidivism reduction programs and productive activities; and ongoing research and data analysis to determine whether revisions or updates to the program are appropriate. It directs annual reporting to Congress regarding progress in implementation of the program and authorizes \$10 million per fiscal year, for 2020 through 2024.

#### TITLE XII—LAW ENFORCEMENT TOOLS TO ENHANCE PUBLIC SAFETY

*Sec. 1201. Notification to Law Enforcement Agencies of Prohibited Purchase or Attempted Purchase of a Firearm.* Section 1201 amends title I of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007 to require NICS to notify law enforcement when a person subject to an order of protection or a person who has been convicted of a misdemeanor crime of domestic violence or a misdemeanor crime of stalking fails a background check. This requirement shall apply if NICS made such a determination more than three days after NICS was first contacted to run a check on the person and the prohibited person has taken possession of the firearm. The appropriate agencies for notification are the relevant FBI field office and local, state and tribal law enforcement.

*Sec. 1202. Reporting of Background Check Denials to State, Local, and Tribal Authorities.* Section 1202 amends section 44 of title 18 of the U.S. Code by requiring the Attorney General, within 24 hours after the issuance of an NICS notice about a person subject to an order of protection, or who has been convicted of a misdemeanor crime of domestic violence or a misdemeanor crime of stalking, to issue a report to state, local, or tribal law enforcement and prosecutors in the jurisdiction where the person sought to acquire the firearm, or to law enforcement authorities and prosecutors in the person's state of residence.

*Sec. 1203. Special Assistant U.S. Attorneys and Cross-Deputized Attorneys.* Section 1203 amends chapter 44 of title 18 of the U.S. Code to authorize the Attorney General to use existing authority to deputize Special Assistant U.S. Attorneys in at least 75 jurisdictions, including tribal jurisdictions, with high rates of firearm-involved intimate partner violence, to enforce or assist the U.S. Attorney Offices in prosecuting prohibited possessors who are subject to an order of protection, or have been convicted of a misdemeanor crime of domestic violence or a misdemeanor crime of stalking. It also deputizes state, tribal, territorial and local prosecutors and law enforcement officers for the purpose of enhancing the work of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in responding to intimate partner violence. Section 1203 also requires ATF field offices and U.S. Attorney Offices to appoint domestic violence points of contact to expedite requests for assistance from State, tribal, territorial and local law enforcement.

#### TITLE XIII—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE

*Sec. 1301. Short title.* Section 1301 sets forth the short title of this title of the bill as the “Closing the Law Enforcement Consent Loophole Act of 2019”.

*Sec 1302. Prohibition on Engaging in Sexual Acts While Acting Under Color of Law.* Section 1302 amends section 2243 of title 18

of the U.S. Code to make it unlawful for a person, while acting under color of law, to knowingly engage in a sexual act with an individual who is under arrest, in detention or otherwise in the actual custody of any federal law enforcement officer. Section 1302 establishes that, in such a prosecution, it shall not be a defense that the other individual consented to the sexual act. A person found guilty of this offense may be imprisoned for up to 15 years.

*Sec. 1303. Incentives for States.* Section 1303 authorizes the Attorney General to make grants to states, tribes, and territories that have in effect laws prohibiting a person charged with unlawfully engaging in a sexual act while acting under color of law, and which foreclose the defense of consent to such an act by the victim. The bill authorizes \$5 million for each of fiscal years 2020 through 2024.

*Sec. 1304. Reports to Congress.* Section 1304 requires the Attorney General and GAO report to Congress no later than one year after enactment of this Act, and each year thereafter, to submit findings of reports made to federal law enforcement regarding violations of this law and dispositions of such cases.

*Sec. 1305. Definitions.* Section 1305 defines “sexual act” as defined in section 2246 of title 18 of the U.S. Code.

#### TITLE XIV—OTHER MATTERS

The bill authorizes funding for fiscal years 2020 through 2024 for the following: National Stalker and Domestic Violence Reduction (Sec. 1401), Federal Victim Assistants Reauthorization (Sec. 1402), Child Abuse Training Programs for Judicial Personnel and Practitioners Reauthorization (Sec. 1403), Sex Offender Management (Sec. 1404), Court-Appointed Special Advocate Program (Sec. 1405), Rape Kit Backlog (Sec. 1406), and Sexual Assault Forensic Exam Program Grants (Sec. 1407).

#### **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, H.R. 1585, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no changes are proposed is shown in roman):

#### 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 italic, and 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] *In this title, including for the purpose of grants authorized under this Act,:*

(1) *ABUSE IN LATER LIFE.*—The term “abuse in later life” means neglect, abandonment, domestic violence, dating violence, sexual assault, or stalking of an adult over the age of 50 by any person, or economic abuse of that adult by a person in an ongoing, relationship of trust with the victim. Self-neglect is not included in this definition.

[(1)] (2) *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.).

(3) *ALTERNATIVE JUSTICE RESPONSE.*—The term “alternative justice response” means a process, whether court-ordered or community-based, that—

(A) involves, on a voluntary basis, and to the extent possible, those who have committed a specific offense and those who have been harmed as a result of the offense;

(B) has the goal of collectively seeking accountability from the accused, and developing a process whereby the accused will take responsibility for his or her actions, and a plan for providing relief to those harmed, through allocation, restitution, community service, or other processes upon which the victim, the accused, the community, and the court (if court-ordered) can agree;

(C) is conducted in a framework that protects victim safety and supports victim autonomy; and

(D) provides that information disclosed during such process may not be used for any other law enforcement purpose, including impeachment or prosecution, without the express permission of all participants.

[(2)] (4) *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.

[(3)] (5) *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)] (6) *COMMUNITY-BASED ORGANIZATION.*—The term “community-based organization” means a nonprofit, nongovern-

mental, or tribal organization that serves a specific geographic community that—

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

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

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

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

[(5) CHILD MALTREATMENT.—The term “child maltreatment” means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.]

(7) *COURT-BASED AND COURT-RELATED PERSONNEL.*—The term “court-based personnel” and “court-related personnel” means persons working in the court, whether paid or volunteer, including—

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

(B) court security personnel;

(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

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

[(7)] (9) CULTURALLY SPECIFIC SERVICES.—The term “culturally specific services” means community-based services that include culturally relevant and linguistically specific services and resources to culturally specific communities.

[(8) 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.]

(10) *DOMESTIC VIOLENCE.*—The term “domestic violence” means a pattern of behavior involving the use or attempted use of physical, sexual, verbal, emotional, economic, or technological

*abuse or any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, by a person who—*

*(A) is a current or former spouse or dating partner of the victim, or other person similarly situated to a spouse of the victim under the family or domestic violence laws of the jurisdiction;*

*(B) is cohabitating with or has cohabitated with the victim as a spouse or dating partner, or other person similarly situated to a spouse of the victim under the family or domestic violence laws of the jurisdiction;*

*(C) shares a child in common with the victim;*

*(D) is an adult family member of, or paid or nonpaid caregiver for, a victim aged 50 or older or an adult victim with disabilities; or*

*(E) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.*

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

(A) the length of the relationship;

(B) the type of relationship; and

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

[(10)] (12) **DATING VIOLENCE.**—The term “dating violence” means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

[(11)] **ELDER ABUSE.**—The term “elder abuse” means any action against a person who is 50 years of age or older that constitutes the willful—

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

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

[(12)] **HOMELESS.**—The term “homeless” has the meaning provided in section 41403(6).]

(13) **DIGITAL SERVICES.**—The term “digital services” means services, resources, information, support or referrals provided through electronic communications platforms and media, whether via mobile device technology, video technology, or computer technology, including utilizing the internet, as well as any other emerging communications technologies that are appro-



appropriate for the purposes of providing services, resources, information, support, or referrals for the benefit of victims of domestic violence, dating violence, sexual assault, or stalking.

(14) *ECONOMIC ABUSE.*—The term “economic abuse”, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

(A) restrict a person’s access to money, assets, credit, or financial information;

(B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or

(C) exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

(15) *ELDER ABUSE.*—The term “elder abuse” has the meaning given that term in section 2 of the Elder Abuse Prevention and Prosecution Act. The terms ‘abuse,’ ‘elder,’ and ‘exploitation’ have the meanings given those terms in section 2011 of the Social Security Act (42 U.S.C. 1397j).

(16) *FORCED MARRIAGE.*—The term “forced marriage” means a marriage to which one or both parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault or stalking.

(17) *HOMELESS.*—The term “homeless” has the meaning given such term in section 41403(6).

[(13)] (18) *INDIAN.*—The term “Indian” means a member of an Indian tribe.

[(14)] (19) *INDIAN COUNTRY.*—The term “Indian country” has the same meaning given such term in section 1151 of title 18, United States Code.

[(15)] (20) *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).

[(16)] (21) *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.

[(17)] (22) *INDIAN LAW ENFORCEMENT.*—The term “Indian law enforcement” means the departments or individuals under the direction of the Indian tribe that maintain public order.

[(18)] (23) *LAW ENFORCEMENT.*—The term “law enforcement” means a public agency charged with policing functions, includ-

ing any of its component bureaus (such as governmental victim services programs or Village Public Safety Officers), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

**[(19)] (24) 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]** *probation, and vacatur or expungement*) that impact the victim’s safety and privacy.

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

**[(20)] (25) 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.

**[(21)] (26) POPULATION SPECIFIC ORGANIZATION.**—The term “population specific organization” means a nonprofit, non-governmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

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

**[(23)] (28) 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 assistance programs).

**[(24)] (29) PROTECTION ORDER OR RESTRAINING ORDER.**—The term “protection order” or “restraining order” includes—

(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

[(25)] (30) RAPE CRISIS CENTER.—The term “rape crisis center” means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance, as specified in section 41601(b)(2)(C), to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.

[(26)] (31) 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;

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

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

(ii) located in a rural census tract; or

(C) any federally recognized Indian tribe.

[(27)] (32) RURAL STATE.—The term “rural State” means a State that has a population density of 57 or fewer persons per square mile or a State in which the largest county has fewer than 250,000 people, based on the most recent decennial census.

[(28)] (33) 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.

[(29)] (34) 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.

[(30)] (35) STALKING.—The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

[(31)] (36) 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.

[(32)] (37) 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.

[(33)] (38) 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.).

(39) *INTERNET ENABLED DEVICE.*—The term “internet enabled device” means devices that have a connection the Internet, send and receive information and data, and maybe accessed via mobile device technology, video technology, or computer technology, away from the location where the device is installed, and may include home automation systems, door locks, and thermostats.

(40) *TECHNOLOGICAL ABUSE.*—The term “technological abuse” means behavior intended to harm, threaten, intimidate, control, stalk, harass, impersonate, or monitor, except as otherwise permitted by law, another person, that occurs using the Internet, internet enabled devices, social networking sites, computers, mobile devices, cellular telephones, apps, location tracking devices, instant messages, text messages, or other forms of technology. Technological abuse may include—

(A) unwanted, repeated telephone calls, text messages, instant messages, or social media posts;

(B) non-consensual accessing e-mail accounts, texts or instant messaging accounts, social networking accounts, or cellular telephone logs;

(C) controlling or restricting a person’s ability to access technology with the intent to isolate them from support and social connection;

(D) using tracking devices or location tracking software for the purpose of monitoring or stalking another person’s location;

(E) impersonating a person (including through the use of spoofing technology in photo or video or the creation of accounts under a false name) with the intent to deceive or cause harm; or

(F) sharing or urging or compelling the sharing of another person’s private information, photographs, or videos without their consent.

[(34)] (41) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term “territorial domestic violence or

sexual assault coalition” means a program addressing domestic or sexual violence that is—

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

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

[(35)] (42) 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.

[(36)] (43) TRIBAL GOVERNMENT.—The term “tribal government” means—

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

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

[(37)] (44) TRIBAL NONPROFIT ORGANIZATION.—The term “tribal nonprofit organization” means—

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

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

[(38)] (45) TRIBAL ORGANIZATION.—The term “tribal organization” means—

(A) the governing body of any Indian tribe;

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

the maximum participation of Indians in all phases of its activities; or

(C) any tribal nonprofit organization.

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

[(40)] (47) **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.

[(41)] (48) **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.

[(42)] (49) **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.

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

[(44)] (51) **VICTIM SERVICES OR SERVICES.**—The terms “victim services” and “services” mean 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.

[(45)] (52) **YOUTH.**—The term “youth” means a person who is 11 to 24 years old.

(b) **GRANT CONDITIONS.**—

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

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

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

(i) petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of

Health and Human Services or Housing and Urban Development; and

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

(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

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

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

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

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

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

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

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

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

(D) *USE OF TECHNOLOGY.*—Grantees and subgrantees may use telephone, internet, and other technologies to protect the privacy, location and help-seeking activities of victims using services. Such technologies may include—

(i) software, apps or hardware that block caller ID or conceal IP addresses, including instances in which victims use digital services; or

(ii) technologies or protocols that inhibit or prevent a perpetrator's attempts to use technology or social media

*to threaten, harass or harm the victim, the victim's family, friends, neighbors or co-workers, or the program providing services to them.*

**[(D)] (E) INFORMATION SHARING.—**

(i) Grantees and subgrantees may share—

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

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

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

(ii) In no circumstances may—

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

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

**[(E)] (F) STATUTORILY MANDATED REPORTS OF ABUSE OR NEGLECT.—**Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

**(G) DEATH OF THE PARTY WHOSE PRIVACY HAD BEEN PROTECTED.—***In the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, such requirement shall continue to apply, and the right to authorize release of any confidential or protected information is be vested in the next of kin, except that consent for release of the deceased victim's information may not be given by a person who had perpetrated abuse against the deceased victim.*

**[(F)] (H) 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)] (I) CONFIDENTIALITY ASSESSMENT AND ASSURANCES.—**Grantees and subgrantees must document their



compliance with the confidentiality and privacy provisions required under this section.

(3) **APPROVED ACTIVITIES.**—In carrying out the activities under this title, grantees and subgrantees may collaborate with or 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 *provided that the confidentiality and privacy requirements of this title are maintained, and that personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault and stalking is not requested or included in any such collaboration or information-sharing.*

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

(5) **USE OF FUNDS.**—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

(6) **REPORTS.**—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require. *However, such disbursing agencies must ensure that the confidentiality and privacy requirements of this title are maintained in making such reports, and that personally identifying information about adult, youth and child victims of domestic violence, dating violence, sexual assault and stalking is not requested or included in any such reports.*

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

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

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

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

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

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

(10) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

(11) TECHNICAL ASSISTANCE.—Of the total amounts appropriated under this title, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this title to improve the capacity of the grantees, subgrantees, and other entities. If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent. *The Office on Violence Against Women shall make all technical assistance available as broadly as possible to any appropriate grantees, subgrantees, potential grantees, or other entities without regard to whether the entity has received funding from the Office on Violence Against Women for a particular program or project.*

(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 the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under 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 2013 (*Public Law 113–4; 127 Stat. 54*), and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

(B) EXCEPTION.—If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

(C) DISCRIMINATION.—The authority of the Attorney General and the Office of Justice Programs to enforce this

paragraph shall be the same as it is under [section 3789d of title 42, United States Code] *section 809 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10228)*.

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

(14) CLARIFICATION OF VICTIM SERVICES AND LEGAL ASSISTANCE.—Victim services and legal assistance under this title also include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of *forced marriage*, or severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(15) CONFERRAL.—

(A) IN GENERAL.—The Office on Violence Against Women shall establish a biennial conferral process with State and tribal coalitions and technical assistance providers who receive funding through grants administered by the Office on Violence Against Women and authorized by this Act, and other key stakeholders.

(B) AREAS COVERED.—The areas of conferral under this paragraph shall include—

- (i) the administration of grants;
- (ii) unmet needs;
- (iii) promising practices in the field; and
- (iv) emerging trends.

(C) INITIAL CONFERRAL.—The first conferral shall be initiated not later than 6 months after the date of enactment of the Violence Against Women Reauthorization Act of 2013.

(D) REPORT.—Not later than 90 days after the conclusion of each conferral period, the Office on Violence Against Women shall publish a comprehensive report that—

- (i) summarizes the issues presented during conferral and what, if any, policies it intends to implement to address those issues;
- (ii) is made available to the public on the Office on Violence Against Women's website and submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(16) ACCOUNTABILITY.—All grants awarded by the Attorney General under this Act shall be subject to the following accountability provisions:

(A) AUDIT REQUIREMENT.—

(i) IN GENERAL.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector

General shall determine the appropriate number of grantees to be audited each year.

(ii) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited 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 when the final audit report is issued.

(iii) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the following 2 fiscal years.

(iv) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this Act.

(v) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

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

(II) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(B) NONPROFIT ORGANIZATION REQUIREMENTS.—

(i) DEFINITION.—For purposes of this paragraph and the grant programs described in this Act, 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.

(ii) PROHIBITION.—The Attorney General may not award a grant under any grant program described in this Act 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.

(iii) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney

General shall make the information disclosed under this subsection available for public inspection.

(C) CONFERENCE EXPENDITURES.—

(i) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than ~~【\$20,000 in Department funds, unless the Deputy Attorney General】~~ *\$100,000 in Department funds, unless the Director or Principal Deputy Director of the Office on Violence Against Women, the Deputy Attorney General, or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.*

(ii) WRITTEN APPROVAL.—Written approval under clause (i) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(iii) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(D) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning 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, an annual certification that—

(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under subparagraph (A)(iii) have been issued;

(iii) all reimbursements required under subparagraph (A)(v) have been made; and

(iv) includes a list of any grant recipients excluded under subparagraph (A) from the previous year.

## Subtitle A—Safe Streets for Women

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### CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

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**[SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.]**

There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), \$1,000,000 for each of fiscal years 2014 through 2018.]

**SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.**

*There are authorized to be appropriated for the United States Attorneys for the purpose of appointing victim/witness counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), \$1,000,000 for each of fiscal years 2020 through 2024.*

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## Subtitle B—Safe Homes for Women

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### CHAPTER 11—TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

#### SEC. 40299. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR 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] *the Director of the Office on Violence Against Women* 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, *population-specific 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 a situation of domestic violence, dating violence, sexual assault, or stalking; and

(2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

(b) GRANTS.—Grants awarded under this section may be used for programs that provide—

(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing.

(2) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for persons described in subsection (a); and

(3) support services designed to enable a minor, an adult, or a dependent of such minor or adult, who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(A) locate and secure permanent housing;

(B) secure employment, including obtaining employment counseling, occupational training, job retention counseling, and counseling concerning re-entry in to the workforce; and

(C) integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, and other assistance. Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.

(c) DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a minor, an adult, or a dependent, who receives assistance under this section shall receive that assistance for not more than 24 months.

(2) WAIVER.—The recipient of a grant under this section may waive the restriction under paragraph (1) for not more than an additional 6 month period with respect to any minor, adult, or dependent, who—

(A) has made a good-faith effort to acquire permanent housing; and

(B) has been unable to acquire permanent housing.

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

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

(C) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(3) APPLICATION.—Nothing in this subsection shall be construed to require—

(A) victims to participate in the criminal justice system in order to receive services; or

(B) domestic violence advocates to breach client confidentiality.

(e) REPORT TO THE ATTORNEY GENERAL.—

(1) IN GENERAL.—A recipient of a grant under this section shall annually prepare and submit to the Attorney General a report describing—

(A) the number of minors, adults, and dependents assisted under this section; and

(B) the types of housing assistance and support services provided under this section.

(2) CONTENTS.—Each report prepared and submitted pursuant to paragraph (1) shall include information regarding—

(A) the purpose and amount of housing assistance provided to each minor, adult, or dependent, assisted under this section and the reason for that assistance;

(B) the number of months each minor, adult, or dependent, received assistance under this section;

(C) the number of minors, adults, and dependents who—  
(i) were eligible to receive assistance under this section; and

(ii) were not provided with assistance under this section solely due to a lack of available housing;

(D) the type of support services provided to each minor, adult, or dependent, assisted under this section; and

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

(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 \$35,000,000 for each of fiscal years **[2014 through 2018]** *2020 through 2024*.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year, up to **[5 percent]** *8 percent* may be used by the Attorney General for evaluation, monitoring, technical assistance, salaries and administrative expenses.

(3) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph

(B), unless all qualified applications submitted by any



States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(C) UNDERSERVED POPULATIONS.—

(i) INDIAN TRIBES.—

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

(II) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subclause (I).

(ii) Priority shall be given to projects developed under subsection (b) that primarily serve underserved populations.

(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 activities that may compromise victim safety, including—

(I) background checks of victims; or

(II) clinical evaluations to determine eligibility for services;

(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.

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## **Subtitle M—Strengthening America’s Families by Preventing Violence Against Women and Children**

\* \* \* \* \*

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

(B) community-based collaboration and training for those with influence on youth, such as parents, teachers, coaches, healthcare 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[.]; and

(E) *strategies within each of these areas addressing the unmet needs of underserved populations.*

(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 non-profit, nongovern-

mental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and expertise in the specific area for which they are applying for funds; or

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

(A) A public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 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 non-profit, nongovernmental organization with a demonstrated history of effective work addressing the needs of children exposed to domestic violence, dating violence, sexual assault, or stalking.

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

(E) Healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, 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; or

(3) 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, a school district, or an institution of higher education.

(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—

(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[.];  
and

(C) include a focus on the unmet needs of underserved populations.

(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 2014 through 2018”] *\$45,000,000 for each of fiscal years 2020 through 2024*. Amounts appropriated under this section may only be used for programs and activities described under this section.

(g) ALLOTMENT.—

(1) IN GENERAL.—Not less than 25 percent of the total 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. If an insufficient number of applications are received from Indian tribes or tribal organizations, such funds shall be allotted to other population-specific programs.

(3) REMAINING AMOUNTS.—*Any amounts not made available under paragraphs (1) and (2) may be used for any set of purposes described in paragraphs (1), (2), or (3) of subsection (b), or for a project that fulfills two or more of such sets of purposes.*

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

### CHAPTER 1—GRANT PROGRAMS

\* \* \* \* \*

#### SEC. 41404. COLLABORATIVE GRANTS TO INCREASE THE LONG-TERM STABILITY OF VICTIMS.

##### (a) GRANTS AUTHORIZED.—

(1) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Administration for Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

(2) **AMOUNT.**—The Secretary of Health and Human Services shall award funds in amounts—

- (A) not less than \$25,000 per year; and
- (B) not more than \$1,000,000 per year.

(b) **ELIGIBLE ENTITIES.**—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

- (1) shall include a domestic violence victim service provider;
- (2) shall include—
  - (A) a homeless service provider;
  - (B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or
  - (C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;
- (3) may include a dating violence, sexual assault, or stalking victim service provider;
- (4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;
- (5) may include a public housing agency or tribally designated housing entity;
- (6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;
- (7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;
- (8) may include a State, tribal, territorial, or local government or government agency; and
- (9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help

to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

(d) USE OF FUNDS.—

Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—

(1) shall develop sustainable long-term living solutions in the community by—

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

(B) assisting with the placement of individuals and families in long-term housing; and

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

(2) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

(3) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (2); and

(4) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

(1) give priority to linguistically and culturally specific services;

(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

(g) DEFINITIONS.—For purposes of this section:

(1) AFFORDABLE HOUSING.—The term “affordable housing” means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

(2) **LONG-TERM HOUSING.**—The term “long-term housing” means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

(A) rented or owned by the individual;

(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

(h) **EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.**—For purposes of this section—

(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$4,000,000 for each of fiscal years [2014 through 2018] 2020 through 2024 to carry out the provisions of this section.

**SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.**

(a) **PURPOSE.**—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

(1) education and training of eligible entities;

(2) development and implementation of appropriate housing policies and practices;

(3) enhancement of collaboration with victim service providers and tenant organizations; and

(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

(b) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—The Attorney General, acting through [the Director of the Violence Against Women Office] *the Director of the Office on Violence Against Women* of the Department of Justice (“Director”), and in consultation with the Secretary of Housing and Urban Development (“Secretary”), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families (“ACYF”), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

(2) **AMOUNTS.**—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

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

(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

(c) ELIGIBLE GRANTEEES.—

(1) IN GENERAL.—Eligible grantees are—

- (A) public housing agencies;
- (B) principally managed public housing resident management corporations, as determined by the Secretary;
- (C) public housing projects owned by public housing agencies;
- (D) tribally designated housing entities; and
- (E) private, for-profit, and nonprofit owners or managers of assisted housing.

(2) SUBMISSION REQUIRED FOR ALL GRANTEEES.—To receive assistance under this section, an eligible grantee shall certify that—

(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

(C) it does not discriminate against any person—

(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, *population-specific organizations*, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

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

(e) CERTIFICATION.—

(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or



stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

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

(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

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

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

(4) CONFIDENTIALITY.—

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

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

(ii) otherwise required by applicable law.

(B) NOTIFICATION.—Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

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

(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing

or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, 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;

(7) developing and implementing more effective security policies, protocols, and services;

(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$4,000,000 for each of fiscal years [2014 through 2018] *2020 through 2024* to carry out the provisions of this section.

(h) **TECHNICAL ASSISTANCE.**—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.

## **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,] *sibling*, 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) *including the direct loan program under such section*;

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

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

(D) [the program under subtitle A] *the programs under subtitles A through D* of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

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

(F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) that bears 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, 542, 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[.];

(K) *the provision of assistance from the Housing Trust Fund as established under section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501)*;

(L) *the provision of assistance for housing under the Comprehensive Service Programs for Homeless Veterans program under subchapter II of chapter 20 of title 38, United States Code (38 U.S.C. 2011 et seq.)*;

(M) *the provision of assistance for housing and facilities under the grant program for homeless veterans with special needs under section 2061 of title 38, United States Code*;

(N) *the provision of assistance for permanent housing under the program for financial assistance for supportive services for very low-income veteran families in permanent*

*housing under section 2044 of title 38, United States Code; and*

*(O) any other Federal housing programs providing affordable housing to low-income persons by means of restricted rents or rental assistance as identified by the appropriate agency.*

*(4) COVERED HOUSING PROVIDER.—The term “covered housing provider” refers to the individual or entity under a covered housing program that has responsibility for the administration or oversight of housing assisted under a covered housing program and includes public housing agencies, sponsors, owners, mortgagors, managers, Continuums of Care, State and local governments or agencies thereof, and nonprofit or for-profit organizations or entities.*

*(5) CONTINUUM OF CARE.—The term “Continuum of Care” means an entity receiving a grant under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).*

*(6) INTERNAL TRANSFER.—The term “internal transfer” means a transfer to a unit of the same covered housing provider and under the same covered housing program except for programs under McKinney-Vento Homeless Assistance Act.*

*(7) EXTERNAL TRANSFER.—The term “external transfer” means a transfer to a unit of a different covered housing provider under any covered housing program.*

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

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

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

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

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

**(3) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY AND FAMILY BREAK-UP.—**

**[(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 ten-

ant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.】

(A) *DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.*—

(i) *IN GENERAL.*—A tenant shall not be denied assistance, tenancy, or occupancy rights to housing assisted under a covered housing program 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.

(ii) *CRIMINAL ACTIVITY ENGAGED IN BY PERPETRATOR OF ABUSE.*—A tenant shall not be denied assistance, tenancy, or occupancy rights to housing assisted under a covered housing program solely on the basis of criminal activity, including drug-related criminal activity (as such term is defined section 3(b)(9) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(9)), engaged in by the perpetrator of the domestic violence, dating violence, sexual assault, or stalking.

(iii) *REVIEW PRIOR TO DENIAL OF ASSISTANCE.*—Prior to denying assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant on the basis of criminal activity of the tenant, including drug-related criminal activity, the covered housing provider must conduct an individualized review of the totality of the circumstances regarding the criminal activity at issue if the tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. Such review shall include consideration of—

(I) the nature and severity of the criminal activity;

(II) the amount of time that has elapsed since the occurrence of the criminal activity;

(III) if the tenant engaged in more than one instance of criminal activity, the frequency and duration of the criminal activity;

(IV) whether the criminal activity was related to a symptom of a disability, including a substance use disorder;

(V) whether the victim was coerced by the perpetrator of domestic violence, dating violence, sexual assault, or stalking;

(VI) whether the victim has taken affirmative steps to reduce the likelihood that the criminal activity will recur; and

(VII) any mitigating factors.

The covered housing program must provide the tenant with a written summary of its review and the tenant

*shall have the opportunity to invoke the covered housing program's grievance policy to dispute the findings.*

**(B) [BIFURCATION] FAMILY BREAK-UP.—**

*(i) IN GENERAL.—If a family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, and the perpetrator no longer resides in the unit and was the sole tenant eligible to receive assistance under a covered housing program, the covered housing provider shall—*

*(I) provide any other tenant or resident the opportunity to establish eligibility for the covered housing program; or*

*(II) provide that tenant or resident with at least 180 days to remain in the unit under the same terms and conditions as the perpetrator and find new housing or establish eligibility for another covered housing program.*

**[(i) IN GENERAL.—] (ii) EVICTION.—** .—Notwithstanding subparagraph (A), a public housing agency, participating jurisdictions, Continuums of Care, grantees, 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 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 or resident an opportunity to establish eligibility for the covered housing program. If a tenant or resident described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant or resident 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, 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~~[\.]~~; or

(v) to limit any right, remedy, or procedure otherwise available under the Violence Against Women Reauthorization Act of 2005 (Public Law 109–162, 119 Stat. 2960) prior to the date of enactment of the Violence Against Women Reauthorization Act of 2019.

**(D) EARLY TERMINATION.**—A covered housing provider shall permit a tenant assisted under the covered housing program to terminate the lease at any time prior to the end date of the lease, without penalty, if the tenant has been a victim of domestic violence, dating violence, sexual assault, or stalking and the tenant—

(i) sends notice of the early lease termination to the landlord in writing prior to or within 3 days of vacating the premises unless a shorter notice period is provided for under State law;

(ii)(I) reasonably believes that the tenant is threatened with imminent harm if the tenant remains within the same dwelling unit subject to the lease; or

(II) is a victim of sexual assault, the sexual assault occurred on the premises during the 180-day period preceding the request for lease termination; and

(iii) provides a form of documentation consistent with the requirements outlined in subsection (c)(3).

Nothing in this subparagraph may be construed to preclude any automatic termination of a lease by operation of law.

**(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 inci-



dent 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] *Covered housing providers shall ensure any information submitted* 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 *of housing assisted under a covered housing program* 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.

(2) PROVISION.—Each public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1), together with the form described in subsection (c)(3)(A), to an applicant for or tenants 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;

(C) with any notification of eviction or notification of termination of assistance; and

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

[(e) EMERGENCY TRANSFERS.—Each appropriate agency shall adopt a model emergency transfer plan for use by public housing agencies and owners or managers of housing assisted under covered housing programs that—

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

[(A) the tenant expressly requests the transfer; and

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

[(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and

[(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.]]

(e) EMERGENCY TRANSFERS.—

(1) IN GENERAL.—*Tenants who are victims of domestic violence, dating violence, sexual assault, or stalking shall be transferred to another available and safe dwelling unit assisted under a covered housing program if—*

*(A) the tenant expressly requests the transfer from the covered housing provider; and*

*(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the*

*tenant remains within the same dwelling unit assisted under a covered housing program; or*

*(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 180 day period preceding the request for transfer.*

*A tenant who is not in good standing retains the right to an emergency transfer if they meet the eligibility requirements in this section and the eligibility requirements of the program to which the tenant intends to transfer.*

*(2) POLICIES.—Each appropriate agency shall adopt an emergency transfer policy to be overseen by the Department for Housing and Urban Development for use by the covered housing programs within the jurisdiction of a regional office of the Department. Such emergency transfer policies shall reflect the variations in program operation and administration by covered housing program type. The policies must, at a minimum—*

*(A) describe a process to permit tenants who are victims of domestic violence, dating violence, sexual assault, or stalking an internal transfer to another available and safe dwelling unit assisted under the same covered housing program;*

*(B) describe a process to permit tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to complete an emergency external transfer to another available and safe dwelling unit of a covered housing provider;*

*(C) mandate that emergency internal and external transfers take priority over non-emergency transfers;*

*(D) mandate that emergency internal and external transfers take priority over existing waiting lists for a covered housing program;*

*(E) ensure a victim of domestic violence, dating violence, sexual assault, or stalking is transferred into a comparable covered housing program if available;*

*(F) incorporate confidentiality measures to ensure that the appropriate regional office of the Department of Housing and Urban Development (hereinafter in this section referred to as a “HUD regional office”) and the covered housing provider do not disclose any information regarding a tenant who is victim of domestic violence, dating violence, sexual assault, or stalking, including the location of a new dwelling unit to any person or entity without the written authorization of the tenant; and*

*(G) mandate a uniform policy for how a victim of domestic violence, dating violence, sexual assault, or stalking requests an emergency internal or external transfer.*

*(3) REGIONAL OFFICES.—Each HUD regional office shall develop and implement an external emergency transfer plan for all covered housing providers within the regional office’s jurisdictional reach. HUD regional offices shall develop and implement such plans in collaboration with the local Continuum of Care and shall defer to emergency transfer priorities and strategies set by local Continuum of Care. In addition to reflecting the policies of the appropriate agencies as defined by paragraph (2), the plan shall, at a minimum—*

(A) set forth policies and procedures to identify an emergency external transfer a comparable covered housing program, if available, within 30 days of an approved request; and

(B) set forth policies and procedures for the local Continuum of Care to—

(i) coordinate emergency external transfers among all covered housing providers participating in the Continuum of Care;

(ii) coordinate emergency transfers with Continuum of Care in other jurisdictions in cases where the victim requests an out-of-jurisdiction transfer; and

(iii) ensure a victim is not required to be reassessed through the local Continuum of Care intake process when seeking an emergency transfer placement.

(4) COVERED HOUSING PROVIDERS.—Each covered housing provider shall—

(A) provide a victim of domestic violence, dating violence, sexual assault, or stalking residing in a dwelling unit assisted under a covered housing program an internal transfer to another safe dwelling unit assisted under the same covered housing program, if available, not later than 10 days after an approved request for an emergency transfer;

(B) if an internal transfer described under subparagraph (A) is unavailable or if the victim of domestic violence, dating violence, sexual assault, or stalking determines that a dwelling unit provided by an internal transfer described under subparagraph (A), contact the regional office of the appropriate agency within 10 days of an approved request for an emergency transfer for an external emergency transfer under paragraph (3); and

(C) allow a victim of domestic violence, dating violence, sexual assault, or stalking to temporarily relocate, and maintain eligibility for the covered housing program without the loss of their housing status, to housing not eligible for assistance under a covered housing program or to housing assisted under another covered housing program if there are no alternative comparable housing program units available until a safe internal or external housing unit under the covered housing program is available.

(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, assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)). The Secretary shall establish these policies and procedures within 60 days after passage of the Violence Against Women Reauthorization Act of 2019.

(g) EMERGENCY TRANSFER VOUCHERS.—Provision of emergency transfer vouchers to victims of domestic violence, dating violence, sexual assault, or stalking under subsection (e), shall be considered an eligible use of any funding for tenant protection voucher assistance available under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(h) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out emergency transfers under this section, \$20,000,000 under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for each of fiscal years 2020 through 2024.

(i) *IMPLEMENTATION.*—

(1) *TRAINING FOR STAFF OF COVERED HOUSING PROGRAMS.*—The Secretary of Housing and Urban Development, in partnership with domestic violence experts, shall develop mandatory training for staff of covered housing providers to provide a basic understanding of domestic violence, dating violence, sexual assault, and stalking, and to facilitate implementation of this section. All staff of covered housing providers shall attend the basic understanding training once annually; and all staff and managers engaged in tenant services shall attend both the basic understanding training and the implementation training once annually.

(2) *REFERRALS.*—The appropriate agency with respect to each covered housing program shall supply all appropriate staff of the covered housing providers with a referral listing of public contact information for all domestic violence, dating violence, sexual assault, and stalking service providers offering services in its coverage area.

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

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

**SEC. 41412. COMPLIANCE REVIEWS.**

(a) *ANNUAL COMPLIANCE REVIEWS.*—Each appropriate agency administering a covered housing program shall establish a process by which to review compliance with the requirements of this subtitle, on an annual basis, of the covered housing providers administered by that agency. Such a review shall examine the following topics:

(1) Covered housing provider compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault, or stalking.

(2) Covered housing provider compliance with confidentiality provisions set forth in section 41411(c)(4).

(3) Covered housing provider compliance with the notification requirements set forth in section 41411(d)(2).

(4) Covered housing provider compliance with accepting documentation set forth in section 41411(c).

(5) Covered housing provider compliance with emergency transfer requirements set forth in section 41411(e).

(6) Covered housing provider compliance with the prohibition on retaliation set forth in section 41414.

(b) *REGULATIONS.*—Each appropriate agency shall issue regulations to implement subsection (a) not later than one year after the effective date of the Violence Against Women Reauthorization Act of 2019. These regulations shall—

(1) define standards of compliance for covered housing providers;

(2) include detailed reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process emergency transfers, disaggregated by external and internal transfers; and

(3) include standards for corrective action plans where a covered housing provider has failed to meet compliance standards.

(c) **PUBLIC DISCLOSURE.**—Each appropriate agency shall ensure that an agency-level assessment of the information collected during the compliance review process completed pursuant to this subsection is made publicly available. This agency-level assessment shall include an evaluation of each topic identified in subsection (a).

(d) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to limit any claim filed or other proceeding commenced, by the date of enactment of the Violence Against Women Reauthorization Act of 2019, with regard to any right, remedy, or procedure otherwise available under the Violence Against Women Reauthorization Act of 2005 (Public Law 109–162, 119 Stat. 2960), as in effect on the day prior to such date of enactment; or

(2) 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.

**SEC. 41413. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT VIOLENCE AGAINST WOMEN DIRECTOR.**

(a) **ESTABLISHMENT.**—There shall be, within the Office of the Secretary of the Department of Housing and Urban Development, a Violence Against Women Director (in this section referred to as the “Director”).

(b) **DUTIES.**—The Director shall—

(1) support implementation of the provisions of this subtitle;

(2) coordinate development of Federal regulations, policy, protocols, and guidelines on matters relating to the implementation of this subtitle, at each agency administering a covered housing program;

(3) advise and coordinate with designated officials within the United States Interagency Council on Homelessness, the Department of Housing and Urban Development, the Department of the Treasury, the Department of Agriculture, the Department of Health and Human Services, Department of Veterans Affairs, and the Department of Justice concerning legislation, implementation, and other issues relating to or affecting the housing provisions under this subtitle;

(4) provide technical assistance, coordination, and support to each appropriate agency regarding advancing housing protections and access to housing for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this subtitle;

(5) ensure that adequate technical assistance is made available to covered housing providers regarding implementation of this subtitle, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this subtitle;

(6) *act as a liaison with the judicial branches of Federal, State, and local governments on matters relating to the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking;*

(7) *implement a quality control system and a corrective action plan system for those covered housing providers that fail to comply with this subtitle, wherein—*

(A) *such corrective action plans shall be developed in partnership with national, State, or local programs focused on child or adult victims of domestic violence, dating violence, sexual assault, or stalking; and*

(B) *such corrective action plans shall include provisions requiring covered housing providers to review and develop appropriate notices, procedures, and staff training to improve compliance with this subtitle, in partnership with national, state, or local programs focused on child or adult victims;*

(8) *establish a formal reporting process to receive individual complaints concerning noncompliance with this subtitle;*

(9) *coordinate the development of interagency guidelines to ensure that information concerning available dwelling units is forwarded to the Director by all covered housing providers for use by the Secretary in facilitating the emergency transfer process;*

(10) *coordinate with HUD regional offices and officials at each appropriate agency the development of Federal regulations, policy, protocols, and guidelines regarding uniform timeframes for the completion of emergency transfers; and*

(11) *ensure that the guidance and notices to victims are distributed in commonly encountered languages.*

(c) *EMERGENCY TRANSFER DATABASE.—*

(1) *IN GENERAL.—The Director shall maintain a database of information about dwelling units that are available for occupancy or that will be available for occupancy for tenants who are transferred under section 41411(e) and establish the format for its use. The emergency transfer database may be a new system or a modification of an existing database. The database shall incorporate information from all covered housing providers.*

(2) *REPORTING REQUIREMENTS.—Not later than 3 business days after a covered housing provider becomes aware of an available dwelling or a dwelling that will imminently become available, the covered housing provider shall report information about that dwelling to the Director, including the following:*

(A) *Project name, if applicable.*

(B) *Dwelling address.*

(C) *Date of availability.*

(D) *Number of bedrooms.*

(E) *Restrictions on eligibility of potential tenants under the covered housing program for that dwelling.*

(F) *Accessibility, including whether the dwelling is accessible by elevator.*

(G) *Smoking policy.*

(H) *Pet policy.*

(I) *Monthly rent and estimated utilities.*

(J) Eligibility of the dwelling for assistance under other covered housing programs.

(K) Property manager contact information.

(L) Legal owner.

(3) **DATA ACCESS.**—The Director shall have access to all information in the database and shall regularly monitor its usage. The Director shall determine how covered housing providers shall have access to the database, and establish policies for the coordination of emergency transfers across jurisdictions.

(d) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to limit any claim filed or other proceeding commenced, by the date of enactment of the Violence Against Women Reauthorization Act of 2019, with regard to any right, remedy, or procedure otherwise available under the Violence Against Women Reauthorization Act of 2005 (Public Law 109–162, 119 Stat. 2960), as in effect on the day prior to such date of enactment; or

(2) 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.

**SEC. 41414. PROHIBITION ON RETALIATION.**

(a) **NONDISCRIMINATION REQUIREMENT.**—No covered housing provider shall discriminate against any person because that person has opposed any act or practice made unlawful by this subtitle, or because that individual testified, assisted, or participated in any matter related to this subtitle.

(b) **PROHIBITION ON COERCION.**—No covered housing provider shall coerce, intimidate, threaten, or interfere with, or retaliate against, any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other individual in the exercise or enjoyment of, any rights or protections under this subtitle, including—

(1) intimidating or threatening any person because that person is assisting or encouraging an individual entitled to claim the rights or protections under this subtitle; and

(2) retaliating against any person because that person has participated in any investigation or action to enforce this subtitle.

(c) **ENFORCEMENT AUTHORITY OF THE SECRETARY.**—The authority of the Secretary of Housing and Urban Development and the Office for Fair Housing and Equal Opportunity to enforce this section shall be the same as the Fair Housing Act (42 U.S.C. 3610 et seq.).

**SEC. 41415. RIGHT TO REPORT CRIME AND EMERGENCIES FROM ONE’S HOME.**

(a) **IN GENERAL.**—Landlords, homeowners, residents, occupants, and guests of, and applicants for, housing assisted under a covered housing program shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance, and shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordi-



nances, regulations, or policies adopted or enforced by covered governmental entities as defined in subsection (d). Penalties that are prohibited include—

- (1) actual or threatened assessment of penalties, fees, or fines;
- (2) actual or threatened eviction;
- (3) actual or threatened refusal to rent or renew tenancy;
- (4) actual or threatened refusal to issue an occupancy permit or landlord permit; and
- (5) actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation.

(b) *REPORTING.*—Consistent with the process provided for in section 104(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(b)), covered governmental entities shall—

- (1) report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and

- (2) certify that they are in compliance with the protections under this subtitle or describe the steps they will take within 180 days to come into compliance, or to ensure compliance among subgrantees.

(c) *OVERSIGHT.*—Oversight and accountability mechanisms provided for under title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall be available to address violations of this section.

(d) *DEFINITION.*—For purposes of this section, “covered governmental entity” shall mean any municipal, county, or state government that receives funding pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

(e) *SUBGRANTEES.*—For those covered governmental entities that distribute funds to subgrantees, compliance with subsection (b)(1) includes inquiring about the existence of laws and policies adopted by subgrantees that impose penalties on landlords, homeowners, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property.

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## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

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### TITLE I—JUSTICE SYSTEM IMPROVEMENT

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## PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

**Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program**

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**SEC. 501. DESCRIPTION.****(a) GRANTS AUTHORIZED.—**

(1) **IN GENERAL.**—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

- (A) Law enforcement programs.
- (B) Prosecution and court programs.
- (C) Prevention and education programs.
- (D) Corrections and community corrections programs.
- (E) Drug treatment and enforcement programs.
- (F) Planning, evaluation, and technology improvement programs.

(G) Crime victim and witness programs (other than compensation).

(H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

*(I) Programs for the development and implementation of alternative methods of reducing crime in communities, to supplant punitive programs or policies. For purposes of this subparagraph, a punitive program or policy is a program or policy that (i) imposes a penalty on a victim of domestic violence, dating violence, sexual assault, or stalking, on the basis of a request by the victim for law enforcement or emergency assistance; or (ii) imposes a penalty on such a victim because of criminal activity at the property in which the victim resides.*

(2) **RULE OF CONSTRUCTION.**—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

**(b) CONTRACTS AND SUBAWARDS.**—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

- (1) neighborhood or community-based organizations that are private and nonprofit; or
- (2) units of local government.

**(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—**

(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guide-

lines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

(1) Any security enhancements or any equipment to any non-governmental entity that is not engaged in criminal justice or public safety.

(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);

(B) luxury items;

(C) real estate;

(D) construction projects (other than penal or correctional institutions); or

(E) any similar matters.

(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

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## PART J—FUNDING

### AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the Bureau of Justice Statistics.

(2) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the National Institute of Justice.

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under parts D, E, F, G, L, M, N, O, P, Q, or R or EE.

(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L of this title.

(5) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$1,000,000,000 for each of the fiscal years 1994 and 1995 to carry out the programs under parts D and E (other than chapter B of subpart 2) (other than chapter B of subpart 2 of part E) of this title.

(6) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995 to carry out chapter B of subpart 2 of part E of this title.

(7) There is authorized to be appropriated to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.

(8) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$16,500,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995.

(9) There are authorized to be appropriated to carry out part O—

(A) \$24,000,000 for fiscal year 1996;

(B) \$40,000,000 for fiscal year 1997;

(C) \$50,000,000 for fiscal year 1998;

(D) \$60,000,000 for fiscal year 1999; and

(E) \$66,000,000 for fiscal year 2000.

(10) There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended \$1,047,119,000 for each of fiscal years 2006 through 2009.

(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(d) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

(16) There are authorized to be appropriated to carry out projects under part R—

(A) \$20,000,000 for fiscal year 1996;

(B) \$25,000,000 for fiscal year 1997;

(C) \$30,000,000 for fiscal year 1998;

(D) \$35,000,000 for fiscal year 1999; and

(E) \$40,000,000 for fiscal year 2000.

(17) There are authorized to be appropriated to carry out the projects under part S—

(A) \$27,000,000 for fiscal year 1996;

(B) \$36,000,000 for fiscal year 1997;

(C) \$63,000,000 for fiscal year 1998;

(D) \$72,000,000 for fiscal year 1999; and

(E) \$72,000,000 for fiscal year 2000.

(18) There is authorized to be appropriated to carry out part T \$222,000,000 for each of fiscal years **[2014 through 2018]** *2020 through 2024*.

(19) There is authorized to be appropriated to carry out part U \$73,000,000 for each of fiscal years **[2014 through 2018]** *2020 through 2024*. Funds appropriated under this paragraph shall remain available until expended.

(20) There are authorized to be appropriated to carry out part V, \$10,000,000 for each of fiscal years 2001 through 2004.

(21) There are authorized to be appropriated to carry out part W—

(1) \$2,500,000 for fiscal year 1996;

(2) \$4,000,000 for fiscal year 1997;

(3) \$5,000,000 for fiscal year 1998;

(4) \$6,000,000 for fiscal year 1999; and

(5) \$7,500,000 for fiscal year 2000.

(22) There are authorized to be appropriated to carry out part X—

(1) \$1,000,000 for fiscal year 1996;

(2) \$3,000,000 for fiscal year 1997;

(3) \$5,000,000 for fiscal year 1998;

(4) \$13,500,000 for fiscal year 1999; and

(5) \$17,500,000 for fiscal year 2000.

(23) There is authorized to be appropriated to carry out part Y, \$25,000,000 for each of fiscal years 2016 through 2020.

(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

(A) \$35,000,000 for fiscal year 2001;

(B) \$85,400,000 for fiscal year 2002;

(C) \$134,733,000 for fiscal year 2003;

(D) \$128,067,000 for fiscal year 2004;

(E) \$56,733,000 for fiscal year 2005;

(F) \$42,067,000 for fiscal year 2006;

(G) \$20,000,000 for fiscal year 2007;

(H) \$20,000,000 for fiscal year 2008;

(I) \$20,000,000 for fiscal year 2009; and

(J) \$13,500,000 for fiscal year 2017;

(K) \$18,500,000 for fiscal year 2018;

(L) \$19,000,000 for fiscal year 2019;

(M) \$21,000,000 for fiscal year 2020; and

(N) \$23,000,000 for fiscal year 2021.

(25)(A) Except as provided in subparagraph (C), there is authorized to be appropriated to carry out part EE \$75,000,000 for each of fiscal years 2018 through 2023.

(B) The Attorney General shall reserve not less than 1 percent and not more than 4.5 percent of the sums appropriated for this program in each fiscal year for research and evaluation of this program.

(C) No funds made available to carry out part EE shall be expended if the Attorney General fails to submit the report required to be submitted under section 2401(c) of title II of Division B of the 21st Century Department of Justice Appropriations Authorization Act.

(26) There are authorized to be appropriated to carry out part CC \$10,000,000 for each of fiscal years 2009 and 2010.

(27) There are authorized to be appropriated to carry out part LL \$103,000,000 for each of fiscal years 2017 and 2018, and \$330,000,000 for each of fiscal years 2019 through 2023.

(28) There are authorized to be appropriated to carry out section 3031(a)(4) of part NN \$5,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.

(b) Funds appropriated for any fiscal year may remain available for obligation until expended.

(c) Notwithstanding any other provision of law, no funds appropriated under this section for part E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such part.

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## **PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”**

### **SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.**

(a) **GRANT AUTHORIZATION.**—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).

(b) **USES OF GRANT AMOUNTS.**—The purposes for which grants made under subsection (a) may be made are—

(1) to rehire law enforcement officers who have been laid off as a result of State, tribal, or local budget reductions for deployment in community-oriented policing;

(2) to hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation, including by prioritizing the hiring and training of veterans (as defined in section 101 of title 38, United States Code);

(3) to procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

(4) to award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;

(5) to increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

(6) to provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

(7) to increase police participation in multidisciplinary early intervention teams;

(8) to develop new technologies, including interoperable communications technologies, modernized criminal record tech-

nology, and forensic technology, to assist State, tribal, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;

(9) to develop and implement innovative programs to permit members of the community to assist State, tribal, and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

(10) to establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

(11) to establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

(12) to establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities, including the training of school resource officers in the prevention of human trafficking offenses;

(13) to develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

(14) to assist a State or Indian tribe in enforcing a law throughout the State or tribal community that requires that a convicted sex offender register his or her address with a State, tribal, or local law enforcement agency and be subject to criminal prosecution for failure to comply;

(15) to establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members;

(16) to support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing;

(17) to participate in nationally recognized active shooter training programs that offer scenario-based, integrated response courses designed to counter active shooter threats or acts of terrorism against individuals or facilities;

(18) to provide specialized training to law enforcement officers to—

(A) recognize individuals who have a mental illness; and

- (B) properly interact with individuals who have a mental illness, including strategies for verbal de-escalation of crises;
  - (19) to establish collaborative programs that enhance the ability of law enforcement agencies to address the mental health, behavioral, and substance abuse problems of individuals encountered by law enforcement officers in the line of duty;
  - (20) to provide specialized training to corrections officers to recognize individuals who have a mental illness;
  - (21) to enhance the ability of corrections officers to address the mental health of individuals under the care and custody of jails and prisons, including specialized training and strategies for verbal de-escalation of crises;
  - (22) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (21); **[and]**
  - (23) to establish peer mentoring mental health and wellness pilot programs within State, tribal, and local law enforcement agencies**[.]; and**
  - (24) *to develop and implement alternative methods of reducing crime in communities, to supplant punitive programs or policies (as such term is defined in section 501(a)(1)(I)).*
- (c) **PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.**—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to an application—
- (1) for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25 percent minimum under subsection (g);
  - (2) from an applicant in a State that has in effect a law that—
    - (A) treats a minor who has engaged in, or has attempted to engage in, a commercial sex act as a victim of a severe form of trafficking in persons;
    - (B) discourages or prohibits the charging or prosecution of an individual described in subparagraph (A) for a prostitution or sex trafficking offense, based on the conduct described in subparagraph (A); and
    - (C) encourages the diversion of an individual described in subparagraph (A) to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers, rape crisis centers, or other social services; or
  - (3) from an applicant in a State that has in effect a law—
    - (A) that—
      - (i) provides a process by which an individual who is a human trafficking survivor can move to vacate any arrest or conviction records for a non-violent offense committed as a direct result of human trafficking, including prostitution or lewdness;
      - (ii) establishes a rebuttable presumption that any arrest or conviction of an individual for an offense as-



sociated with human trafficking is a result of being trafficked, if the individual—

(I) is a person granted nonimmigrant status pursuant to section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i));

(II) is the subject of a certification by the Secretary of Health and Human Services under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)); or

(III) has other similar documentation of trafficking, which has been issued by a Federal, State, or local agency; and

(iii) protects the identity of individuals who are human trafficking survivors in public and court records; and

(B) that does not require an individual who is a human trafficking survivor to provide official documentation as described in subclause (I), (II), or (III) of subparagraph (A)(ii) in order to receive protection under the law.

(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(2) MODEL.—The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

(3) TRAINING CENTERS AND FACILITIES.—The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(e) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

(f) MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, “qualifying State” means any State which has submitted an application for a grant, or in which an eligible entity has sub-

mitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

(g) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

(h) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

(i) TERMINATION OF GRANTS FOR HIRING OFFICERS.—Except as provided in subsection (j), the authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

(j) GRANTS TO INDIAN TRIBES.—

(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2011 through 2015.

(k) COPS ANTI-METH PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section for a fiscal year (beginning with fiscal year 2019) to make competitive

grants, in amounts of not less than \$1,000,000 for such fiscal year, to State law enforcement agencies with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating or investigating illicit activities, such as precursor diversion, laboratories, or methamphetamine traffickers.

(l) COPS ANTI-HEROIN TASK FORCE PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section, or other amounts as appropriated, for a fiscal year (beginning with fiscal year 2019) to make competitive grants to State law enforcement agencies in States with high per capita rates of primary treatment admissions, for the purpose of locating or investigating illicit activities, through Statewide collaboration, relating to the distribution of heroin, fentanyl, or carfentanil or relating to the unlawful distribution of prescription opioids.

(m) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

- (1) the problem of intermittent funding;
- (2) the integration of COPS personnel with existing law enforcement authorities; and
- (3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.

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## PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

### SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

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

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other 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 domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a));
- (2) developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including

the crimes of domestic violence, dating violence, sexual assault, and stalking;

(3) developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims *including implementation of the non-discrimination requirements in section 40002(b)(13) of the Violence Against Women Act of 1994*;

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

(5) developing, enlarging, or strengthening victim services and legal assistance programs, including 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;

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

(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, dating violence, and stalking;

(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;

(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]** *people 50 years of age or over and people with disabilities* who are victims of domestic violence, dating violence, sexual assault, or stalking, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such **[older and disabled individuals]** *people*;

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

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

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

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

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

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

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

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

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

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

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

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (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;

(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;

(19) developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code; [and]

(20) developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose[.]; and

(21) *developing and implementing laws, policies, procedures, or training to ensure the lawful recovery and storage of any dangerous weapon by the appropriate law enforcement agency from an adjudicated perpetrator of any offense of domestic violence, dating violence, sexual assault, or stalking, and the return of such weapon when appropriate, where any Federal, State, tribal, or local court has—*

*(A)(i) issued protective or other restraining orders against such a perpetrator; or*

*(ii) found such a perpetrator to be guilty of misdemeanor or felony crimes of domestic violence, dating violence, sexual assault, or stalking; and*

*(B) ordered the perpetrator to relinquish dangerous weapons that the perpetrator possesses or has used in the commission of at least one of the aforementioned crimes.*

*Policies, procedures, protocols, laws, regulations, or training under this section shall include the safest means of recovery of, and best practices for storage of, relinquished and recovered dangerous weapons and their return, when applicable, at such time as the individual is no longer prohibited from possessing such weapons under Federal, State, or Tribal law, or posted local ordinances.*

(c) STATE COALITION GRANTS.—

(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services under section 311 of the Family Violence Prevention and Services Act; and

(B) each State sexual assault coalition, as 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.).

(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).

(d) TRIBAL COALITION GRANTS.—

(1) PURPOSE.—The Attorney General shall award a grant to tribal coalitions for purposes of—

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

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

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

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

(2) GRANTS.—The Attorney General shall award grants on an annual basis under paragraph (1) to—

(A) each tribal coalition that—

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

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

(iii) provides services to Indian tribes; and

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

(3) USE OF AMOUNTS.—For each of fiscal years 2014 through 2018, of the amounts appropriated to carry out this subsection—

(A) not more than 10 percent shall be made available to organizations described in paragraph (2)(B), provided that

1 or more organizations determined by the Attorney General to be qualified apply;

(B) not less than 90 percent shall be made available to tribal coalitions described in paragraph (2)(A), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

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

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

**SEC. 2002. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.**

(a) IN GENERAL.—There is hereby established within the Department of Justice, under the general authority of the Attorney General, [a Violence Against Women Office] *an Office on Violence Against Women* (in this part referred to as the “Office”).

(b) SEPARATE OFFICE.—The Office shall be a separate and distinct office within the Department of Justice, *not subsumed by any other office*, headed by a Director, who shall report to the Attorney General and serve as Counsel to the Attorney General on the subject of violence against women, and who shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office.

(c) JURISDICTION.—Under the general authority of the Attorney General, the Office—

(1) shall have sole jurisdiction over all duties and functions described in section 2004; and

(2) shall be solely responsible for coordination with other departments, agencies, or offices of all activities authorized or undertaken under the [Violence Against Women Act of 1994 (title VI of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386)] *Violence Against Women Act of 1994 (title VII of Public Law 103–322), the Violence Against Women Act of 2000 (Division B of Public Law 106–386), 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 2013 (Public Law 113–4; 127 Stat. 54); and the Violence Against Women Reauthorization Act of 2019.*

**[SEC. 2003. DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.**

[(a) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint a Director for the Violence Against Women Office (in this title referred to as the “Director”) to be responsible, under the general authority of the Attorney General, for the administration, coordination, and implementation of the programs and activities of the Office.

[(b) OTHER EMPLOYMENT.—The Director shall not—

[(1) engage in any employment other than that of serving as Director; or

[(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any



contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386).

[(c) VACANCY.—In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

[(d) COMPENSATION.—The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

**[SEC. 2004. DUTIES AND FUNCTIONS OF DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.**

[The Director shall have the following duties:

[(1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

[(2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.

[(3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

[(4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

[(5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including with respect to those functions—

[(A) the development of policy, protocols, and guidelines;

[(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and

[(C) the award and termination of grants, cooperative agreements, and contracts.

[(6) Providing technical assistance, coordination, and support to—

[(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;

[(B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and

[(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.

[(7) Exercising such other powers and functions as may be vested in the Director pursuant to this part or by delegation of the Attorney General.

[(8) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.]

**SEC. 2003. DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.**

(a) *APPOINTMENT.*—The President, by and with the advice and consent of the Senate, shall appoint a Director for the Office on Violence Against Women (in this title referred to as the “Director”) to be responsible, under the general authority of the Attorney General, for the administration, coordination, and implementation of the programs and activities of the Office.

(b) *OTHER EMPLOYMENT.*—The Director shall not—

(1) engage in any employment other than that of serving as Director; or

(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Violence Against Women Act of 2000 (division B of Public Law 106–386), 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 2013 (Public Law 113–4; 127 Stat. 54); or the Violence Against Women Reauthorization Act of 2019.

(c) *VACANCY.*—In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

(d) *COMPENSATION.*—The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

**SEC. 2004. DUTIES AND FUNCTIONS OF DIRECTOR OF THE OFFICE ON VIOLENCE AGAINST WOMEN.**

The Director shall have the following duties:

(1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

(2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.

(3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

(4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

(5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Violence Against Women Act of 2000 (division B of Public Law 106–386), 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 2013 (Public Law 113–4; 127 Stat. 54); and the Violence Against Women Reauthorization Act of 2019, including with respect to those functions—

- (A) the development of policy, protocols, and guidelines;
  - (B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and
  - (C) the award and termination of grants, cooperative agreements, and contracts.
- (6) Providing technical assistance, coordination, and support to—
- (A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;
  - (B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, synchronize federal definitions and protocols, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and
  - (C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.
- (7) Exercising such other powers and functions as may be vested in the Director pursuant to this subchapter or by delegation of the Attorney General.
- (8) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

**SEC. 2005. STAFF OF [VIOLENCE AGAINST WOMEN OFFICE] OFFICE ON VIOLENCE AGAINST WOMEN.**

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this part.

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**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, 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) 10 percent shall be available for grants under the program authorized by section 2015, which shall not otherwise be subject to the requirements of this part (other than section 2008);
- (2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each re-

ceiving an amount equal to  $\frac{1}{56}$  of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to  $\frac{1}{56}$  of the total amount made available under this paragraph for each fiscal year;

(4)  $\frac{1}{56}$  shall be available for grants under section 2001(d);

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

(6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

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

(1) the funds shall be used for any of the purposes described in section 2001(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall 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 in those States with State or federally recognized Indian tribes;

(G) representatives from underserved populations, including culturally specific populations;

(H) victim service providers;

(I) population specific organizations; and

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

(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the programs described in section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) and section 393A of the Public Health Service Act (42 U.S.C. 280b-1b).

(4) of the amount granted—

(A) not less than 25 percent shall be allocated for law enforcement;

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

(C) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and

- (D) not less than 5 percent shall be allocated to 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.
- (5) not later than 2 years after the date of enactment of this Act, and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.
- (d) APPLICATION REQUIREMENTS.—An application for a grant under this section 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 of this title;
  - (4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in section 2013 of this title;
  - (5) *proof of compliance with the requirements regarding protocols to strongly discourage compelling victim testimony, described in section 2017;*
  - (6) *proof of compliance with the requirements regarding civil rights under section 40002(b)(13) of the Violent Crime Control and Law Enforcement Act of 1994;*
  - [(5)] (7) an implementation plan required under subsection (i); and
  - [(6)] (8) any other documentation that the Attorney General may require.
- (e) DISBURSEMENT.—
- (1) IN GENERAL.—Not later than 60 days after the receipt of an application under this part, the Attorney General shall—
    - (A) disburse the appropriate sums provided for under this part; or
    - (B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.
  - (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, 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;
    - (B) determine the amount of subgrants based on the population and geographic area to be served;

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

(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund culturally 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 to ensure that the States meet statutory, regulatory, and other program 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.

(g) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

(h) GRANTEE REPORTING.—

(1) IN GENERAL.—Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this part; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

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

(1) develop an implementation plan in consultation with the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this part, including how the State will meet the requirements of subsection (c)(5) *and the requirements under section 40002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12291(b))*; and

(2) submit to the Attorney General—

- (A) the implementation plan developed under paragraph (1);
  - (B) documentation from each member of the planning committee as to their 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, *sexual orientation*, *gender identity*, 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 in order 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 regulations issued pursuant to subsection (e)(2);
  - (G) goals and objectives for reducing domestic 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 in subsection (c)(4)
- (k) *REVIEWS FOR COMPLIANCE WITH NONDISCRIMINATION REQUIREMENTS.*—
- (1) *IN GENERAL.*—*If allegations of discrimination in violation of section 40002(b)(13)(A) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(13)(A)) by a potential grantee under this part have been made to the Attorney General, the Attorney General shall, prior to awarding a grant under this part to such potential grantee, conduct a review of the compliance of the potential grantee with such section.*
  - (2) *ESTABLISHMENT OF RULE.*—*Not later than 1 year after the date of enactment of the Violence Against Women Reauthorization Act of 2019, the Attorney General shall by rule establish procedures for such a review.*
  - (3) *ANNUAL REPORT.*—*Beginning on the date that is 1 year after the date of enactment of the Violence Against Women Reauthorization Act of 2019, the Attorney General shall report to*

*the Committees on the Judiciary of the Senate and of the House of Representatives regarding compliance with section 40002(b)(13)(A) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(b)(13)(A)) by recipients of grants under this part.*

\* \* \* \* \*

**SEC. 2017. GRANT ELIGIBILITY REGARDING COMPELLING VICTIM TESTIMONY.**

*In order to be eligible for a grant under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will include a detailed protocol to discourage the use of bench warrants, material witness warrants, perjury charges, or other means of compelling victim-witness testimony in the investigation, prosecution, trial, or sentencing of a crime related to the domestic violence, sexual assault, dating violence or stalking of the victim.*

**PART U— [GRANTS TO ENCOURAGE ARREST POLICIES] GRANTS TO IMPROVE THE CRIMINAL JUSTICE RESPONSE**

**SEC. 2101. GRANTS.**

**[(a) PURPOSE.]**—The purpose of this part is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law. **]**

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

**(b) GRANT AUTHORITY.**—The Attorney General may make grants to eligible grantees for the following purposes:

(1) To implement **[proarrest]** *offender accountability and homicide reduction* 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, data collection systems, and training in police departments to improve tracking of cases and classification of complaints involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.



(4) To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.

(5) To strengthen legal advocacy service programs and other victim services for victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.

(6) To educate Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

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

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence dating violence, sexual assault, and stalking against **[older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002))] people 50 years of age or over** and **[individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)))] people with disabilities (as defined in the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))**.

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

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

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

the community for repeat crime perpetration by such individuals.

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

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

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

(15) To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of applications for nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(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, *including victims among underserved populations (as defined in section 40002(a)(46) of the Violence Against Women Act of 1994)*.

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

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

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

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

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

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

(23) *To develop and implement alternative methods of reducing crime in communities, to supplant punitive programs or policies. For purposes of this paragraph, a punitive program or*

*policy is a program or policy that (A) imposes a penalty on a victim of domestic violence, dating violence, sexual assault, or stalking, on the basis of a request by the victim for law enforcement or emergency assistance; or (B) imposes a penalty on such a victim because of criminal activity at the property in which the victim resides.*

(23) *To develop and implement an alternative justice response (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994).*

(24) *To develop and implement policies, procedures, protocols, laws, regulations, or training to ensure the lawful recovery and storage of any dangerous weapon by the appropriate law enforcement agency from an adjudicated perpetrator of any offense of domestic violence, dating violence, sexual assault, or stalking, and the return of such weapon when appropriate, where any Federal, State, tribal, or local court has—*

*(A)(i) issued protective or other restraining orders against such a perpetrator; or*

*(ii) found such a perpetrator to be guilty of misdemeanor or felony crimes of domestic violence, dating violence, sexual assault, or stalking; and*

*(B) ordered the perpetrator to relinquish dangerous weapons that the perpetrator possesses or has used in the commission of at least one of the aforementioned crimes.*

*Policies, procedures, protocols, laws, regulations, or training under this section shall include the safest means of recovery of and best practices for storage of relinquished and recovered dangerous weapons and their return, when applicable, at such time as the persons are no longer prohibited from possessing such weapons under Federal, State, Tribal or municipal law.*

(c) ELIGIBILITY.—Eligible grantees are—

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

(A) except for a court, certify that their laws or official policies—

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

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

(B) except for a court, demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

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

(D) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking 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;

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

(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, trial of, or sentencing for such an offense; and

(ii) the refusal of a victim to submit to an examination described in clause (i) shall not prevent the investigation of, trial of, or sentencing for the offense; and

*(F) certify that, not later than 3 years after the date of the enactment of this subparagraph, their laws, policies, or practices will include a detailed protocol to strongly discourage the use of bench warrants, material witness warrants, perjury charges, or other means of compelling victim-witness testimony in the investigation, prosecution, trial, or sentencing of a crime related to the domestic violence, sexual assault, dating violence or stalking of the victim.*

(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;

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

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test

the results be made available in accordance with subparagraph (B); or

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

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

(B) 2 years.

(e) ALLOTMENT FOR INDIAN TRIBES.—

(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015.

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

(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 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg).

(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.

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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 II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE**

### **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 relating to or arising out of that abuse or violence, at minimal or no cost to the victims *When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided..* 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 victims services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault, *or for dependents when necessary for the safety of a victim*;

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

(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, *or for dependents when necessary for the safety of a victim*,, except that not more than 10 percent of the funds awarded under this section may be used for the purpose described in this paragraph.

(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 this section—

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

(B)(i) is partnered with 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 victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence, dating violence, or sexual assault programs and coali-

tions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, dating violence, dating violence, stalking, and sexual assault, and on evaluation research.

(f) Authorization of Appropriations.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$57,000,000 for each of fiscal years [2014 through 2018] *2020 through 2024*.

(2) ALLOCATION OF FUNDS.—

(A) TRIBAL PROGRAMS.—Of the amount made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for programs that assist adult and youth victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) VICTIMS OF SEXUAL ASSAULT.—Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

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### **TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN**

#### **SEC. 1301. GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM.**

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

(5) 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) provide civil legal assistance and advocacy services, including legal information and resources in cases in which the victim proceeds pro se, to—

(A) victims of domestic violence; and

(B) nonoffending parents in matters—

(i) that involve allegations of child sexual abuse;

(ii) that relate to family matters, including civil protection orders, custody, and divorce; and

(iii) in which the other parent is represented by counsel;

(7) 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]**



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

(9) *develop and implement an alternative justice response (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994).*

(c) CONSIDERATIONS.—

(1) IN GENERAL.—In making grants for purposes described in paragraphs (1) through (7) 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) for a court-based program, certifies that victims of domestic violence, dating violence, sexual assault, or stalking are not charged fees or any other costs related to the filing, petitioning, modifying, issuance, registration, enforcement, withdrawal, or dismissal of matters relating to the domestic violence, dating violence, sexual assault, or stalking;

(4) 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), if the applicant

proposes to operate supervised visitation programs and services or safe visitation exchange;

(5) 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;

(6) 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

(7) 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 fiscal years **[2014 through 2018]** *2020 through 2024*. Amounts appropriated pursuant to this subsection shall 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 3796gg–10 of this title.

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

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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]** *PEOPLE* WITH DISABILITIES.**

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

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

(2) to enhance direct services to such **individuals** *people*.

(b) USE OF FUNDS.—Grants awarded under this section shall be used—

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

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

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

(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 providers for **disabled individuals** *people with disabilities*;

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

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

(B) section 504 of the Rehabilitation Act of 1973;

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

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

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

(c) ELIGIBLE ENTITIES.—

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

(A) a State;

(B) a unit of local government;

(C) an Indian tribal government or tribal organization;

or

(D) a victim service provider, such as a State or tribal domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving **disabled individuals** *people with disabilities*.

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$9,000,000 for each of fiscal years [2014 through 2018] 2020 through 2024 to carry out this section.

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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 COM- BAT VIOLENCE AGAINST WOMEN

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## 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 covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to Combat Violent Crimes Against Women).

(B) Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program).

(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, tribal, 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 25 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including—

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

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

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

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

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

(1) working with Federal, State, tribal, territorial and local governments, agencies, and organizations to develop or enhance population specific 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 submit to the Director of the Office on Violence Against Women a report that describes the activities carried out with grant funds.

(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds identified in subsection (a)(1), there are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2014 through 2018.

(h) 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.

**SEC. 121. ENHANCING CULTURALLY 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~~ *the Office on Violence Against Women* (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 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 of the Omnibus Crime Control and Safe Streets Act of 1968 (Grants to Encourage Arrest Policies and Enforcement of Protection Orders).

(B) Section 14201 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 specific services and other resources.

(B) The development of innovative culturally 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 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 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 specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) increasing communities' capacity to provide culturally 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 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 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 specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

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

(G) providing culturally 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 specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a dem-

onstrated expertise in and whose primary purpose is addressing the development and provision of culturally 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 specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally 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 accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

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

(f) **EVALUATION.**—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural 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 culturally specific community-based programs from applying to other grant programs authorized under this Act.

(h) **DEFINITIONS AND GRANT CONDITIONS.**—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.

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

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### **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, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, to develop and strengthen victim services in cases involving such 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 \$300,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

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

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

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

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

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

(2) To develop, strengthen, and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, including the use of technology to commit these crimes, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services. [Within 90 days after 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.]

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

*(3) To provide prevention and education programming about domestic violence, dating violence, sexual assault, and stalking, including technological abuse and reproductive and sexual coercion, that is age-appropriate, culturally relevant, ongoing, delivered in multiple venues on campus, accessible, promotes respectful nonviolent behavior as a social norm, and engages men and boys. Such programming should be developed in partnership or collaboratively with experts in intimate partner and sexual violence prevention and intervention.*

(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 victim service providers in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph, regardless of whether the services are provided by the institution or in coordination with community victim service providers.

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

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

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

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

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

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

(11) *To train campus health centers on how to recognize and respond to domestic violence, dating violence, sexual assault, and stalking, including training health providers on how to provide universal education to all members of the campus community on the impacts of violence on health and unhealthy relationships and how providers can support ongoing outreach efforts.*

(c) APPLICATIONS.—

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

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

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

(B) include proof that the institution of higher education collaborated with victim service providers, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

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

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

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

(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

(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 **2014 through 2018** *2020 through 2024* 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) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a performance report to the Attorney General. The Attorney General shall suspend funding under this section for an in-

stitution of higher education if the institution fails to submit such a report.

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

(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** *for all 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.

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

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

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

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated **for each of fiscal years 2014 through 2018** *\$16,000,000 for each of fiscal years 2020 through 2024*.

(f) REPEAL.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is repealed.

(g) 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.

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## TITLE IV—STRENGTHENING AMERICA’S FAMILIES BY PREVENTING VIOLENCE

\* \* \* \* \*

### SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

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

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

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There shall be authorized to be appropriated to carry out this title \$1,000,000 for each of the fiscal years [2014 through 2018] *2020 through 2024*.

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## TITLE 18, UNITED STATES CODE

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### PART I—CRIMES

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#### CHAPTER 44—FIREARMS

Sec.

921. Definitions.

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*925B. Reporting of background check denials to state, local, and tribal authorities.*

*925C. Special assistant U.S. attorneys and cross-deputized attorneys.*

#### § 921. Definitions

(a) As used in this chapter—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term “State” includes the Dis-

trict of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(9) The term “importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term “licensed importer” means any such person licensed under the provisions of this chapter.

(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter.

(11) The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter.

(12) The term “pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

(13) The term “collector” means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term “licensed collector” means any such person licensed under the provisions of this chapter.

(14) The term “indictment” includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(15) The term “fugitive from justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by re-

placing the barrel, bolt, breechblock, or any combination thereof.

(17)(A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(B) The term “armor piercing ammunition” means—

(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

(ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

(C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(18) The term “Attorney General” means the Attorney General of the United States

(19) The term “published ordinance” means a published law of any political subdivision of a State which the Attorney General determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Attorney General, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

(20) The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(21) The term “engaged in the business” means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;



(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

(D) as applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

(22) The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: Provided, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(23) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).

(24) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a

portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

(25) The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(26) The term “school” means a school which provides elementary or secondary education, as determined under State law.

(27) The term “motor vehicle” has the meaning given such term in section 13102 of title 49, United States Code.

(28) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(29) The term “handgun” means—

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

(32) The term “intimate partner” [means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.] —

(A) *means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person; and*

(B) *includes—*

(i) *a dating partner or former dating partner (as defined in section 2266); and*

(ii) *any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.*

(33)(A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal, State, *municipal*, or Tribal law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, *intimate partner*, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, *intimate partner*, parent, or guardian, or by a person similarly situated to a spouse, *intimate partner*, parent, or guardian of the victim.

(B)(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(34)(A) *the term “misdemeanor crime of stalking” means an offense that—*

*(i) is a misdemeanor crime of stalking under Federal, State, Tribal, or municipal law; and*

*(ii) is a course of harassment, intimidation, or surveillance of another person that—*

*(I) places that person in reasonable fear of material harm to the health or safety of—*

*(aa) that person;*

*(bb) an immediate family member (as defined in section 115) of that person;*

*(cc) a household member of that person; or*

*(dd) a spouse or intimate partner of that person; or*

*(II) causes, attempts to cause, or would reasonably be expected to cause emotional distress to a person described in item (aa), (bb), (cc), or (dd) of subclause (I).*

(B) *A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—*

*(i) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and*

*(ii) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either—*

*(I) the case was tried by a jury; or*

*(II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.*

(C) *A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.*

[(34)] (35) The term “secure gun storage or safety device” means—

(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

(B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

[(35)] (36) The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

## **§ 922. Unlawful acts**

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any fire arm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter;

(7) for any person to manufacture or import armor piercing ammunition, unless—

(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) the manufacture of such ammunition is for the purpose of exportation; or

(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) is for the purpose of exportation; or

(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986),

short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Attorney General.

(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

(1) the transferee submits to the transferor a sworn statement in the following form:

“Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are — — — — —

— — — Signature — — — — — Date — — —.”

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or

rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order **that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—**

**[(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and**

**[(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or**

**[(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or]** *described in subsection (g)(8);*

(9) has been convicted in any court of a misdemeanor crime of domestic violence~~[(.)]; or~~

*(10) who has been convicted in any court of a misdemeanor crime of stalking.*

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons



other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

(f)(1) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment transportation, or receipt thereof would be in violation of the provisions of this chapter.

(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

[(8) who is subject to a court order that—

[(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

[(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

[(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

[(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or]

(8) *who is subject to a court order—*

(A) *that was issued—*

(i) *after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; or*

(ii) *in the case of an ex parte order, relative to which notice and opportunity to be heard are provided—*

(I) *within the time required by State, tribal, or territorial law; and*

(II) *in any event within a reasonable time after the order is issued, sufficient to protect the due process rights of the person;*

(B) *that restrains such person from—*

(i) *harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or*

(ii) *intimidating or dissuading a witness from testifying in court; and*

(C) *that—*

(i) *includes a finding that such person represents a credible threat to the physical safety of such individual described in subparagraph (B); or*

(ii) *by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such individual described in subparagraph (B) that would reasonably be expected to cause bodily injury;*

(9) *who has been convicted in any court of a misdemeanor crime of domestic violence[1]; or*

(10) *who has been convicted in any court of a misdemeanor crime of stalking,*

*to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.*

(h) It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

(1) *to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or*

(2) *to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.*

(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearms or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm

or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(o)(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof; or

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.

(p)(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term “firearm” does not include the frame or receiver of any such weapon;

(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Attorney General, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors: Provided, however, That at the close of such 12-month period, and

at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a “Security Exemplar” which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

(4) The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.

(q)(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both

the Committee on the Judiciary the House of Representatives and the Committee on the Judiciary of the Senate;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;

(F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;

(G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves--even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

(iii) that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

(v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

(vi) by a law enforcement officer acting in his or her official capacity; or

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

- (i) on private property not part of school grounds;
- (ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;
- (iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
- (iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

(r) It shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3) of this chapter as not being particularly suitable for or readily adaptable to sporting purposes except that this subsection shall not apply to—

- (1) the assembly of any such rifle or shotgun for sale or distribution by a licensed manufacturer to the United States or any department or agency thereof or to any State or any department, agency, or political subdivision thereof; or
- (2) the assembly of any such rifle or shotgun for the purposes of testing or experimentation authorized by the Attorney General.

(s)(1) Beginning on the date that is 90 days after the date of enactment of this subsection and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun (other than the return of a handgun to the person from whom it was received) to an individual who is not licensed under section 923, unless—

(A) after the most recent proposal of such transfer by the transferee—

- (i) the transferor has—
  - (I) received from the transferee a statement of the transferee containing the information described in paragraph (3);
  - (II) verified the identity of the transferee by examining the identification document presented;
  - (III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and
  - (IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(ii)(I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or

(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

(C)(i) the transferee has presented to the transferor a permit that—

(I) allows the transferee to possess or acquire a handgun; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

(E) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(F) on application of the transferor, the Attorney General has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt

or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the transferee containing a photograph of the transferee and a description of the identification used;

(B) a statement that the transferee—

(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, and has not been convicted in any court of a misdemeanor crime of domestic violence;

(ii) is not a fugitive from justice;

(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

(v) is not an alien who—

(I) is illegally or unlawfully in the United States; or

(II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

(C) the date the statement is made; and

(D) notice that the transferee intends to obtain a handgun from the transferor.

(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—

(A) the chief law enforcement officer of the place of business of the transferor; and

(B) the chief law enforcement officer of the place of residence of the transferee.

(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.



(B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—

(i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);

(ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and

(iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.

(C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.

(7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

(8) For purposes of this subsection, the term “chief law enforcement officer” means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

(9) The Attorney General shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.

(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act;

(B)(i) the system provides the licensee with a unique identification number; or

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section; and

(C) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d) of this title) of the transferee containing a photograph of the transferee.

(2) If receipt of a firearm would not violate subsection (g) or (n) or State law, the system shall—

(A) assign a unique identification number to the transfer;

(B) provide the licensee with the number; and

(C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—

(A)(i) such other person has presented to the licensee a permit that—

(I) allows such other person to possess or acquire a firearm; and

(II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and

(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;

(B) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986; or

(C) on application of the transferor, the Attorney General has certified that compliance with paragraph (1)(A) is impracticable because—

(i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;

(ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and

(iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a firearm by such other person would violate subsection (g) or (n) or State law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that receipt of a firearm by such other person would violate subsection (g) or (n) of this section or State law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923, and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

(y) PROVISIONS RELATING TO ALIENS ADMITTED UNDER NON-IMMIGRANT VISAS.—

(1) DEFINITIONS.—In this subsection—

(A) the term "alien" has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term "nonimmigrant visa" has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS.—Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

(B) an official representative of a foreign government who is—

(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(ii) en route to or from another country to which that alien is accredited;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

(3) WAIVER.—

(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) PETITION.—Each petition under subparagraph (B) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).

(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

(i) would be in the interests of justice; and

(ii) would not jeopardize the public safety.

(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

(B) the transfer to, or possession by, a rail police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws

of a State of a handgun for purposes of law enforcement (whether on or off duty);

(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

(3) LIABILITY FOR USE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a qualified civil liability action.

(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

(C) DEFINED TERM.—As used in this paragraph, the term “qualified civil liability action”—

(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

\* \* \* \* \*

**§925B. Reporting of background check denials to State, local, and tribal authorities**

(a) IN GENERAL.—If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) provides a notice pursuant to section 922(t) of this title that the receipt of a firearm by a person would violate subsection (g)(8), (g)(9), or (g)(10) of section 922 of this title or State law, the Attorney General shall, in accordance with subsection (b) of this section—

(1) report to the law enforcement authorities of the State where the person sought to acquire the firearm and, if different, the law enforcement authorities of the State of residence of the person—

(A) that the notice was provided;

- (B) of the specific provision of law that would have been violated;
- (C) of the date and time the notice was provided;
- (D) of the location where the firearm was sought to be acquired; and
- (E) of the identity of the person; and
- (2) report the incident to local or tribal law enforcement authorities and, where practicable, State, tribal, or local prosecutors, in the jurisdiction where the firearm was sought and in the jurisdiction where the person resides.
- (b) **REQUIREMENTS FOR REPORT.**—A report is made in accordance with this subsection if the report is made within 24 hours after the provision of the notice described in subsection (a), except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.
- (c) **RULE OF CONSTRUCTION.**—Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that originally issued the notice with respect to the person.

**§ 925C. Special assistant U.S. attorneys and cross-deputized attorneys**

- (a) **IN GENERAL.**—In order to improve the enforcement of paragraphs (8), (9), and (10) of section 922(g), the Attorney General may—
  - (1) appoint, in accordance with section 543 of title 28, qualified State, tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs;
  - (2) deputize State, tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs; and
  - (3) establish, in order to receive and expedite requests for assistance from State, tribal, territorial and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact with—
    - (A) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
    - (B) each District Office of the United States Attorneys.
- (b) **IMPROVE INTIMATE PARTNER AND PUBLIC SAFETY.**—The Attorney General shall—
  - (1) identify no less than 75 jurisdictions among States, territories and tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8), (9), and (10) of section 922(g) and where local authorities lack the resources to address such violence; and
  - (2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates.

(c) **QUALIFIED DEFINED.**—For purposes of this section, the term “qualified” means, with respect to an attorney, that the attorney is a licensed attorney in good standing with any relevant licensing authority.

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## CHAPTER 109A—SEXUAL ABUSE

Sec.

2241. Aggravated sexual abuse.

2242. Sexual abuse.

**[2243. Sexual abuse of a minor or ward.]**

2243. *Sexual abuse of a minor or ward or by any person acting under color of law.*

2244. Abusive sexual contact.

2245. Sexual abuse resulting in death.

2246. Definitions for chapter.

2247. Repeat offenders.

2248. Mandatory restitution.

\* \* \* \* \*

### **§ 2243. Sexual abuse of a minor or ward or by any person acting under color of law**

(a) **OF A MINOR.**—Whoever in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who—

(1) has attained the age of 12 years but has not attained the age of 16 years; and

(2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) **OF A WARD.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is—

(1) in official detention; 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.

(c) **OF AN INDIVIDUAL BY ANY PERSON ACTING UNDER COLOR OF LAW.**—

(1) **IN GENERAL.**—Whoever, acting under color of law, knowingly engages in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any Federal law enforcement officer, shall be fined under this title, imprisoned not more than 15 years, or both.

(2) **DEFINITION.**—In this subsection, the term “sexual act” has the meaning given the term in section 2246.



[(c)] (d) DEFENSES.—(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(3) *In a prosecution under subsection (c), it is not a defense that the other individual consented to the sexual act.*

[(d)] (e) STATE OF MIND PROOF REQUIREMENT.—In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

- (1) the age of the other person engaging in the sexual act;
- or
- (2) that the requisite age difference existed between the persons so engaging.

\* \* \* \* \*

## § 2246. Definitions for chapter

As used in this chapter—

(1) the term “prison” means a correctional, detention, or penal facility;

(2) the term “sexual act” means—

(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(5) the term “official detention” means—

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; fol-

lowing commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation;

but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; [and]

(6) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States[.]; and

(7) the term “Federal law enforcement officer” has the meaning given the term in section 115.

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## CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

Sec.

2261. Interstate domestic violence.

2261A. Interstate stalking.

2261B. Enhanced penalty for stalkers of children.

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### § 2261A. Stalking

Whoever—

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

(A) places that person in reasonable fear of the death of, or serious bodily injury to—

- (i) that person;
- (ii) an immediate family member (as defined in section 115) of that person;
- (iii) a spouse or intimate partner of that person; or
- (iv) the pet, service animal, emotional support animal, or horse of that person; or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or

(2) with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility

of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person, a pet, a service animal, an emotional support animal, or a horse described in clause (i), (ii), (iii), or (iv) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),

shall be punished as provided in [section 2261(b) of this title] section 2261(b) or section 2262B, as the case may be.

**§ 2261B. Enhanced penalty for stalkers of children**

(a) *IN GENERAL.*—Except as provided in subsection (b), if the victim of an offense under section 2261A is under the age of 18 years, the maximum term of imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.

(b) *LIMITATION.*—Subsection (a) shall not apply to a person who violates section 2261A if—

(1) the person is subject to a sentence under section 2261(b)(5); and

(2)(A) the person is under the age of 18 at the time the offense occurred; or

(B) the victim of the offense is not less than 15 nor more than 17 years of age and not more than 3 years younger than the person who committed the offense at the time the offense occurred.

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**§ 2265. Full faith and credit given to protection orders**

(a) *FULL FAITH AND CREDIT.*—Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were the order of the enforcing State or tribe.

(b) *PROTECTION ORDER.*—A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) *CROSS OR COUNTER PETITION.*—A protection order issued by a State, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protec-

tion against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

(d) NOTIFICATION AND REGISTRATION.—

(1) NOTIFICATION.—A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order.

(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, [restraining order or injunction,] restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes. *The prohibition under this paragraph applies to all protection orders for the protection of a person residing within a State, territorial, or tribal jurisdiction, whether or not the protection order was issued by that State, territory, or Tribe.*

(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe. *This applies to all Alaska tribes without respect to “Indian country” or the population of the Native village associated with the Tribe.*

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## PART II—CRIMINAL PROCEDURE

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## CHAPTER 229—POSTSENTENCE ADMINISTRATION

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### SUBCHAPTER C—IMPRISONMENT

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#### **§ 3621. Imprisonment of a convicted person**

(a) **COMMITMENT TO CUSTODY OF BUREAU OF PRISONS.**—A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of section 3624.

(b) **PLACE OF IMPRISONMENT.**—The Bureau of Prisons shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering—

- (1) the resources of the facility contemplated;
- (2) the nature and circumstances of the offense;
- (3) the history and characteristics of the prisoner;
- (4) any statement by the court that imposed the sentence—
  - (A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
  - (B) recommending a type of penal or correctional facility as appropriate; and
- (5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status. The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another. The Bureau shall make available appropriate substance abuse treatment for each prisoner the Bureau determines has a treatable condition of substance addiction or abuse. Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no

binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person. Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.

(c) DELIVERY OF ORDER OF COMMITMENT.—When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

(d) DELIVERY OF PRISONER FOR COURT APPEARANCES.—The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

(e) SUBSTANCE ABUSE TREATMENT.—

(1) PHASE-IN.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall, subject to the availability of appropriations, provide residential substance abuse treatment (and make arrangements for appropriate aftercare)—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

(2) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

(A) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall remain in the custody of the Bureau under such conditions as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

(B) PERIOD OF CUSTODY.—The period a prisoner convicted of a nonviolent offense remains in custody after successfully completing a treatment program may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.

(3) REPORT.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011.

(5) DEFINITIONS.—As used in this subsection—

(A) the term “residential substance abuse treatment” means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period);

(B) the term “eligible prisoner” means a prisoner who is—

(i) determined by the Bureau of Prisons to have a substance abuse problem; and

(ii) willing to participate in a residential substance abuse treatment program; and

(C) the term “aftercare” means placement, case management and monitoring of the participant in a community-based substance abuse treatment program when the participant leaves the custody of the Bureau of Prisons.

(6) COORDINATION OF FEDERAL ASSISTANCE.—The Bureau of Prisons shall consult with the Department of Health and Human Services concerning substance abuse treatment and related services and the incorporation of applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(7) *ELIGIBILITY OF PRIMARY CARETAKER PARENTS AND PREGNANT WOMEN.*—*The Director of the Bureau of Prisons may not prohibit an eligible prisoner who is a primary caretaker parent (as defined in section 4050) or pregnant from participating in a program of residential substance abuse treatment provided under paragraph (1) on the basis of a failure by the eligible prisoner, before being committed to the custody of the Bureau of Prisons, to disclose to any official of the Bureau of Prisons that the prisoner had a substance abuse problem on or before the date on which the eligible prisoner was committed to the custody of the Bureau of Prisons.*

(f) SEX OFFENDER MANAGEMENT.—

(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

(2) REGIONS.—At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.

(g) CONTINUED ACCESS TO MEDICAL CARE.—

(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

(2) DEFINITION.—In this subsection, the term “community confinement” has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.

(h) IMPLEMENTATION OF RISK AND NEEDS ASSESSMENT SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the “System”) developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter—

(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner’s length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and com-



pleting the effective evidence-based recidivism reduction programs and productive activities.

(2) PHASE-IN.—In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall—

(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

(3) PRIORITY DURING PHASE-IN.—During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

(4) PRELIMINARY EXPANSION OF EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAMS AND AUTHORITY TO USE INCENTIVES.—Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

(5) RECIDIVISM REDUCTION PARTNERSHIPS.—In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that will deliver instruction on a paid or volunteer basis.

(C) Private entities that will—

- (i) deliver vocational training and certifications;
- (ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;
- (iii) employ prisoners; or
- (iv) assist prisoners in prerelease custody or supervised release in finding employment.

(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

(6) REQUIREMENT TO PROVIDE PROGRAMS TO ALL PRISONERS; PRIORITY.—The Director of the Bureau of Prisons shall provide

all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

(7) DEFINITIONS.—The terms in this subsection have the meaning given those terms in section 3635.

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## PART III—PRISONS AND PRISONERS

\* \* \* \* \*

### CHAPTER 303—BUREAU OF PRISONS

Sec.

4041. Bureau of Prisons; director and employees.

4050. Secure firearms storage.

4050. *Treatment of primary caretaker parents and other individuals.*

\* \* \* \* \*

#### **§ 4050. *Treatment of primary caretaker parents and other individuals***

(a) DEFINITIONS.—*In this section—*

(1) *the term “correctional officer” means a correctional officer of the Bureau of Prisons;*

(2) *the term “covered institution” means a Federal penal or correctional institution;*

(3) *the term “Director” means the Director of the Bureau of Prisons;*

(4) *the term “post-partum recovery” means the first 8-week period of post-partum recovery after giving birth;*

(5) *the term “primary caretaker parent” has the meaning given the term in section 31903 of the Family Unity Demonstration Project Act (34 U.S.C. 12242);*

(6) *the term “prisoner” means an individual who is incarcerated in a Federal penal or correctional institution, including a vulnerable person; and*

(7) *the term “vulnerable person” means an individual who—*

(A) *is under 21 years of age or over 60 years of age;*

(B) *is pregnant;*

(C) *identifies as lesbian, gay, bisexual, transgender, or intersex;*

(D) *is victim or witness of a crime;*

(E) *has filed a nonfrivolous civil rights claim in Federal or State court;*

(F) *has a serious mental or physical illness or disability;*

*or*

(G) *during the period of incarceration, has been determined to have experienced or to be experiencing severe trauma or to be the victim of gender-based violence—*

(i) *by any court or administrative judicial proceeding;*

- (ii) by any corrections official;
- (iii) by the individual's attorney or legal service provider; or
- (iv) by the individual.

(b) *GEOGRAPHIC PLACEMENT.*—

(1) *ESTABLISHMENT OF OFFICE.*—*The Director shall establish within the Bureau of Prisons an office that determines the placement of prisoners.*

(2) *PLACEMENT OF PRISONERS.*—*In determining the placement of a prisoner, the office established under paragraph (1) shall—*

(A) *if the prisoner has children, place the prisoner as close to the children as possible;*

(B) *in deciding whether to assign a transgender or intersex prisoner to a facility for male or female prisoners, and in making other housing and programming assignments, consider on a case-by-case basis whether a placement would ensure the prisoner's health and safety, including serious consideration of the prisoner's own views with respect to their safety, and whether the placement would present management or security problems; and*

(C) *consider any other factor that the office determines to be appropriate.*

(c) *PROHIBITION ON PLACEMENT OF PREGNANT PRISONERS OR PRISONERS IN POST-PARTUM RECOVERY IN SEGREGATED HOUSING UNITS.*—

(1) *PLACEMENT IN SEGREGATED HOUSING UNITS.*—*A covered institution may not place a prisoner who is pregnant or in post-partum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to the prisoner or others.*

(2) *RESTRICTIONS.*—*Any placement of a prisoner described in subparagraph (A) in a segregated housing unit shall be limited and temporary.*

(d) *PARENTING CLASSES.*—*The Director shall provide parenting classes to each prisoner who is a primary caretaker parent.*

(e) *TRAUMA SCREENING.*—*The Director shall provide training to each correctional officer and each employee of the Bureau of Prisons who regularly interacts with prisoners, including each instructor and health care professional, to enable those correctional officers and employees to—*

(1) *identify a prisoner who has a mental or physical health need relating to trauma the prisoner has experienced; and*

(2) *refer a prisoner described in paragraph (1) to the proper healthcare professional for treatment.*

(f) *INMATE HEALTH.*—

(1) *HEALTH CARE ACCESS.*—*The Director shall ensure that all prisoners receive adequate health care.*

(2) *HYGIENIC PRODUCTS.*—*The Director shall make essential hygienic products, including shampoo, toothpaste, toothbrushes, and any other hygienic product that the Director determines appropriate, available without charge to prisoners.*

(3) *GYNECOLOGIST ACCESS.*—*The Director shall ensure that all prisoners have access to a gynecologist as appropriate.*

(g) *USE OF SEX-APPROPRIATE CORRECTIONAL OFFICERS.*—

(1) *REGULATIONS.*—*The Director shall make rules under which—*

(A) *a correctional officer may not conduct a strip search of a prisoner of the opposite sex unless—*

(i) *the prisoner presents a risk of immediate harm to the prisoner or others, and no other correctional officer of the same sex as the prisoner, or medical staff is available to assist; or*

(ii) *the prisoner has previously requested that an officer of a different sex conduct searches;*

(B) *a correctional officer may not enter a restroom reserved for prisoners of the opposite sex unless—*

(i) *a prisoner in the restroom presents a risk of immediate harm to themselves or others; or*

(ii) *there is a medical emergency in the restroom and no other correctional officer of the appropriate sex is available to assist;*

(C) *a transgender prisoner's sex is determined according to the sex with which they identify; and*

(D) *a correctional officer may not search or physically examine a prisoner for the sole purpose of determining the prisoner's genital status or sex.*

(2) *RELATION TO OTHER LAWS.*—*Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.).*

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## **JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015**

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## **TITLE IV—RAPE SURVIVOR CHILD CUSTODY**

\* \* \* \* \*

### **SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this title \$5,000,000 for each of fiscal years **2015 through 2019** *2020 through 2024*.

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## **VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994**

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## **TITLE IV—VIOLENCE AGAINST WOMEN**

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## Subtitle A—Safe Streets for Women

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### CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

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#### SEC. 40152. TRAINING PROGRAMS.

(a) **IN GENERAL.**—The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

- (1) case management;
- (2) supervision; and
- (3) relapse prevention.

(b) **TRAINING PROGRAMS.**—The Attorney General shall ensure, to the extent practicable, that training programs developed under subsection (a) are available in geographically diverse locations throughout the country.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years **[2014 through 2018]** *2020 through 2024*.

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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) domestic violence, dating violence, sexual assault, and stalking victim service providers;
- (B) law enforcement agencies;
- (C) prosecutors;
- (D) courts;
- (E) other criminal justice service providers;
- (F) human and community service providers;
- (G) educational institutions; and
- (H) health care providers, including sexual assault forensic examiners;

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

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

(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

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

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

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

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

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

(5) developing programs and strategies that focus on the specific needs of victims of domestic violence, dating violence, sexual assault, and stalking who reside in remote rural and geographically isolated areas, including addressing the challenges posed by the lack of access to shelters and victims services, and limited law enforcement resources and training, and providing training and resources to Community Health Aides involved in the delivery of Indian Health Service programs.

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

(d) ALLOTMENTS AND PRIORITIES.—

(1) ALLOTMENT FOR INDIAN TRIBES.—

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

(B) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).

## (2) ALLOTMENT FOR SEXUAL ASSAULT.—

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

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

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

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

(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

## (e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years **[2014 through 2018]** *2020 through 2024* to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.

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## Subtitle F—National Stalker and Domestic Violence Reduction

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**SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this subtitle \$3,000,000 for fiscal years **2014 through 2018** *2020 through 2024*.

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## Subtitle H—Enhanced Training and Services To End Abuse Later in Life

**SEC. 40801. [ENHANCED TRAINING] TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.**

*The Attorney General shall make grants to eligible entities in accordance with the following:*

**[(a) DEFINITIONS.—In this section—**

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

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

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

**[(b) GRANT PROGRAM.—]**

**[(1) GRANTS AUTHORIZED.—The Attorney General may make grants to eligible entities to carry out the activities described in paragraph (2).]**

**[(2)] (1) 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 and abuse in later life;**

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

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

**(iv) conduct cross-training for law enforcement agencies, prosecutors, agencies of States or units of local government, attorneys, health care providers, population specific organizations, faith-based [advocates, victim service providers, and courts to better serve victims of abuse in later life] leaders, victim advocates, victim service providers, courts, and first responders to better serve older victims [, including domestic vio-**



lence, dating violence, sexual assault, stalking, exploitation, and neglect】.

(B) PERMISSIBLE ACTIVITIES.—An eligible entity receiving a grant under this section may use 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 abuse in later life】 *community-based organizations, or other professionals who may identify or respond to abuse in later life* 【, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect】; or

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

(C) WAIVER.—The Attorney General may waive 1 or more of the activities described in subparagraph (A) upon making a determination that the activity would duplicate services available in the community.

(D) LIMITATION.—An eligible entity receiving a grant under this section may use not more than 10 percent of the total funds received under the grant for an activity described in 【subparagraph (B)(ii)】 *paragraph (2)(B)*.

【(3)】 (2) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if—

(A) the entity is—

- (i) a State;
- (ii) a unit of local government;
- (iii) a tribal government or tribal organization;
- (iv) a population specific organization with demonstrated experience in assisting individuals 【over 50 years of age】 *50 years of age or over*;
- (v) a victim service provider with demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking; or
- (vi) a State, tribal, or territorial domestic violence or sexual assault coalition; and

(B) the entity demonstrates that it is part of a multidisciplinary partnership that includes, at a minimum—

- (i) a law enforcement agency;
- (ii) a prosecutor's office;
- (iii) a victim service provider; and
- (iv) a nonprofit program or government agency with demonstrated experience in assisting individuals 【in later life】 *50 years of age or over*;

【(4)】 (3) UNDERSERVED POPULATIONS.—In making grants under this section, the Attorney General shall give priority to proposals providing services to culturally specific and underserved populations.

【(5)】 (4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$9,000,000

for each of fiscal years [2014 through 2018] *2020 through 2024.*

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

### SEC. 41201. CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH (“CHOOSE CHILDREN & YOUTH”).

(a) GRANTS AUTHORIZED.—The Attorney General, working in collaboration with the Secretary of 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, [stalking, or sex trafficking] *or stalking* and prevent future violence. *Grants awarded under this section may be used to address sex trafficking or bullying as part of a comprehensive program focused primarily on domestic violence, dating violence, sexual assault, or stalking.*

(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-centered interventions and services that [target youth who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking] *target youth, including youth in underserved populations who are victims of domestic 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, population-specific services, and other activities that support youth in finding safety, stability, and justice and in addressing the emotional, cognitive, and physical effects of trauma. Funds may be used to—

(A) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, [stalking, and sex trafficking] *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, [stalking, or sex trafficking] *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, **[stalking, and sex trafficking]** *or stalking*, and to properly refer such children, youth, and their families to appropriate services~~...~~; *or*

*(D) clarify State or local mandatory reporting policies and practices regarding peer-to-peer dating violence, sexual assault, and stalking.*

(2) SUPPORTING YOUTH THROUGH EDUCATION AND PROTECTION.—To enable middle schools, high schools, and institutions of higher education to—

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

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

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

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

(E) develop strategies to increase identification, support, referrals, and prevention programming for youth, *including youth in underserved populations*, who are at high risk of domestic violence, dating violence, sexual assault, **[stalking, or sex trafficking]** *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, or population-specific or community-based organization with a demonstrated history of effective work addressing the needs of youth who are, including runaway or homeless youth affected by, victims of domestic violence, dating violence, sexual assault, **[stalking, or sex trafficking]** *or stalking*;

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

(C) 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 Depend-

ents' Education Act of 1978, a group of schools, a school district, or an institution of higher education.

(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)** *subparagraph (A) or (B) of paragraph (1)* shall be partnered with 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, a school district, or an institution of higher education.

(B) OTHER PARTNERSHIPS.—All applicants under this section are encouraged to work in partnership with organizations and agencies that work with the relevant 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 all with priority on victim safety and autonomy; and
- (3) ensure that all individuals providing intervention or prevention programming 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, **stalking, and sex trafficking** *and stalking, including training on working with youth in underserved populations.*

(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 2014 through 2018** *\$25,000,000 for each of fiscal years 2020 through 2024.*

(g) 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. The requirements of this section shall not apply to funds allocated under this paragraph.

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

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## Subtitle O—National Resource Center

### SEC. 41501. GRANT FOR NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence *and sexual harassment*. The resource center shall provide information and assistance to [employers and labor organizations] *employers, labor organizations, and victim service providers* to aid in their efforts to develop and implement responses to such violence.

(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, [and stalking] *stalking, and sexual harassment* impacting the workplace, including the needs of underserved communities.

(c) USE OF GRANT AMOUNT.—

(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assist-

ance concerning workplace responses to assist victims of domestic or sexual violence *or sexual harassment*.

(2) RESPONSES.—Responses referred to in paragraph (1) may include—

(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence *or sexual harassment*;;

(B) providing conferences and other educational opportunities; and

(C) developing protocols and model workplace policies.

(d) LIABILITY.—The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section **[\$1,000,000 for each of fiscal years 2014 through 2018]** *\$2,000,000 for each of fiscal years 2020 through 2024*.

(f) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.

## Subtitle P—Sexual Assault Services

### SEC. 41601. SEXUAL ASSAULT SERVICES PROGRAM.

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

(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

(A) adult, youth, and child victims of sexual assault;

(B) family and household members of such victims; and

(C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and

(2) to provide for technical assistance and training relating to sexual assault to—

(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

(B) professionals working in legal, social service, and health care settings;

(C) nonprofit organizations;

(D) faith-based organizations; and

(E) other individuals and organizations seeking such assistance.

(b) GRANTS TO STATES AND TERRITORIES.—

(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and 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) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations or tribal programs and activities for programs and activities within such State or territory that provide direct intervention and related assistance.

(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

(i) 24-hour hotline services providing crisis intervention services and referral;

(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

(iv) information and referral to assist the sexual assault victim and family or household members;

(v) community-based, culturally specific services and support mechanisms, including outreach activities for underserved communities; and

(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

(3) APPLICATION.—

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

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

(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State (including the District of Columbia and Puerto

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

(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

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

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

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

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

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

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

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

(4) DISTRIBUTION.—

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

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

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

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

(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

(1) GRANTS AUTHORIZED.—



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

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

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

(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

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

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

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

(D) design and conduct public education campaigns;

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

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

(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

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

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

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

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

(e) GRANTS TO TRIBES.—

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

(2) ALLOCATION AND USE OF FUNDS.—

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$40,000,000 to remain available until expended for each of fiscal years ~~2014 through 2018~~ *2020 through 2024* to carry out the provisions of this section.

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

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

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

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

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

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

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

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## PUBLIC HEALTH SERVICE ACT

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### 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) educational seminars;
- (2) the operation of hotlines or *digital services* (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994);
- (3) training programs for professionals;
- (4) the preparation of informational material;
- (5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;
- (6) education to increase awareness about drugs and alcohol used to facilitate rapes or sexual assaults; and
- (7) other efforts to increase awareness of the facts about, or to help prevent, **sexual assault** *sexual violence, sexual assault, and sexual harassment*, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

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

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section **[\$50,000,000 for each of fiscal years 2014 through 2018]** *\$150,000,000 for each of fiscal years 2020 through 2024.*

(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than \$1,500,000 shall be available for allotment under subsection (b).

(3) BASELINE FUNDING FOR STATES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—A minimum allocation of \$150,000 shall be awarded in each fiscal year for each of the States, the District of Columbia, and Puerto Rico. A minimum allocation of \$35,000 shall be awarded in each fiscal year for each Territory. Any unused or remaining funds shall be allotted to each State, the District of Columbia, and Puerto Rico on the basis of population. *Not less than 80 percent of the total amount made available under this subsection in each fiscal year shall be awarded in accordance with this paragraph.*

(d) LIMITATIONS.—

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

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

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

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## PART P—ADDITIONAL PROGRAMS

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

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

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

(2) the development or enhancement and implementation of education programs for medical, nursing, dental, and other health 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~~...~~; *and*

(4) *the development or enhancement and implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among families they serve.*

(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 culturally competent clinical training components for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address physical, mental, and behavioral health issues, including protective factors, related to domestic

violence, dating violence, sexual assault, stalking, and other forms of violence and abuse, focus on reducing health disparities and preventing violence and abuse, and include the primacy of victim safety and confidentiality;

(B) design and implement comprehensive strategies to improve the response of the health care system to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under 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;] *patients by—*

*(I) increasing the capacity of existing health care professionals and public health staff to address domestic violence, dating violence, sexual assault, and stalking;*

*(II) contracting with or hiring advocates for victims of domestic violence or sexual assault to provide such services; or*

*(III) providing funding to State domestic and sexual violence coalitions to improve the capacity of such coalitions to coordinate and support health advocates and other health system partnerships;*

(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, in accordance with the multi-stakeholder and quality measurement processes established under paragraphs (7) and (8) of section 1890(b) and section 1890A of the Social Security Act (42 U.S.C. 1395aaa(b)(7) and (8); 42 U.S.C. 1890A); [and]

(iv) the provision of training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify,

assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, including using tools and training materials already developed[.], *with priority given to programs administered through the Health Resources and Services Administration, Office of Women's Health; and*

*(v) the development, implementation, dissemination, and evaluation of best practices, tools, and training materials for behavioral health professionals to identify and respond to domestic violence, sexual violence, stalking, and dating violence.*

(2) PERMISSIBLE USES.—

(A) **【CHILD AND ELDER ABUSE】** *CHILD ABUSE AND ABUSE IN LATER LIFE.*—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】** *child abuse or abuse in later life.*

(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】** *abuse in later life*, 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, *mental health*, social work, and nursing boards, and where appropriate, other allied health **【exams.】** *exams and certifications;*

*(v) development of a State-level pilot program to—*

*(I) improve the response of substance use disorder treatment programs and systems to domestic*

*violence, dating violence, sexual assault, and stalking; and*

*(II) improve the capacity of substance use disorder treatment programs and systems to serve survivors of domestic violence, dating violence, sexual assault, and stalking dealing with substance use disorder; or*

*(vi) development and utilization of existing technical assistance and training resources to improve the capacity of substance use disorder treatment programs to address domestic violence, dating violence, sexual assault, and stalking among patients the programs serve.*

(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 confidentiality 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) APPLICATION.—

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

(B) SUBSECTION (A)(1) AND (2) GRANTEES.—Applications for grants under paragraphs (1) and (2) of subsection (a) shall include—

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

(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.

(C) 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 a manner, and containing such information and assurances as the Secretary may require, including—

(i) documentation that all training, education, screening, assessment, services, treatment, and any other approach to patient care will be informed by an understanding of violence and abuse victimization and trauma-specific approaches 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 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 or *behavioral 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 *behavioral* **[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]** *behavioral health treatment 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]** *behavioral* 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]** *RESEARCH, EVALUATION, AND DATA COLLECTION*.—

(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]** *research, evaluation, or data collection* of—

(A) grants awarded under this section; and

(B) other training for health professionals and effective interventions in the health care or *behavioral health* setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health ef-

fects of such violence, and improve the safety and health of individuals who are currently being victimized.

(2) **RESEARCH AND DATA COLLECTION.**—Research or data collection authorized in paragraph (1) may include—

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

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

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

(E) *research on the intersection of substance use disorder and domestic violence, dating violence, sexual assault, and stalking, including the effect of coerced use and efforts by an abusive partner or other to interfere with substance use disorder treatment and recovery; and*

(F) *improvement of data collection using existing Federal surveys by including questions about domestic violence, dating violence, sexual assault, or stalking and substance use disorder, coerced use, and mental or behavioral health.*

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$10,000,000 for each of fiscal years [2014 through 2018] 2020 through 2024.

(h) **DEFINITIONS.**—Except as otherwise provided [herein], the definitions [provided for] in section 40002 of the Violence Against Women Act of 1994 shall apply to this section.

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## **MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**

### **TITLE I—GENERAL PROVISIONS**

\* \* \* \* \*

#### **SEC. 103. GENERAL DEFINITION OF HOMELESS INDIVIDUAL.**

(a) **IN GENERAL.**—For purposes of this Act, the terms “homeless”, “homeless individual”, and “homeless person” means—

(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

(2) an individual or family with 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, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

(5) an individual or family who—

(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

(B) has no subsequent residence identified; and

(C) lacks the resources or support networks needed to obtain other permanent housing; and

(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

(A) have experienced a long term period without living independently in permanent housing,

(B) have experienced persistent instability as measured by frequent moves over such period, and

(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

(b) **DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.**—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions [in the individual's or family's current housing situation], including where the health and safety

of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

(c) **INCOME ELIGIBILITY.**—

(1) **IN GENERAL.**—A homeless individual shall be eligible for assistance under any program provided by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under title I of the Workforce Innovation and Opportunity Act.

(d) **EXCLUSION.**—For purposes of this Act, the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(e) **PERSONS EXPERIENCING HOMELESSNESS.**—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.

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## **TITLE IV—HOUSING ASSISTANCE**

\* \* \* \* \*

### **Subtitle C—Continuum of Care Program**

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#### **SEC. 423. ELIGIBLE ACTIVITIES.**

(a) **IN GENERAL.**—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

(1) Construction of new housing units to provide transitional or permanent housing.

(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term

treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, *who are seeking an external emergency transfer (as such term is defined in section 41411 of the Violence Against Women Act of 1994) pursuant to section 41411 of the Violence Against Women Act of 1994*, or who were previously homeless and are currently residing in permanent supportive housing.

(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that—

(A) are effective at moving homeless individuals and families immediately into housing; or

(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

(13) *Facilitating and coordinating activities to ensure compliance with section 41411(e) of the Violence Against Women Act of 1994, including, in consultation with the regional office (if applicable) of the appropriate agency (as such term is defined in section 41411 of the Violence Against Women Act of 1994), development of external emergency transfer memoranda of un-*

*derstanding between covered housing providers, participating in the local Continua of Care, facilitation of external emergency transfers between those covered housing providers participating in the local Continua of Care, and monitoring compliance with the confidentiality protections of section 41411(c)(4) of the Violence Against Women Act of 1994 for reporting to that regional office.*

(b) **MINIMUM GRANT TERMS.**—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

(c) **USE RESTRICTIONS.**—

(1) **ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.**—

A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years.

(2) **OTHER ACTIVITIES.**—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

(3) **CONVERSION.**—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

(d) **REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.**—

(1) **REPAYMENT.**—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

(2) **PREVENTION OF UNDUE BENEFITS.**—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, private nonprofit organization, or public housing agency.

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#### **SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.**

(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

(3) **ADJUSTMENT.**—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

(4) **SUSPENSION.**—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

(5) **TERMINATION.**—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

(b) **SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.**—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

(c) **TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.**—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

(d) **INCENTIVES FOR PROVEN STRATEGIES.**—

(1) **IN GENERAL.**—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

(2) **RULE OF CONSTRUCTION.**—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

(A) permanent supportive housing for chronically homeless individuals and families;

(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).



(3) **BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.**—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

(4) **DEVELOPMENT OF SUPPORTIVE SERVICES AND COORDINATION REGARDING EMERGENCY TRANSFERS.**—*The Secretary shall provide bonuses or other incentives to geographic areas for developing supportive services under section 423(a)(6) and facilitating and coordinating activities for emergency transfers under section 423(a)(13) that have been proven to be effective at reducing homelessness among victims of domestic violence, dating violence, sexual assault, and stalking.*

(e) **INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.**—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

(f) **MINIMUM ALLOCATION FOR MONITORING AND FACILITATING COMPLIANCE.**—*From the amounts made available to carry out this part for a fiscal year, a portion equal to not less than 5 percent of the sums made available to carry out part B and this part shall be made available to monitor and facilitate compliance with section 41411 of the Violence Against Women Act of 1994, including supportive services under section 423(a)(6) and facilitation and coordination activities under section 423(a)(13).*

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## UNITED STATES HOUSING ACT OF 1937

### TITLE I—GENERAL PROGRAM OF ASSISTED HOUSING

\* \* \* \* \*

#### SEC. 5A. PUBLIC HOUSING AGENCY PLANS.

(a) **5-YEAR PLAN.**—

(1) **IN GENERAL.**—Subject to paragraph (3), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted—

(A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during such fiscal years; and

(B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.

(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.

(3) INITIAL PLAN.—The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning on October 1, 1999, or the first fiscal year thereafter for which the public housing agency initially receives assistance under this Act.

(b) ANNUAL PLAN.—

(1) IN GENERAL.—Effective beginning upon October 1, 1999, each public housing agency shall submit to the Secretary an annual public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under section 8(o) or 9.

(2) UPDATES.—For each fiscal year after the initial submission of an annual plan under this subsection by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a “public housing agency” shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting “the public housing program of the agency” for “the public housing agency plan”.

(C) DEFINITION.—For purposes of this section, the term “qualified public housing agency” means a public housing agency that meets the following requirements:

(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the

United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 550 or fewer.

(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency, and does not have a failing score under the section 8 Management Assessment Program during the prior 12 months.

(c) PROCEDURES.—

(1) IN GENERAL.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans.

(2) CONTENTS.—The procedures established under paragraph (1) shall provide that a public housing agency shall—

(A) in developing the plan consult with the resident advisory board established under subsection (e); and

(B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act, and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.

(d) CONTENTS.—An annual public housing agency plan under subsection (b) for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available to the agency and the planned uses of those resources.

(3) ELIGIBILITY, SELECTION, AND ADMISSIONS POLICIES.—A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 8(o), including—

(A) the procedures for maintaining waiting lists for admissions to public housing projects of the agency, which may include a system of site-based waiting lists under section 6(r); and

(B) the admissions policy under section 16(a)(3)(B) for deconcentration of lower-income families.

(4) RENT DETERMINATION.—A statement of the policies of the public housing agency governing rents charged for public hous-

ing dwelling units and rental contributions of families assisted under section 8(o).

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including by cockroaches), and management of the public housing agency and programs of the public housing agency.

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the public housing agency.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing projects owned by the public housing agency—

(A) a description of any housing for which the PHA will apply for demolition or disposition under section 18; and

(B) a timetable for the demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing projects owned, assisted, or operated by the public housing agency, a description of any projects (or portions thereof) that the public housing agency has designated or will apply for designation for occupancy by elderly and disabled families in accordance with section 7.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned by a public housing agency—

(A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 33 or that the public housing agency plans to voluntarily convert under section 22;

(B) an analysis of the projects or buildings required to be converted under section 33; and

(C) a statement of the amount of assistance received under this Act to be used for rental assistance or other housing assistance in connection with such conversion.

(11) HOMEOWNERSHIP.—A description of any homeownership programs of the agency under section 8(y) or for which the public housing agency has applied or will apply for approval under section 32.

(12) COMMUNITY SERVICE AND SELF-SUFFICIENCY.—A description of—

(A) any programs relating to services and amenities provided or offered to assisted families;

(B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families;

(C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 12 (relating to community service and treatment of income changes resulting from welfare program requirements).

[(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

[(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

[(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

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

(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—

(A) COPIES.—A copy of—

(i) *all standardized notices issued pursuant to the housing protections under subtitle N of the Violence Against Women Act of 1994, including the notice required under section 41411(d) of the Violence Against Women Act of 1994;*

(ii) *the emergency transfer plan issued pursuant to section 41411 of the Violence Against Women Act of 1994; and*

(iii) *any and all memoranda of understanding with other covered housing providers developed to facilitate emergency transfers under section 41411(e) of the Violence Against Women Act of 1994.*

(B) DESCRIPTIONS.—A description of—

(i) *any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;*

(ii) *any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing;*

(iii) *any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families; and*

(iv) *all training and support services offered to staff of the public housing agency to provide a basic understanding of domestic violence, dating violence, sexual assault, and stalking, and to facilitate implementation of the housing protections of section 41411 of the Violence Against Women Act of 1994.*

(14) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a project-by-project or jurisdiction-wide basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established in consultation with the police officer or officers in command for the appropriate precinct or police department.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted or to be conducted by the agency, and provide for coordination between the agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a project are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict.

(15) PETS.—The requirements of the agency, pursuant to section 31, relating to pet ownership in public housing.

(16) CIVIL RIGHTS CERTIFICATION.—A certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the *Violence Against Women Act of 1994*, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

(17) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the public housing agency under section 5(h)(2).

(18) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(19) OTHER.—Any other information required by law to be included in a public housing agency plan.

(e) RESIDENT ADVISORY BOARD.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents assisted by the public housing agency.

(2) FUNCTIONS.—Each resident advisory board established under this subsection by a public housing agency shall assist and make recommendations regarding the development of the public housing agency plan for the agency. The agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include, in the public housing agency plan submitted to the Secretary under this section, a copy of the recommendations and a description of the manner in which the recommendations were addressed.

(3) WAIVER.—The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that there exist

resident councils or other resident organizations of the public housing agency that—

(A) adequately represent the interests of the residents of the public housing agency; and

(B) have the ability to perform the functions described in paragraph (2).

(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting “the functions described in the second sentence of paragraph (4)(A)” for “the functions described in paragraph (2)”.

(f) PUBLIC HEARINGS.—

(1) IN GENERAL.—In developing a public housing agency plan under this section, the board of directors or similar governing body of a public housing agency shall conduct a public hearing to discuss the public housing agency plan and to invite public comment regarding that plan. The hearing shall be conducted at a location that is convenient to residents.

(2) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (1), the public housing agency shall—

(A) make the proposed public housing agency plan and all information relevant to the hearing and proposed plan available for inspection by the public at the principal office of the public housing agency during normal business hours; and

(B) publish a notice informing the public that—

(i) that the information is available as required under subparagraph (A); and

(ii) that a public hearing under paragraph (1) will be conducted.

(3) ADOPTION OF PLAN.—A public housing agency may adopt a public housing agency plan and submit the plan to the Secretary in accordance with this section only after—

(A) conducting a public hearing under paragraph (1);

(B) considering all public comments received; and

(C) making any appropriate changes in the public housing agency plan, in consultation with the resident advisory board.

(4) **ADVISORY BOARD CONSULTATION ENFORCEMENT.**—Pursuant to a written request made by the resident advisory board for a public housing agency that documents a failure on the part of the agency to provide adequate notice and opportunity for comment under this subsection and a finding by the Secretary of good cause within the time period provided for in subsection (i)(4), the Secretary may require the public housing agency to adequately remedy such failure before final approval of the public housing agency plan under this section.

(5) **QUALIFIED PUBLIC HOUSING AGENCIES.**—

(A) **REQUIREMENT.**—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

- (i) to discuss any changes to the goals, objectives, and policies of the agency; and
- (ii) to invite public comment regarding such changes.

(B) **AVAILABILITY OF INFORMATION AND NOTICE.**—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

- (i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and
- (ii) publish a notice informing the public that—

(I) the information is available as required under clause (i); and

(II) a public hearing under subparagraph (A) will be conducted.

(g) **AMENDMENTS AND MODIFICATIONS TO PLANS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that a significant amendment or modification may not—

(A) be adopted, other than at a duly called meeting of board of directors (or similar governing body) of the public housing agency that is open to the public; and

(B) be implemented, until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (i).

(2) **CONSISTENCY AND NOTICE.**—Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall—

(A) meet the requirements under subsection (c)(2) (relating to consultation with resident advisory board and consistency with comprehensive housing affordability strategies); and



(B) be subject to the notice and public hearing requirements of subsection (f).

(h) SUBMISSION OF PLANS.—

(1) INITIAL SUBMISSION.—Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require.

(2) ANNUAL SUBMISSION.—Not later than 75 days before the start of the fiscal year of the public housing agency, after submission of the initial plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan.

(i) REVIEW AND DETERMINATION OF COMPLIANCE.—

(1) REVIEW.—Subject to paragraph (2), after submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this paragraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) and determine whether the contents of the plan—

(A) set forth the information required by this section and this Act to be contained in a public housing agency plan;

(B) are consistent with information and data available to the Secretary, including the approved comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act for the jurisdiction in which the public housing agency is located; and

(C) are not prohibited by or inconsistent with any provision of this title or other applicable law.

(2) ELEMENTS EXEMPTED FROM REVIEW.—The Secretary may, by regulation, provide that one or more elements of a public housing agency plan shall be reviewed only if the element is challenged, except that the Secretary shall review the information submitted in each plan pursuant to paragraphs (3)(B), (8), and (15) of subsection (d).

(3) DISAPPROVAL.—The Secretary may disapprove a public housing agency plan (or any amendment or modification thereto) only if Secretary determines that the contents of the plan (or amendment or modification) do not comply with the requirements under subparagraph (A) through (C) of paragraph (1).

(4) DETERMINATION OF COMPLIANCE.—

(A) IN GENERAL.—Except as provided in subsection (j)(2), not later than 75 days after the date on which a public housing agency plan is submitted in accordance with this section, the Secretary shall make the determination under paragraph (1) and provide written notice to the public housing agency if the plan has been disapproved. If the Secretary disapproves the plan, the notice shall state with specificity the reasons for the disapproval.

(B) FAILURE TO PROVIDE NOTICE OF DISAPPROVAL.—In the case of a plan disapproved, if the Secretary does not

provide notice of disapproval under subparagraph (A) before the expiration of the period described in subparagraph (A), the Secretary shall be considered, for purposes of this Act, to have made a determination that the plan complies with the requirements under this section and the agency shall be considered to have been notified of compliance upon the expiration of such period. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).

(5) PUBLIC AVAILABILITY.—A public housing agency shall make the approved plan of the agency available to the general public.

(j) TROUBLED AND AT-RISK PHAS.—

(1) IN GENERAL.—The Secretary may require, for each public housing agency that is at risk of being designated as troubled under section 6(j)(2) or is designated as troubled under section 6(j)(2), that the public housing agency plan for such agency include such additional information as the Secretary determines to be appropriate, in accordance with such standards as the Secretary may establish or in accordance with such determinations as the Secretary may make on an agency-by-agency basis.

(2) TROUBLED AGENCIES.—The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 6(j)(2).

(k) STREAMLINED PLAN.—In carrying out this section, the Secretary may establish a streamlined public housing agency plan for—

(A) public housing agencies that are determined by the Secretary to be high performing public housing agencies;

(B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 6(j)(2); and

(C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing.

(l) COMPLIANCE WITH PLAN.—

(1) IN GENERAL.—In providing assistance under this title, a public housing agency shall comply with the rules, standards, and policies established in the public housing agency plan of the public housing agency approved under this section.

(2) INVESTIGATION AND ENFORCEMENT.—In carrying out this title, the Secretary shall—

(A) provide an appropriate response to any complaint concerning noncompliance by a public housing agency with the applicable public housing agency plan; and

(B) if the Secretary determines, based on a finding of the Secretary or other information available to the Secretary, that a public housing agency is not complying with the applicable public housing agency plan, take such actions as

the Secretary determines to be appropriate to ensure such compliance.

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## INTERNAL REVENUE CODE OF 1986

\* \* \* \* \*

### Subtitle C—Employment Taxes

\* \* \* \* \*

## CHAPTER 23—FEDERAL UNEMPLOYMENT TAX ACT

\* \* \* \* \*

### SEC. 3304. APPROVAL OF STATE LAWS.

(a) REQUIREMENTS.—The Secretary of Labor shall approve any State law submitted to him, within 30 days of such submission, which he finds provides that—

(1) all compensation is to be paid through public employment offices or such other agencies as the Secretary of Labor may approve;

(2) no compensation shall be payable with respect to any day of unemployment occurring within 2 years after the first day of the first period with respect to which contributions are required;

(3) all money received in the unemployment fund shall (except for refunds of sums erroneously paid into such fund and except for refunds paid in accordance with the provisions of section 3305(b)) immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund established by section 904 of the Social Security Act (42 U.S.C. 1104);

(4) all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of section 3305(b); except that—

(A) an amount equal to the amount of employee payments into the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration;

(B) the amounts specified by section 903(c)(2) or 903(d)(4) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices;

(C) nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance, or the

withholding of Federal, State, or local individual income tax, if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor;

(D) amounts shall be deducted from unemployment benefits and used to repay overpayments as provided in section 303(g) of the Social Security Act;

(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));

(F) amounts may be withdrawn for the payment of allowances under a self-employment assistance program (as defined in section 3306(t)); and

(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

(i) amounts may be deducted to pay any fees authorized under such section; and

(ii) the penalties and interest described in section 6402(f)(4)(C) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;

(5) compensation shall not be denied in such State to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(A) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(B) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(C) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(6)(A) compensation is payable on the basis of service to which section 3309(a)(1) applies, in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to such law; except that—

(i) with respect to services in an instructional, research, or principal administrative capacity for an educational institution to which section 3309(a)(1) applies, compensation shall not be payable based on such services for any week commencing during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms,

(ii) with respect to services in any other capacity for an educational institution to which section 3309(a)(1) applies—

(I) compensation payable on the basis of such services may be denied to any individual for any week which commences during a period between 2 successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that

(II) if compensation is denied to any individual for any week under subclause (I) and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of subclause (I),

(iii) with respect to any services described in clause (i) or (ii), compensation payable on the basis of such services shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess,

(iv) with respect to any services described in clause (i) or (ii), compensation payable on the basis of services in any such capacity shall be denied as specified in clauses (i), (ii), and (iii) to any individual who performed such services in an educational institution while in the employ of an educational service agency, and for this purpose the term “educational service agency” means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions,

(v) with respect to services to which section 3309(a)(1) applies, if such services are provided to or on behalf of an educational institution, compensation may be denied under the same circumstances as described in clauses (i) through (iv), and

(vi) with respect to services described in clause (ii), clauses (iii) and (iv) shall be applied by substituting “may be denied” for “shall be denied”, and

(B) payments (in lieu of contributions) with respect to service to which section 3309(a)(1) applies may be made

into the State unemployment fund on the basis set forth in section 3309(a)(2);

(7) an individual who has received compensation during his benefit year is required to have had work since the beginning of such year in order to qualify for compensation in his next benefit year;

(8) compensation shall not be denied to an individual for any week because he is in training with the approval of the State agency (or because of the application, to any such week in training, of State law provisions relating to availability for work, active search for work, or refusal to accept work);

(9)(A) compensation shall not be denied or reduced to an individual solely because he files a claim in another State (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another State (or such a contiguous country) at the time he files a claim for unemployment compensation;

(B) the State shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under the State law with his wages and employment covered under the unemployment compensation law of other States which are approved by the Secretary of Labor in consultation with the State unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations. Any such arrangement shall include provisions for (i) applying the base period of a single State law to a claim involving the combining of an individual's wages and employment covered under two or more State laws, and (ii) avoiding duplicate use of wages and employment by reason of such combining;

(10) compensation shall not be denied to any individual by reason of cancellation of wage credits or total reduction of his benefit rights for any cause other than discharge for misconduct connected with his work, fraud in connection with a claim for compensation, or receipt of disqualifying income;

(11) extended compensation shall be payable as provided by the Federal-State Extended Unemployment Compensation Act of 1970;

(12) no person shall be denied compensation under such State law solely on the basis of pregnancy or termination of pregnancy;

(13) compensation shall not be payable to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods);

(14)(A) compensation shall not be payable on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at

the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act),

(B) any data or information required of individuals applying for compensation to determine whether compensation is not payable to them because of their alien status shall be uniformly required from all applicants for compensation, and

(C) in the case of an individual whose application for compensation would otherwise be approved, no determination by the State agency that compensation to such individual is not payable because of his alien status shall be made except upon a preponderance of the evidence;

(15)(A) subject to subparagraph (B), the amount of compensation payable to an individual for any week which begins after March 31, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based on the previous work of such individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment, which is reasonably attributable to such week except that—

(i) the requirements of this paragraph shall apply to any pension, retirement or retired pay, annuity, or other similar periodic payment only if—

(I) such pension, retirement or retired pay, annuity, or similar payment is under a plan maintained (or contributed to) by a base period employer or chargeable employer (as determined under applicable law), and

(II) in the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), services performed for such employer by the individual after the beginning of the base period (or remuneration for such services) affect eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or similar payment, and

(ii) the State law may provide for limitations on the amount of any such a reduction to take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment, and

(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;

(16)(A) wage information contained in the records of the agency administering the State law which is necessary (as determined by the Secretary of Health and Human Services in regulations) for purposes of determining an individual's eligibility for assistance, or the amount of such assistance, under a State program funded under part A of title IV of the Social Security Act, shall be made available to a State or political subdivision thereof when such information is specifically requested by such State or political subdivision for such purposes, and

(B) such safeguards are established as are necessary (as determined by the Secretary of Health and Human Services in regulations) to insure that such information is used only for the purposes authorized under subparagraph (A);

(17) any interest required to be paid on advances under title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) by such State from amounts in such State's unemployment fund;

(18) Federal individual income tax from unemployment compensation is to be deducted and withheld if an individual receiving such compensation voluntarily requests such deduction and withholding; **[and]**

*(19) no person may be denied compensation under such State law solely on the basis of the individual having a voluntary separation from work if such separation is attributable to such individual being a victim of sexual or other harassment or a survivor of domestic violence, dating violence, sexual assault, or stalking; and*

**[(19)]** (20) all the rights, privileges, or immunities conferred by such law or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal such law at any time.

(b) NOTIFICATION.—The Secretary of Labor shall, upon approving such law, notify the governor of the State of his approval.

(c) CERTIFICATION.—On October 31 of each taxable year the Secretary of Labor shall certify to the Secretary of the Treasury each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to the 12-month period ending on such October 31 failed to comply substantially with any such provision in such subsection. No finding of a failure to comply substantially with any provision in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law (1) until all administrative review provided for under the laws of the State has been exhausted, or (2) with respect to which the time for judicial review provided by the laws of the State has not expired, or (3) with respect to which any judicial review is pending. On October 31 of any taxable year, the Secretary of Labor shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has failed to amend its law so that it contains each of the provisions required by law to be included therein (including provisions relating to the



Federal-State Extended Unemployment Compensation Act of 1970 (or any amendments thereto) as required under subsection (a)(11)), or has, with respect to the twelve-month period ending on such October 31, failed to comply substantially with any such provision.

(d) NOTICE OF NONCERTIFICATION.—If at any time the Secretary of Labor has reason to believe that a State whose law he has previously approved may not be certified under subsection (c), he shall promptly so notify the governor of such State.

(e) CHANGE OF LAW DURING 12-MONTH PERIOD.—Whenever—

(1) any provision of this section, section 3302, or section 3303 refers to a 12-month period ending on October 31 of a year, and

(2) the law applicable to one portion of such period differs from the law applicable to another portion of such period, then such provision shall be applied by taking into account for each such portion the law applicable to such portion.

(f) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—For purposes of subsection (a)(6), the term “institution of higher education” means an educational institution in any State which—

(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond high school;

(3) provides an educational program for it which awards a bachelor’s or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

(g) SEXUAL OR OTHER HARASSMENT; ETC.—

(1) DOCUMENTATION.—For purposes of subsection (a)(19), a voluntary separation of an individual shall be considered to be attributable to such individual being a survivor of victim of sexual or other harassment or a survivor of domestic violence, dating violence, sexual assault, or stalking if such individual submits such evidence as the State deems sufficient.

(2) SUFFICIENT DOCUMENTATION.—For purposes of paragraph (1), a State shall deem sufficient, at a minimum—

(A) evidence of such harassment, violence, assault, or stalking in the form of—

(i) a sworn statement and a form of identification,

(ii) a police or court record, or

(iii) documentation from a survivor services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, a member of the clergy, or another professional, and

(B) an attestation that such voluntary separation is attributable to such harassment, violence, assault, or stalking.

(3) DEFINITIONS.—For purposes of this section—

(A) The terms “domestic violence”, “dating violence”, “sexual assault”, and “stalking” have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994.

(B) *The term “survivor of domestic violence, dating violence, sexual assault, or stalking” has the meaning given such term in section 41502 of the Violence Against Women Act of 1994.*

(C) *The term “survivor services organization” means an organization exempt from tax under section 501(a) that provides assistance to or advocates for survivors of domestic violence, dating violence, sexual assault, or stalking.*

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## SOCIAL SECURITY ACT

\* \* \* \* \*

### TITLE III—GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION

\* \* \* \* \*

#### PROVISIONS OF STATE LAWS

SEC. 303. (a) The Secretary of Labor shall make no certification for payment to any State unless he finds that the law of such State, approved by the Secretary of Labor under the Federal Unemployment Tax Act, includes provision for—

(1) Such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary of Labor shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due; and

(2) Payment of unemployment compensation solely through public employment offices or such other agencies as the Secretary of Labor may approve; and

(3) Opportunity for a fair hearing, before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied; and

(4)(A) *Such methods of administration as will ensure that—*

*(i) applicants for unemployment compensation and individuals inquiring about such compensation are notified of the provisions of section 3304(a)(19) of the Internal Revenue Code of 1986; and*

*(ii) claims reviewers and hearing personnel are trained in—*

*(I) the nature and dynamics of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking; and*

*(II) methods of ascertaining and keeping confidential information about possible experiences of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking to ensure that—*

(aa) requests for unemployment compensation based on separations stemming from sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking are identified and adjudicated; and

(bb) confidentiality is provided for the individual's claim and submitted evidence.

(B) For purposes of this paragraph—

(i) the terms “domestic violence”, “dating violence”, “sexual assault”, “stalking” have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994;

(ii) the term “sexual and other harassment” has the meaning given such term under State law, regulation, or policy; and

(iii) the term “survivor of domestic violence, dating violence, sexual assault, or stalking” means—

(I) a person who has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking; and

(II) a person whose family or household member has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking.

[(4)] (5) The payment of all money received in the unemployment fund of such State (except for refunds of sums erroneously paid into such fund and except for refunds paid in accordance with the provisions of 3305(b) of the Federal Unemployment Tax Act, immediately upon such receipt, to the Secretary of the Treasury to the credit of the unemployment trust fund established by section 904; and

[(5)] (6) Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of 3305(b) of the Federal Unemployment Tax Act: *Provided*, That an amount equal to the amount of employee payments in to the unemployment fund of a State may be used in the payment of cash benefits to individuals with respect to their disability, exclusive of expenses of administration: *Provided further*, That the amounts specified by section 903(c)(2) or 903(d)(4) may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices: *Provided further*, That nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance, or the withholding of Federal, State, or local individual income tax, if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor: *Provided further*, That amounts may be deducted from unemployment benefits and used to repay overpayments as provided in subsection (g): *Provided further*, That amounts may be withdrawn for the payment of short-time compensation under a

short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986): *Provided further*, That amounts may be withdrawn for the payment of allowances under a self-employment assistance program (as defined in section 3306(t) of the Internal Revenue Code of 1986); and

[(6)] (7) The making of such reports, in such form and containing such information, as the Secretary of Labor may from time to time require, and compliance with such provisions as the Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports; and

[(7)] (8) Making available upon request to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of unemployment compensation, and a statement of such recipient's rights to further compensation under such law; and

[(8)] (9) Effective July 1, 1941, the expenditure of all moneys received pursuant to section 302 of this title solely for the purposes and in the amounts found necessary by the Secretary of Labor for the proper and efficient administration of such State law; and

[(9)] (10) Effective July 1, 1941, the replacement, within a reasonable time, of any moneys received pursuant to section 302 of this title, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Secretary of Labor for the proper administration of such State law; and

[(10)] (11) A requirement that, as a condition of eligibility for regular compensation for any week, any claimant who has been referred to reemployment services pursuant to the profiling system under subsection (j)(1)(B) participate in such services or in similar services unless the State agency charged with the administration of the State law determines—

(A) such claimant has completed such services; or

(B) there is justifiable cause for such claimant's failure to participate in such services; and

[(11)] (12)(A) At the time the State agency determines an erroneous payment from its unemployment fund was made to an individual due to fraud committed by such individual, the assessment of a penalty on the individual in an amount of not less than 15 percent of the amount of the erroneous payment; and

(B) The immediate deposit of all assessments paid pursuant to subparagraph (A) into the unemployment fund of the State.

[(12)] (13) A requirement that, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work.

(b) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—

(1) a denial, in a substantial number of cases, of unemployment compensation to individuals entitled thereto under such law; or

(2) a failure to comply substantially with any provision specified in subsection (a);  
 the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such denial or failure to comply. Until he is so satisfied he shall make no further certification to the Secretary of the Treasury with respect to such State: *Provided*, That there shall be no finding under clause (1) until the question of entitlement shall have been decided by the highest judicial authority given jurisdiction under such State law: *Provided further*, That any costs may be paid with respect to any claimant by a State and included as costs of administration of its law.

(c) The Secretary of Labor shall make no certification for payment to any State if he finds, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law—

(1) that such State does not make its records available to the Railroad Retirement Board, and furnish to the Railroad Retirement Board at the expense of the Railroad Retirement Board such copies thereof as the Railroad Retirement Board deems necessary for its purposes;

(2) that such State is failing to afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law; or

(3) that any interest required to be paid on advances under title XII of this Act has not been paid by the date on which such interest is required to be paid or has been paid directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) by such State from amounts in such State's unemployment fund, until such interest is properly paid.

(d)(1) The State agency charged with the administration of the State law—

(A) shall disclose, upon request and on a reimbursable basis, to officers and employees of the Department of Agriculture and to officers or employees of any State supplemental nutrition assistance program benefits agency any of the following information contained in the records of such State agency—

(i) wage information,

(ii) whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual,

(iii) the current (or most recent) home address of such individual, and

(iv) whether an individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor, and

(B) shall establish such safeguards as are necessary (as determined by the Secretary of Labor in regulations) to insure that information disclosed under subparagraph (A) is used only for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the supplemental nutri-

tion assistance program established under the Food and Nutrition Act of 2008.

(2)(A) For purposes of this paragraph, the term “unemployment compensation” means any unemployment compensation payable under the State law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law).

(B) The State agency charged with the administration of the State law—

(i) may require each new applicant for unemployment compensation to disclose whether the applicant owes an uncollected overissuance (as defined in section 13(c)(1) of the Food and Nutrition Act of 2008) of supplemental nutrition assistance program benefits coupons,

(ii) may notify the State supplemental nutrition assistance program benefits agency to which the uncollected overissuance is owed that the applicant has been determined to be eligible for unemployment compensation if the applicant discloses under clause (i) that the applicant owes an uncollected overissuance and the applicant is determined to be so eligible,

(iii) may deduct and withhold from any unemployment compensation otherwise payable to an individual—

(I) the amount specified by the individual to the State agency to be deducted and withheld under this clause,

(II) the amount (if any) determined pursuant to an agreement submitted to the State supplemental nutrition assistance program benefits agency under section 13(c)(3)(A) of the Food and Nutrition Act of 2008, or

(III) any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to section 13(c)(3)(B) of such Act, and

(iv) shall pay any amount deducted and withheld under clause (iii) to the appropriate State supplemental nutrition assistance program benefits agency.

(C) Any amount deducted and withheld under subparagraph (B)(iii) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the State supplemental nutrition assistance program benefits agency to which the uncollected overissuance is owed as repayment of the individual’s uncollected overissuance.

(D) A State supplemental nutrition assistance program benefits agency to which an uncollected overissuance is owed shall reimburse the State agency charged with the administration of the State unemployment compensation law for the administrative costs incurred by the State agency under this paragraph that are attributable to repayment of uncollected overissuance to the State supplemental nutrition assistance program benefits agency to which the uncollected overissuance is owed.

(3) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he

shall make no further certification to the Secretary of the Treasury with respect to such State.

(4) For purposes of this subsection, the term “State supplemental nutrition assistance program benefits agency” means any agency described in section 3(t)(1) of the Food and Nutrition Act of 2008 which administers the supplemental nutrition assistance program established under such Act.

(e)(1) The State agency charged with the administration of the State law—

(A) shall disclose, upon request and on a reimbursable basis, directly to officers or employees of any State or local child support enforcement agency any wage information contained in the records of such State agency, and

(B) shall establish such safeguards as are necessary (as determined by the Secretary of Labor in regulations) to insure that information disclosed under subparagraph (A) is used only for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

For purposes of this subsection, the term “child support obligations” only includes obligations which are being enforced pursuant to a plan described in section 454 of this Act which has been approved by the Secretary of Health and Human Services under part D of title IV of this Act.

(2)(A) The State agency charged with the administration of the State law—

(i) shall require each new applicant for unemployment compensation to disclose whether or not such applicant owes child support obligations (as defined in the last sentence of paragraph (1)),

(ii) shall notify the State or local child support enforcement agency enforcing such obligations, if any applicant discloses under clause (i) that he owes child support obligations and he is determined to be eligible for unemployment compensation, that such applicant has been so determined to be eligible,

(iii) shall deduct and withhold from any unemployment compensation otherwise payable to an individual—

(I) the amount specified by the individual to the State agency to be deducted and withheld under this clause,

(II) the amount (if any) determined pursuant to an agreement submitted to the State agency under section 454(19)(B)(i) of this Act, or

(III) any amount otherwise required to be so deducted and withheld from such unemployment compensation through legal process (as defined in section 462(e)), and

(iv) shall pay any amount deducted and withheld under clause (iii) to the appropriate State or local child support enforcement agency.

Any amount deducted and withheld under clause (iii) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the State or local child support enforcement agency in satisfaction of his child support obligations.

(B) For purposes of this paragraph, the term “unemployment compensation” means any compensation payable under the State

law (including amounts payable pursuant to agreements under any Federal unemployment compensation law).

(C) Each State or local child support enforcement agency shall reimburse the State agency charged with the administration of the State unemployment compensation law for the administrative costs incurred by such State agency under this paragraph which are attributable to child support obligations being enforced by the State or local child support enforcement agency.

(3) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1) or (2), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State.

(4) For purposes of this subsection, the term "State or local child support enforcement agency" means any agency of a State or political subdivision thereof operating pursuant to a plan described in the last sentence of paragraph (1).

(5) A State or local child support enforcement agency may disclose to any agent of the agency that is under contract with the agency to carry out the purposes described in paragraph (1)(B) wage information that is disclosed to an officer or employee of the agency under paragraph (1)(A). Any agent of a State or local child support agency that receives wage information under this paragraph shall comply with the safeguards established pursuant to paragraph (1)(B).

(f) The State agency charged with the administration of the State law shall provide that information shall be requested and exchanged for purposes of income and eligibility verification in accordance with a State system which meets the requirements of section 1137 of this Act.

(g)(1) A State shall deduct from unemployment benefits otherwise payable to an individual an amount equal to any overpayment made to such individual under an unemployment benefit program of the United States or of any other State, and not previously recovered. The amount so deducted shall be paid to the jurisdiction under whose program such overpayment was made. Any such deduction shall be made only in accordance with the same procedures relating to notice and opportunity for a hearing as apply to the recovery of overpayments of regular unemployment compensation paid by such State.

(2) Any State may enter into an agreement with the Secretary of Labor under which—

(A) the State agrees to recover from unemployment benefits otherwise payable to an individual by such State any overpayments made under an unemployment benefit program of the United States to such individual and not previously recovered, in accordance with paragraph (1), and to pay such amounts recovered to the United States for credit to the appropriate account, and

(B) the United States agrees to allow the State to recover from unemployment benefits otherwise payable to an individual under an unemployment benefit program of the United



States any overpayments made by such State to such individual under a State unemployment benefit program and not previously recovered, in accordance with the same procedures as apply under paragraph (1).

(3) For purposes of this subsection, “unemployment benefits” means unemployment compensation, trade adjustment allowances, Federal additional compensation, and other unemployment assistance.

(h)(1) The State agency charged with the administration of the State law shall, on a reimbursable basis—

(A) disclose quarterly, to the Secretary of Health and Human Services, wage and claim information, as required pursuant to section 453(i)(1), contained in the records of such agency;

(B) ensure that information provided pursuant to subparagraph (A) meets such standards relating to correctness and verification as the Secretary of Health and Human Services, with the concurrence of the Secretary of Labor, may find necessary; and

(C) establish such safeguards as the Secretary of Labor determines are necessary to insure that information disclosed under subparagraph (A) is used only for purposes of subsections (i)(1), (i)(3), and (j) of section 453.

(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.

(3) For purposes of this subsection—

(A) the term “wage information” means information regarding wages paid to an individual, the social security account number of such individual, and the name, address, State, and the Federal employer identification number of the employer paying such wages to such individual; and

(B) the term “claim information” means information regarding whether an individual is receiving, has received, or has made application for, unemployment compensation, the amount of any such compensation being received (or to be received by such individual), and the individual’s current (or most recent) home address.

(i)(1) The State agency charged with the administration of the State law—

(A) shall disclose, upon request and on a reimbursable basis, only to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency, any of the following information contained in the records of such State agency with respect to individuals applying for or participating in any housing assistance program administered by the Department who have signed an appropriate consent form approved by the Secretary of Housing and Urban Development—

(i) wage information, and

(ii) whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual, and

(B) shall establish such safeguards as are necessary (as determined by the Secretary of Labor in regulations) to ensure that information disclosed under subparagraph (A) is used only for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program of the Department of Housing and Urban Development.

(2) The Secretary of Labor shall prescribe regulations governing how often and in what form information may be disclosed under paragraph (1)(A).

(3) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he or she is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he or she shall make no future certification to the Secretary of the Treasury with respect to such State.

(4) For purposes of this subsection, the term "public housing agency" means any agency described in section 3(b)(6) of the United States Housing Act of 1937.

(5)

(j)(1) The State agency charged with the administration of the State law shall establish and utilize a system of profiling all new claimants for regular compensation that—

(A) identifies which claimants will be likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment;

(B) refers claimants identified pursuant to subparagraph (A) to reemployment services, such as job search assistance services, available under any State or Federal law;

(C) collects follow-up information relating to the services received by such claimants and the employment outcomes for such claimants subsequent to receiving such services and utilizes such information in making identifications pursuant to subparagraph (A); and

(D) meets such other requirements as the Secretary of Labor determines are appropriate.

(2) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State.

(k)(1) For purposes of subsection (a), the unemployment compensation law of a State must provide—

(A) that if an employer transfers its business to another employer, and both employers are (at the time of transfer) under

substantially common ownership, management, or control, then the unemployment experience attributable to the transferred business shall also be transferred to (and combined with the unemployment experience attributable to) the employer to whom such business is so transferred,

(B) that unemployment experience shall not, by virtue of the transfer of a business, be transferred to the person acquiring such business if—

(i) such person is not otherwise an employer at the time of such acquisition, and

(ii) the State agency finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions,

(C) that unemployment experience shall (or shall not) be transferred in accordance with such regulations as the Secretary of Labor may prescribe to ensure that higher rates of contributions are not avoided through the transfer or acquisition of a business,

(D) that meaningful civil and criminal penalties are imposed with respect to—

(i) persons that knowingly violate or attempt to violate those provisions of the State law which implement subparagraph (A) or (B) or regulations under subparagraph (C), and

(ii) persons that knowingly advise another person to violate those provisions of the State law which implement subparagraph (A) or (B) or regulations under subparagraph (C), and

(E) for the establishment of procedures to identify the transfer or acquisition of a business for purposes of this subsection.

(2) For purposes of this subsection—

(A) the term “unemployment experience”, with respect to any person, refers to such person’s experience with respect to unemployment or other factors bearing a direct relation to such person’s unemployment risk;

(B) the term “employer” means an employer as defined under the State law;

(C) the term “business” means a trade or business (or a part thereof);

(D) the term “contributions” has the meaning given such term by section 3306(g) of the Internal Revenue Code of 1986;

(E) the term “knowingly” means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibition involved; and

(F) the term “person” has the meaning given such term by section 7701(a)(1) of the Internal Revenue Code of 1986.

(1)(1) Nothing in this Act or any other provision of Federal law shall be considered to prevent a State from enacting legislation to provide for—

(A) testing an applicant for unemployment compensation for the unlawful use of controlled substances as a condition for receiving such compensation, if such applicant—

(i) was terminated from employment with the applicant’s most recent employer (as defined under the State law) because of the unlawful use of controlled substances; or

- (ii) is an individual for whom suitable work (as defined under the State law) is only available in an occupation that regularly conducts drug testing (as determined under regulations issued by the Secretary of Labor); or
- (B) denying such compensation to such applicant on the basis of the result of the testing conducted by the State under legislation described in subparagraph (A).
- (2) For purposes of this subsection—
  - (A) the term “unemployment compensation” has the meaning given such term in subsection (d)(2)(A); and
  - (B) the term “controlled substance” has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).
- (m) In the case of a covered unemployment compensation debt (as defined under section 6402(f)(4) of the Internal Revenue Code of 1986) that remains uncollected as of the date that is 1 year after the debt was finally determined to be due and collected, the State to which such debt is owed shall take action to recover such debt under section 6402(f) of the Internal Revenue Code of 1986.

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#### TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WEL- FARE SERVICES

\* \* \* \* \*

### PART A—BLOCK GRANTS TO STATES FOR TEM- PORARY ASSISTANCE FOR NEEDY FAMILIES

\* \* \* \* \*

#### SEC. 402. ELIGIBLE STATES; STATE PLAN.

(a) IN GENERAL.—As used in this part, the term “eligible State” means, with respect to a fiscal year, a State that, during the 27-month period ending with the close of the 1st quarter of the fiscal year, has submitted to the Secretary a plan that the Secretary has found includes the following:

##### (1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.—

(A) GENERAL PROVISIONS.—A written document that outlines how the State intends to do the following:

- (i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.
- (ii) Require a parent or caretaker receiving assistance under the program to engage in work (as defined by the State) once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier, consistent with section 407(e)(2).

(iii) Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.

(iv) Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government.

(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy ratio of the State (as defined in section 403(a)(2)(C)(iii)) for calendar years 1996 through 2005.

(vi) Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(vii) Implement policies and procedures as necessary to prevent access to assistance provided under the State program funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in section 408(a)(12), including a plan to ensure that recipients of the assistance have adequate access to their cash assistance.

(viii) Ensure that recipients of assistance provided under the State program funded under this part have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

**(B) SPECIAL PROVISIONS.—**

(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.

(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process.

(iv) Not later than 1 year after the date of enactment of this section, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

(v) The document shall indicate whether the State intends to assist individuals to train for, seek, and maintain employment—

(I) providing direct care in a long-term care facility (as such terms are defined under section 2011); or

(II) in other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel,

and, if so, shall include an overview of such assistance.

(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.—A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.—A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

(4) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.—A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations—

(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

(B) have had at least 45 days to submit comments on the plan and the design of such services.

(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.—A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program

funded under this part attributable to funds provided by the Federal Government.

(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.—

(A) IN GENERAL.—At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individuals to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(B) DOMESTIC VIOLENCE DEFINED.—For purposes of this paragraph, the term “domestic violence” has the same meaning as the term “battered or subjected to extreme cruelty”, as defined in section 408(a)(7)(C)(iii).

(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO SURVIVORS OF SEXUAL AND OTHER HARASSMENT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

(A) IN GENERAL.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to—

(i) ensure that applicants for assistance under State program funded under this part and individuals inquiring about such assistance are adequately notified of—

(I) the provisions of section 3304(a)(19) of the Internal Revenue Code of 1986; and

(II) assistance made available by the State to survivors of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking;

(ii) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are adequately trained in—

(I) the nature and dynamics of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking;

(II) State standards and procedures relating to the prevention of, and assistance for individuals who are survivors of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking; and

(III) methods of ascertaining and keeping confidential information about possible experiences of sexual and other harassment, domestic violence, dating violence, sexual assault, or stalking;

(iii) ensure that, if a State has elected to establish and enforce standards and procedures regarding the screening for, and identification of, domestic violence pursuant to paragraph (7)—

(I) applicants for assistance under the State program funded under this part and individuals inquiring about such assistance are adequately notified of options available under such standards and procedures; and

(II) case workers and other agency personnel responsible for administering the State program funded under this part are provided with adequate training regarding such standards and procedures and options available under such standards and procedures; and

(iv) ensure that the training required under subparagraphs (B) and, if applicable, (C)(ii) is provided through a training program operated by an eligible entity.

(B) DEFINITIONS.—For purposes of this paragraph—

(i) the terms “domestic violence”, “dating violence”, “sexual assault”, “stalking” have the meanings given such terms in section 40002 of the Violence Against Women Act of 1994;

(ii) the term “sexual and other harassment” has the meaning given such term under State law, regulation, or policy; and

(iii) the term “survivor of domestic violence, dating violence, sexual assault, or stalking” means—

(I) a person who has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking; and

(II) a person whose family or household member has experienced or is experiencing domestic violence, dating violence, sexual assault, or stalking.

(b) PLAN AMENDMENTS.—Within 30 days after a State amends a plan submitted pursuant to subsection (a), the State shall notify the Secretary of the amendment.

(c) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.—The State shall make available to the public a summary of any plan or plan amendment submitted by the State under this section.

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## TITLE 28, UNITED STATES CODE

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## PART II—DEPARTMENT OF JUSTICE

\* \* \* \* \*

## CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

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**§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials**

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); and

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, including State sentencing commissions, Indian tribes, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

(1) to access and enter information into Federal criminal information databases; and

(2) to obtain information from the databases.

(e) For purposes of this section, the term “other institutions” includes—

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have

arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal, tribal, and State criminal justice agencies authorized to enter information into criminal information databases may include—

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection—

(A) the term “national crime information databases” means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term “protection order” includes—

(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(g) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 for each of fiscal years 2020 through 2024, to remain available until expended, for the purposes of enhancing the ability of tribal government entities to access, enter information into, and obtain information from, Federal criminal information databases, as authorized by this section.*

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# CIVIL RIGHTS ACT OF 1968

(Public Law 90-284)

AN ACT To prescribe penalties for certain acts of violence or intimidation, and for other purposes.

\* \* \* \* \*

## TITLE II—RIGHTS OF INDIANS

\* \* \* \* \*

### SEC. 204. TRIBAL JURISDICTION OVER [CRIMES OF DOMESTIC VIOLENCE] *CRIMES OF DOMESTIC VIOLENCE, DATING VIOLENCE, OBSTRUCTION OF JUSTICE, SEXUAL VIOLENCE, SEX TRAFFICKING, STALKING, AND ASSAULT OF A LAW ENFORCEMENT OR CORRECTIONS OFFICER.*

(a) DEFINITIONS.—In this section:

(1) *ASSAULT OF A LAW ENFORCEMENT OR CORRECTIONAL OFFICER.*—The term “assault of a law enforcement or correctional officer” means any criminal violation of the law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves the threatened, attempted, or actual harmful or offensive touching of a law enforcement or correctional officer.

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

[(2)] (2) *DOMESTIC VIOLENCE.*—The term “domestic violence” means 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, or by a person similarly situated to a spouse of the victim under the domestic- or family- violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs.】

(3) *DOMESTIC VIOLENCE.*—The term “domestic violence” means violence—

(A) *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, or by a person similarly situated to a spouse of the victim under the domestic- or family- violence laws of an Indian tribe that has jurisdiction over the Indian country where the violence occurs; or*

(B) *committed against a victim who is a child under the age of 18, or an elder (as such term is defined by tribal law) who resides or has resided in the same household as the defendant.*

[(3)] (4) *INDIAN COUNTRY.*—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(5) *OBSTRUCTION OF JUSTICE.*—The term “obstruction of justice” means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs, and the violation involves interfering with the administration or due process of the tribe’s laws including any tribal criminal proceeding or investigation of a crime.

[(4)] (6) *PARTICIPATING TRIBE.*—The term “participating tribe” means an Indian tribe that elects to exercise [Special domestic violence criminal jurisdiction] *Special tribal criminal jurisdiction* over the Indian country of that Indian tribe.

[(5)] (7) *PROTECTION ORDER.*—The term “protection order”—

(A) means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and

(B) includes any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a pendent lite order in another proceeding, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

(8) *SEX TRAFFICKING.*—

(A) *IN GENERAL.*—The term “sex trafficking” means conduct—

(i) consisting of—

(I) recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting by any means a person; or

(II) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in subclause (I); and

(ii) carried out with the knowledge, or, except where the act constituting the violation of clause (i) is advertising, in reckless disregard of the fact, that—

(I) means of force, threats of force, fraud, coercion, or any combination of such means will be used to cause the person to engage in a commercial sex act; or

(II) the person has not attained the age of 18 years and will be caused to engage in a commercial sex act.

(B) *DEFINITIONS.*—In this paragraph, the terms “coercion” and “commercial sex act” have the meanings given the terms in section 1591(e) of title 18, United States Code.

(9) *SEXUAL VIOLENCE.*—The term “sexual violence” means any nonconsensual sexual act or contact proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs, including in any case in which the victim lacks the capacity to consent to the act.

[(6)] *SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION.*—

(10) *SPECIAL TRIBAL CRIMINAL JURISDICTION.*—The term “[special domestic violence criminal jurisdiction] *special tribal criminal jurisdiction*” means the criminal jurisdiction that a

participating tribe may exercise under this section but could not otherwise exercise.

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

(12) STALKING.—*The term “stalking” means engaging in a course of conduct directed at a specific person proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that would cause a reasonable person to—*

- (A) *fear for the person’s safety or the safety of others; or*
- (B) *suffer substantial emotional distress.*

(b) NATURE OF THE CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed by sections 201 and 203, the powers of self-government of a participating tribe, *including any participating tribes in the State of Maine*, include the inherent power of that tribe, which is hereby recognized and affirmed, to exercise [special domestic violence criminal jurisdiction] *special tribal criminal jurisdiction* over all persons.

(2) CONCURRENT JURISDICTION.—The exercise of [special domestic violence criminal jurisdiction] *special tribal criminal jurisdiction* by a participating tribe shall be concurrent with the jurisdiction of the United States, of a State, or of both.

(3) APPLICABILITY.—Nothing in this section—

- (A) creates or eliminates any Federal or State criminal jurisdiction over Indian country; or
- (B) affects the authority of the United States or any State government that has been delegated authority by the United States to investigate and prosecute a criminal violation in Indian country.

(4) EXCEPTIONS.—

(A) VICTIM AND DEFENDANT ARE BOTH NON-INDIANS.—

(i) IN GENERAL.—A participating tribe may not exercise [special domestic violence criminal jurisdiction] *special tribal criminal jurisdiction* over an alleged offense, *other than obstruction of justice or an act of assault of a law enforcement or corrections officer*, if neither the defendant nor the alleged victim is an Indian.

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

(B) DEFENDANT LACKS TIES TO THE INDIAN TRIBE.—A participating tribe may exercise [special domestic violence criminal jurisdiction] *special tribal criminal jurisdiction* over a defendant only if the defendant—

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

(ii) is employed in the Indian country of the participating tribe; **[or]**

(iii) is a spouse, intimate partner, or dating partner of—

(I) a member of the participating tribe; or

(II) an Indian who resides in the Indian country of the participating tribe**[.]**; or

(iv) *is being prosecuted for a crime of sexual violence, stalking, sex trafficking, obstructing justice, or assaulting a police or corrections officer under the laws of the prosecuting tribe.*

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

(1) **DOMESTIC VIOLENCE [AND DATING VIOLENCE], DATING VIOLENCE, OBSTRUCTION OF JUSTICE, SEXUAL VIOLENCE, STALKING, SEX TRAFFICKING, OR ASSAULT OF A LAW ENFORCEMENT OR CORRECTIONS OFFICER.**—An act of domestic violence **[or dating violence]**, *dating violence, obstruction of justice, sexual violence, stalking, sex trafficking, or assault of a law enforcement or corrections officer* that occurs in the Indian country of the participating tribe.

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

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

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

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

(ii) was issued against the defendant;

(iii) is enforceable by the participating tribe; and

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

(d) **RIGHTS OF DEFENDANTS.**—In a criminal proceeding in which a participating tribe exercises special **[domestic violence]** *tribal* criminal jurisdiction, the participating tribe shall provide to the defendant—

(1) all applicable rights under this Act;

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

(3) the right to a trial by an impartial jury that is drawn from sources that—

(A) reflect a fair cross section of the community; and

(B) do not systematically exclude any distinctive group in the community, including non-Indians; and

(4) all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special **[domestic violence]** *tribal* criminal jurisdiction over the defendant.

(e) **PETITIONS TO STAY DETENTION.**—

(1) **IN GENERAL.**—A person who has filed a petition for a writ of habeas corpus in a court of the United States under section

203 may petition that court to stay further detention of that person by the participating tribe.

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

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

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

(3) NOTICE.—An Indian tribe that has ordered the detention of any person has a duty to timely notify such person of his rights and privileges under this subsection and under section 203.

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

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

(A) law enforcement (including the capacity of law enforcement or court personnel to enter information into and obtain information from national crime information databases);

(B) prosecution;

(C) trial and appellate courts;

(D) probation systems;

(E) detention and correctional facilities;

(F) alternative rehabilitation centers;

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

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

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

(A) *a crime of domestic violence;*

(B) *a crime of dating violence;*

(C) *a criminal violation of a protection order;*

(D) *a crime of sexual violence;*

(E) *a crime of stalking;*

(F) *a crime of sex trafficking;*

(G) *a crime of obstruction of justice; or*

(H) *a crime of assault of a law enforcement or correctional officer.*

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

(4) to accord victims of domestic violence, dating violence, sexual violence, stalking, sex trafficking, assault of a law en-

*forcement or correctional officer, and violations of protection orders rights that are similar to the rights of a crime victim described in section 3771(a) of title 18, United States Code, consistent with tribal law and custom.*

*(5) to create a pilot project to allow up to five Indian tribes in Alaska to implement special tribal criminal jurisdiction.*

*(g) INDIAN COUNTRY DEFINED.—For purposes of the pilot project described in subsection (f)(5), the definition of “Indian country” shall include Alaska Native-owned Townsites, Allotments, and former reservation lands acquired in fee by Alaska Native Village Corporations pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 33) and other lands transferred in fee to Native villages.*

**[(g)] (h) SUPPLEMENT, NOT SUPPLANT.**—Amounts made available under this section shall supplement and not supplant any other Federal, State, tribal, or local government amounts made available to carry out activities described in this section.

**[(h)] (i) AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for each of **[(fiscal years 2014 through 2018)] fiscal years 2020 through 2024** to carry out subsection (f) and to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes.

\* \* \* \* \*

## NICS IMPROVEMENT AMENDMENTS ACT OF 2007

### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “NICS Improvement Amendments Act of 2007”.

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

Sec. 1. Short title and table of contents.

\* \* \* \* \*

### TITLE I—TRANSMITTAL OF RECORDS

\* \* \* \* \*

Sec. 106. Illegal immigrant gun purchase notification.

Sec. 108. *Notification to law enforcement agencies of prohibited purchase of a firearm.*

Sec. 107. Implementation plan.

\* \* \* \* \*

## TITLE I—TRANSMITTAL OF RECORDS

\* \* \* \* \*

### SEC. 108. NOTIFICATION TO LAW ENFORCEMENT AGENCIES OF PROHIBITED PURCHASE OF A FIREARM.

*(a) IN GENERAL.—In the case of a background check conducted by the National Instant Criminal Background Check System pursuant to the request of a licensed importer, licensed manufacturer, or licensed dealer of firearms (as such terms are defined in section 921 of title 18, United States Code), which background check determines that the receipt of a firearm by a person would violate subsection*



(g)(8), (g)(9), or (g)(10) of section 922 of title 18, United States Code, and such determination is made after 3 business days have elapsed since the licensee contacted the System and a firearm has been transferred to that person, the System shall notify the law enforcement agencies described in subsection (b).

(b) *LAW ENFORCEMENT AGENCIES DESCRIBED.*—The law enforcement agencies described in this subsection are the law enforcement agencies that have jurisdiction over the location from which the licensee contacted the system and the law enforcement agencies that have jurisdiction over the location of the residence of the person for which the background check was conducted, as follows:

- (1) *The field office of the Federal Bureau of Investigation.*
- (2) *The local law enforcement agency.*
- (3) *The State law enforcement agency.*
- (4) *The Tribal law enforcement agency.*

\* \* \* \* \*

## CRIME CONTROL ACT OF 1990

\* \* \* \* \*

## TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

\* \* \* \* \*

### Subtitle B—Court-Appointed Special Advocate Program

\* \* \* \* \*

#### 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 **2014 through 2018** *2020 through 2024*.

(b) *LIMITATION.*—No funds are authorized to be appropriated for a fiscal year to carry out this subtitle unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

(c) *PROHIBITION ON LOBBYING.*—No funds authorized under this subtitle may be used for lobbying activities in contravention of OMB Circular No. A–122.

### Subtitle C—Child Abuse Training Pro- grams for Judicial Personnel and Practi- tioners

\* \* \* \* \*

**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 **2014 through 2018** *2020 through 2024*.

(b) **USE OF FUNDS.**—Of the amounts appropriated in subsection (a), not less than 80 percent shall be used for grants under section 223(b).

(c) **LIMITATION.**—No funds are authorized to be appropriated for a fiscal year to carry out this subtitle unless the aggregate amount appropriated to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) for such fiscal year is not less than the aggregate amount appropriated to carry out such title for the preceding fiscal year.

\* \* \* \* \*

**DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000**

\* \* \* \* \*

**SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.**

(a) **AUTHORIZATION OF GRANTS.**—The Attorney General may make grants to eligible States or units of local government for use by the State or unit of local government for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples collected under applicable legal authority.

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.

(3) To increase the capacity of laboratories owned by the State or by units of local government to carry out DNA analyses of samples specified in paragraph (1) or (2).

(4) To collect DNA samples specified in paragraph (1).

(5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(6) To implement a DNA arrestee collection process consistent with the Katie Sepich Enhanced DNA Collection Act of 2012.

(7) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

(8) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).

(9) To increase the capacity of State and local prosecution offices to address the backlog of violent crime cases in which suspects have been identified through DNA evidence.

(b) **ELIGIBILITY.**—For a State or unit of local government to be eligible to receive a grant under this section, the chief executive officer of the State or unit of local government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall, as required by the Attorney General—

(1) provide assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

(3) include a certification that the State or unit of local government has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State or unit of local government shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2);

(5) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(3);

(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary steps to ensure that it is eligible to include, directly or through a State law enforcement agency, all analyses of samples for which it has requested funding in the Combined DNA Index System; and

(7) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(4).

(c) **FORMULA FOR DISTRIBUTION OF GRANTS.**—

(1) **IN GENERAL.**—The Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government that—

(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

(ii) the population in the jurisdiction; and

(iii) the number of part 1 violent crimes in the jurisdiction.

(2) **MINIMUM AMOUNT.**—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except

that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

(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) For fiscal year 2009, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

(B) For each of the fiscal years 2014 through 2019, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

(C) For each of fiscal years 2014 through 2019, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).

(4) ALLOCATION OF GRANT AWARDS FOR AUDITS.—For each of fiscal years 2014 through 2022, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(7), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).

(5) ALLOCATION OF GRANT AWARDS FOR PROSECUTORS.—For each fiscal year, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(9), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).

(d) ANALYSIS OF SAMPLES.—

(1) IN GENERAL.—A plan pursuant to subsection (b)(1) shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government;

or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government.

(2) QUALITY ASSURANCE STANDARDS.—(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1)

and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

(3) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

(A) IN GENERAL.—A grant for the purposes specified in paragraph (1), (2), or (5) of subsection (a) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

(C) PAYMENTS.—The Attorney General may use amounts authorized under subsection (j) to make payments to a laboratory described under subparagraph (B).

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) NONSUPPLANTING.—Funds made available pursuant to this section shall not be used to supplant State or local government funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local government sources for the purposes of this Act.

(2) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 3 percent of the funds it receives from this section for administrative expenses.

(f) REPORTS TO THE ATTORNEY GENERAL.—Each State or unit of local government which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

(2) such other information as the Attorney General may require.

(g) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

(1) the aggregate amount of grants made under this section to each State or unit of local government for such fiscal year;

(2) a summary of the information provided by States or units of local government receiving grants under this section; and

(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how such plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

(h) EXPENDITURE RECORDS.—

(1) IN GENERAL.—Each State or unit of local government which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective

audit of the receipt and use of grant funds received under this section.

(2) ACCESS.—Each State or unit of local government which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) DEFINITION.—For purposes of this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) \$151,000,000 for each of fiscal years [2015 through 2019] 2020 through 2024.

(k) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the grant amounts under subsection (j)—

(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community—

(A) to defray the costs of external audits of laboratories operated by such State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

(B) to assess compliance with any plans submitted to the National Institute of Justice, which detail the use of funds received by States or units of local government under this Act; and

(C) to support future capacity building efforts; and

(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

(l) USE OF FUNDS FOR OTHER FORENSIC SCIENCES.—The Attorney General may award a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

(1) certifies to the Attorney General that in such State or unit—

(A) all of the purposes set forth in subsection (a) have been met;

(B) a significant backlog of casework is not waiting for DNA analysis; and

(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely DNA processing of casework or offender samples; and

(2) demonstrates to the Attorney General that such State or unit requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

(m) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—In the event that a laboratory operated by a State or unit of local government which has received funds under this Act has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of such audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with such standards, the State or unit of local government shall implement any such remediation as soon as practicable.

(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(7) only if the State or unit of local government—

(A) submits a plan for performing the audit of samples described in such subsection; and

(B) includes in such plan a good-faith estimate of the number of such samples.

(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(7)—

(A) may not enter into any contract or agreement with any non-governmental vendor laboratory to conduct an audit described in subsection (a)(7); and

(B) shall—

(i) not later than 1 year after receiving the grant, complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph;

(ii) not later than 60 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of the initiation of an audit under paragraph (1)(A), subject to paragraph (4)(F), include in any required reports under clause (v), the information listed under paragraph (4)(B);

(iii) for each sample of sexual assault evidence that is identified as awaiting testing as part of the audit referred to in paragraph (1)(A)—

(I) assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence that is in the possession of the State or unit of local government and is awaiting testing; and

(II) identify the date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates;

(iv) provide that—

(I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or

(II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and

(v) comply with all grantee reporting requirements described in paragraph (4).

(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(B)(i) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

(4) SEXUAL ASSAULT FORENSIC EVIDENCE REPORTS.—

(A) IN GENERAL.—For not less than 12 months after the completion of an initial count of sexual assault evidence that is awaiting testing during an audit referred to in paragraph (1)(A), a State or unit of local government that receives a grant award under subsection (a)(7) shall, not less than every 60 days, submit a report to the Department of Justice, on a form prescribed by the Attorney General, which shall contain the information required under subparagraph (B).

(B) CONTENTS OF REPORTS.—A report under this paragraph shall contain the following information:

(i) The name of the State or unit of local government filing the report.

(ii) The period of dates covered by the report.

(iii) The cumulative total number of samples of sexual assault evidence that, at the end of the reporting period—

(I) are in the possession of the State or unit of local government at the reporting period;

(II) are awaiting testing; and

(III) the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses.

(iv) The cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses, provided that the reporting form shall allow for the State or unit of local government, at its sole discretion, to explain the reasoning for this determination in some or all cases.

(v) The cumulative total number of samples of sexual assault evidence in a total under clause (iii) that



have been submitted to a laboratory for DNA or other appropriate forensic analyses.

(vi) The cumulative total number of samples of sexual assault evidence identified by an audit referred to in paragraph (1)(A) or under paragraph (2)(B)(ii) for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period.

(vii) The total number of samples of sexual assault evidence identified by the State or unit of local government under paragraph (2)(B)(ii), since the previous reporting period.

(viii) The cumulative total number of samples of sexual assault evidence described under clause (iii) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

(C) PUBLICATION OF REPORTS.—Not later than 7 days after the submission of a report under this paragraph by a State or unit of local government, the Attorney General shall, subject to subparagraph (D), publish and disseminate a facsimile of the full contents of such report on an appropriate internet website.

(D) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that any information published and disseminated as part of a report under this paragraph, which reports information under this subsection, does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

(E) OPTIONAL REPORTING.—The Attorney General shall—

(i) at the discretion of a State or unit of local government required to file a report under subparagraph (A), allow such State or unit of local government, at their sole discretion, to submit such reports on a more frequent basis; and

(ii) make available to all States and units of local government the reporting form created pursuant to subparagraph (A), whether or not they are required to submit such reports, and allow such States or units of local government, at their sole discretion, to submit such reports for publication.

(F) SAMPLES EXEMPT FROM REPORTING REQUIREMENT.—The reporting requirements described in paragraph (2) shall not apply to a sample of sexual assault evidence that—

(i) is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

(ii) relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

(5) DEFINITIONS.—In this subsection:

(A) Awaiting testing.—The term “awaiting testing” means, with respect to a sample of sexual assault evidence, that—

- (i) the sample has been collected and is in the possession of a State or unit of local government;
- (ii) DNA and other appropriate forensic analyses have not been performed on such sample; and
- (iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

(B) Final disposition.—The term “final disposition” means, with respect to a criminal case or investigation to which a sample of sexual assault evidence relates—

- (i) the conviction or acquittal of all suspected perpetrators of the crime involved;
- (ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or
- (iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

(C) Possession.—

(i) IN GENERAL.—The term “possession”, used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

(o) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS.—

(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the SAFER Act of 2013, the Director, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

(A) how to determine—

- (i) which evidence is to be collected by law enforcement personnel and forwarded for testing;
- (ii) the preferred order in which evidence from the same case is to be tested; and
- (iii) what information to take into account when establishing the order in which evidence from different cases is to be tested;

(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed;

(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested; and

(E) standards for conducting the audit of the backlog for DNA case work in sexual assault cases required under subsection (n).

(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

(3) DEFINITIONS.—In this subsection, the terms “awaiting testing” and “possession” have the meanings given those terms in subsection (n).

\* \* \* \* \*

#### **DNA SEXUAL ASSAULT JUSTICE ACT OF 2004**

\* \* \* \* \*

### **TITLE III—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004**

\* \* \* \* \*

#### **SEC. 304. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.**

(a) IN GENERAL.—The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).

(b) ELIGIBLE ENTITY.—For purposes of this section, the term “eligible entity” includes—

- (1) States;
- (2) units of local government; and
- (3) sexual assault examination programs, including—
  - (A) sexual assault nurse examiner (SANE) programs;
  - (B) sexual assault forensic examiner (SAFE) programs;

- (C) sexual assault response team (SART) programs;
- (D) State sexual assault coalitions;
- (E) medical personnel, including doctors, medical examiners, coroners, and nurses, involved in treating victims of sexual assault; and
- (F) victim service providers involved in treating victims of sexual assault.

(c) PREFERENCE.—

(1) IN GENERAL.—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

(A) improve forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);

(B) engage in activities that will assist in the employment of full-time forensic nurse examiners to conduct activities under subsection (a); or

(C) sustain or establish a training program for forensic nurse examiners.

(2) DIRECTIVE TO THE ATTORNEY GENERAL.—Not later than the beginning of fiscal year 2018, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federally Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses, both adult and pediatric, and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents. The Attorney General shall collaborate on this effort with non-governmental organizations representing forensic nurses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$30,000,000 for each of fiscal years [2015 through 2019] 2020 through 2024 to carry out this section.

\* \* \* \* \*

## COMMITTEE CORRESPONDENCE

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 14, 2019

The Honorable Frank Pallone, Jr.  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

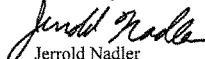
Dear Chairman Pallone:

I am writing to you concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that your Committee will not formally consider H.R. 1585 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 1585 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

FRANK PALLONE, JR., NEW JERSEY  
CHAIRMAN

GREG WALDEN, OREGON  
RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115  
Majority (202) 225-2927  
Minority (202) 225-3641  
March 21, 2019

The Honorable Jerrold Nadler  
Chair  
Committee on Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

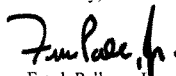
Dear Mr. Chair:

I write concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019," as amended, which was additionally referred to the Committee on Energy and Commerce.

In recognition of the desire to expedite consideration of H.R. 1585, the Committee on Energy and Commerce agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Energy and Commerce. The Committee takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. I also request that you support my request to name members of the Committee on Energy and Commerce to any conference committee to consider such provisions.

Finally, I would appreciate the inclusion of this letter in the report on the bill and into the *Congressional Record* during floor consideration of H.R. 1585.

Sincerely,

  
Frank Pallone, Jr.  
Chairman

The Honorable Nadler  
March 21, 2019  
Page 2

cc. The Honorable Nancy Pelosi, Speaker  
The Honorable Steny Hoyer, Majority Leader  
The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce  
The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Parliamentarian

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 14, 2019

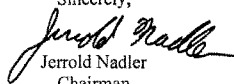
The Honorable Maxine Waters  
Chairwoman  
Committee on Financial Services  
U.S. House of Representatives  
2129 Rayburn House Office Building  
Washington, DC 20515

Dear Chairwoman Waters:

I am writing to you concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Financial Services. I acknowledge that your Committee will not formally consider H.R. 1585 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 1585 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,  
  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian



MAXINE WATERS, CA  
CHAIRWOMAN

**United States House of Representatives**  
**Committee on Financial Services**  
2129 Rayburn House Office Building  
Washington, D.C. 20515

PATRICK MCHENRY, NC  
RANKING MEMBER

March 21, 2019

The Honorable Jerrold Nadler  
Chairman  
House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515-6415

Dear Mr. Chairman:

I am writing concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019. Because you have been working with the Committee on Financial Services concerning provisions in the bill that fall within our Rule X jurisdiction, I agree to forgo formal consideration of the bill so that it may proceed expeditiously to the House floor. I do so based on my understanding that the Committee on the Judiciary will work to ensure that the text of H.R. 1585 that will be considered by House of Representatives will include changes that are being discussed between the two Committees with respect to certain provisions that are within the jurisdiction of the Committee on Financial Services, provided that the relevant texts are submitted to the Committee on the Judiciary in a timely manner.

The Committee on Financial Services takes this action to forego formal consideration of H.R. 1585 with our mutual understanding that, by foregoing formal consideration of H.R. 1585 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward. 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 request your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding, and, while I understand that your letter to the Committee and my response will be included in the Committee report on H.R. 1585, I would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 1585.

Sincerely,

  
MAXINE WATERS  
Chairwoman

Cc: The Honorable Patrick McHenry

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 21, 2019

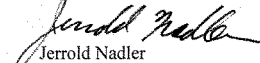
The Honorable Maxine Waters  
Chairwoman  
Committee on Financial Services  
U.S. House of Representatives  
2129 Rayburn House Office Building  
Washington, DC 20515

Dear Chairwoman Waters:

I am writing to acknowledge your letter dated March 21, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 1585, the "Violence Against Women Reauthorization Act of 2019," that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 14, 2019

The Honorable Richard Neal  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives  
1102 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Neal:

I am writing to you concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I acknowledge that your Committee will not formally consider H.R. 1585 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 1585 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

March 18, 2019

The Honorable Jerrold Nadler  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Nadler,

In recognition of the desire to expedite consideration of H.R. 1585, Violence Against Women Reauthorization Act of 2019, the Committee on Ways and Means agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Ways and Means.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming this understanding, and would ask that a copy of our exchange of letter on this matter be included in the *Congressional Record* during floor consideration of H.R. 1585.

Sincerely,



Richard E. Neal  
Chairman

cc: The Honorable Nancy Pelosi  
The Honorable Doug Collins  
The Honorable Kevin Brady  
Mr. Tom Wickham, Jr.

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 21, 2019


The Honorable Richard Neal  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives  
1102 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Neal:

I am writing to acknowledge your letter dated March 18, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 1585, the "Violence Against Women Reauthorization Act of 2019," that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 14, 2019

The Honorable Bobby Scott  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
2176 Rayburn House Office Building  
Washington, DC 20515

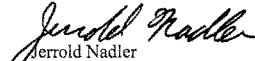
Dear Chairman Scott:

I am writing to you concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Education and Labor. I acknowledge that your Committee will not formally consider H.R. 1585 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 1585 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian



COMMITTEE ON EDUCATION  
AND LABOR  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

MAJORITY MEMBERS:  
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Chairman

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RAUL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
MARCIA L. FUDGE, OHIO  
GREGORY MILLI CAMACHO BASILAN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE ROMANEC, OREGON  
MARK TAKANO, CALIFORNIA  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DESAULNIER, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
PRAMILA JAYAPAL, WASHINGTON  
JOSEPH E. MONTELLA, NEW YORK  
SUSAN WALD, PENNSYLVANIA  
JOSH HARDER, CALIFORNIA  
LUCY MCINTYRE, GEORGIA  
KIM SCHRIER, WASHINGTON  
LAUREN UNDERWOOD, ILLINOIS  
JAHANA HAYES, CONNECTICUT  
DONNA E. SHALALA, FLORIDA  
ANDY LEVIN, MICHIGAN  
ILHAN OMAR, MINNESOTA  
DAVID J. TRONE, MARYLAND  
HALEY M. STEVENS, MICHIGAN  
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LORI TRAHAN, MASSACHUSETTS  
JOSQUIN CASTRO, TEXAS

MINORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,  
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STEVEN WATSON, KANSAS  
RON WRIGHT, TEXAS  
DANIEL MEUSER, PENNSYLVANIA  
WILLIAM R. TRAVIS, N. SOUTH CAROLINA  
DUSTY JOHNSON, SOUTH DAKOTA

March 20, 2019

The Honorable Jerrold Nadler  
Chairman  
House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Nadler:

I write concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019." This bill was primarily referred to the Committee on the Judiciary and secondarily to the Committee on Education and Labor. As a result of your having consulted with me concerning this bill generally, I agree to forgo consideration of the bill in Committee so the bill may proceed expeditiously to the House floor.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1585, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and we will be appropriately consulted and involved as the bill or similar legislation moves forward so we may address any remaining issue within our Rule X jurisdiction. Additionally, I respectfully request your support for the appointment of conferees from the Committee on Education and Labor should this bill or similar language be considered in a conference with the Senate.

Finally, I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 1585.

Respectfully,

ROBERT C. "BOBBY" SCOTT  
Chairman

CC: The Honorable Doug Collins, Ranking Member, Committee on the Judiciary  
The Honorable Virginia Foxx, Ranking Member, Committee on Education and Labor  
The Honorable Nancy Pelosi, Speaker  
The Honorable Thomas Wickham, Jr., Parliamentarian

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 21, 2019

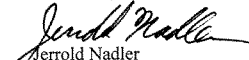
The Honorable Bobby Scott  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
2176 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Scott:

I am writing to acknowledge your letter dated March 20, 2019 responding to our request to your Committee that it waive any jurisdictional claims over the matters contained in H.R. 1585, the "Violence Against Women Reauthorization Act of 2019," that fall within your Committee's Rule X jurisdiction. The Committee on the Judiciary confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and your Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within your Committee's jurisdiction.

I will ensure that this exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian



JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 14, 2019

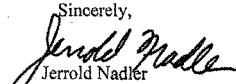
The Honorable Raúl Grijalva  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Grijalva:

I am writing to you concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Natural Resources. I acknowledge that your Committee will not formally consider H.R. 1585 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 1585 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,  
  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA  
CHAIRMAN

ROB BISHOP OF UTAH  
RANKING REPUBLICAN

DAVID WATKINS  
STAFF DIRECTOR

PATRICK BRADEN  
REPUBLICAN STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

March 18, 2019

The Honorable Jerrold Nadler  
Chair  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Mr. Chair:

I write concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019," as amended, which was additionally referred to the Committee on Natural Resources.

I will allow the Committee on Natural Resources to be discharged from further consideration of the bill. I do so with the understanding that the Committee does not waive any jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction. I also request that you support my request to name members of the Committee on Natural Resources to any conference committee to consider such provisions. Finally, please include this letter in the report on the bill and into the Congressional Record during consideration of the measure on the House floor.

I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,

  
Raúl M. Grijalva  
Chair  
Committee on Natural Resources

cc: The Honorable Nancy Pelosi, Speaker  
The Honorable Steny Hoyer, Majority Leader  
The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

JERROLD NADLER, New York  
CHAIRMAN

DOUG COLLINS, Georgia  
RANKING MINORITY MEMBER

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

March 14, 2019

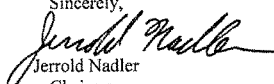
The Honorable Mark Takano  
Chairman  
Committee on Veterans' Affairs  
U.S. House of Representatives  
B234 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Takano:

I am writing to you concerning H.R. 1585, the "Violence Against Women Reauthorization Act of 2019."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Veterans' Affairs. I acknowledge that your Committee will not formally consider H.R. 1585 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 1585 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,  
  
Jerrold Nadler  
Chairman

c: The Honorable Doug Collins, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

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**U.S. House of Representatives**

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED SIXTEENTH CONGRESS  
B-234 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
<http://veterans.house.gov>

March 18, 2019

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The Honorable Jerrold Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Nadler:

I write concerning H.R. 1585, the Violence Against Women Reauthorization Act of 2019. As a result of your having consulted with us on provisions within H.R. 1585 that fall within the Rule X jurisdiction of the Committee on Veterans' Affairs, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Committee on Veterans' Affairs takes this action with our mutual understanding that by foregoing consideration of H.R. 1585 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Further I request your support for the appointment of conferees from the Committee on Veterans' Affairs during any House-Senate conference convened on this or related legislation.

Finally, I ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Judiciary Committee, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Sincerely,

  
Mark Takano  
Chairman

cc: The Honorable Phil Roe M.D., Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

## Dissenting Views

Though we agree the Violence Against Women Act (VAWA) should be reauthorized, we are disheartened by H.R. 1585, the Violence Against Women Reauthorization Act of 2019. We share the majority's belief that VAWA should serve the purpose of preventing violence and serving victims, but we believe H.R. 1585 is counter-productive to achieving those goals.

The Violence Against Women Act has historically been non-controversial and overwhelmingly bipartisan.

Prior to the original passage of VAWA in 1994, a woman fleeing an abusive home had few resources available to her. Domestic violence shelters were scarce, underfunded, and overcrowded. There was no coordinated community effort to combat domestic and sexual violence, and the criminal justice system lacked the understanding, training, focus, and funds to address such crimes appropriately. Through grant programs and education activities, VAWA focused attention on a crime that had been largely overlooked.

VAWA also encouraged the creation of community partnerships, by providing incentives for police, judges, prosecutors, and advocates to come together to develop a coordinated community response to the problem of domestic and sexual violence.<sup>1</sup> As noted by the Office of Violence Against Women (OVW), VAWA's enactment led to "significant improvements in the criminal and civil justice systems."<sup>2</sup> For example, "between 1994 and 2011, the rate of victimization by serious intimate partner violence declined by 72% for women and 64% for men."<sup>3</sup>

Despite this progress, research suggests domestic and sexual violence remains a serious threat to public health and safety, highlighting the continued need for reauthorization of the programs under VAWA.

In 2013, the bill generated significant controversy for the first time since the law's inception in 1994. The 2019 bill, H.R. 1585, continues that trend. As evidenced by the robust debate surrounding numerous amendments during markup of the bill, persistent concerns with provisions of the proposed legislation remain, including concerns related to expansion of the bill past its intended audience, due process, and privacy, and others.

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<sup>1</sup>Statement of Liz Roberts, deputy CEO and chief program officer at Safe Horizon, <https://www.safehorizon.org/programs/violence-against-women-act-vawa/>. Across grant programs, VAWA supports coordinated community approaches to addressing domestic and sexual violence, whereby law enforcement, advocates, prosecutors, and others work across systems to achieve justice and safety for victims and accountability for offenders. The Sexual Assault Response Team (SART) model, for instance, can improve the quality of forensic healthcare that a victim receives after a rape, and can improve prosecution rates. <https://www.safehorizon.org/programs/violence-against-women-act-vawa/>.

<sup>2</sup>U.S. Dept. of Justice, FY 2017 Congressional Justification, Office on Violence Against Women, available at <https://www.justice.gov/jmd/file/821736/download>.

<sup>3</sup>U.S. Dept. of Justice, FY 2017 Congressional Justification, Office on Violence Against Women, available at <https://www.justice.gov/jmd/file/821736/download>.

Ms. Julia Beck, the Republican witness at the Committee's March 7, 2019 hearing on VAWA reauthorization, stated, "Violence against women is a non-partisan issue, but ending violence against women requires bipartisan energy."<sup>4</sup> We agree, which is why we are concerned that H.R. 1585 further politicizes VAWA.

For these reasons and reasons discussed below, we respectfully dissent and urge our colleagues to oppose this legislation. We also urge our colleagues to work with us on bipartisan legislation to reauthorize VAWA.

*The 2013 Violence Against Women Act (VAWA 2013)*

VAWA 2013, sponsored by Senator Leahy, reauthorized most VAWA programs and generally authorized appropriations at a lower level. It also consolidated several VAWA programs.

The bill established new provisions for all VAWA grant programs, including a nondiscrimination provision stating victims could not be denied services or discriminated against based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability. The nondiscrimination provision did not include any kind of exemption for the employment and hiring practices of faith-based grant recipients.

Subsequent DOJ guidance on this provision states "gender identity" is a person's internal view of the individual's gender. It further says "sex segregated" and "sex specific" programming place individuals in a position to choose to identify with a particular sex, and notes emergency shelter for domestic violence victims is an example of a service victim service providers have historically segregated by sex.<sup>5</sup> No VAWA grantees to date have lost funding due to denying a biological male access to a women's shelter, but there have been stories of organizations facing issues with this situation, including the Hope Center in Alaska.<sup>6</sup> This has also recently become an issue with a women's shelter in California that has received HUD grants.<sup>7</sup>

It also required that any grantee or subgrantee providing legal assistance must comply with certifications required under the Legal Assistance for Victims Grant Programs.<sup>8</sup>

VAWA 2013 also updated certain definitions (e.g., redefining "underserved populations" to include those who may be discriminated against based on religion, sexual orientation, or gender identity).

In addition, a provision was added giving tribes "special domestic violence criminal jurisdiction" over non-tribal members (i.e., the ability to prosecute non-Indians for the crimes of domestic violence, dating violence, and the violation of protective orders).<sup>9</sup> Congress also imposed new obligations on colleges and universities to report

<sup>4</sup> Testimony of Ms. Julia Beck at House Judiciary Committee hearing on March 7, 2019. Available at <https://docs.house.gov/meetings/JU/JU08/20190307/109021/HHRG-116-JU08-Wstate-BeckJ-20190307.pdf>, pg. 4.

<sup>5</sup> U.S. Dept of Justice, Frequently Asked Questions April 9, 2014 Nondiscrimination Grant Condition in the Violence Against Women Act, available at <https://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vawa.pdf>.

<sup>6</sup> <https://www.ktva.com/story/39777310/judge-hears-motions-in-anchorage-shelters-transgender-case>.

<sup>7</sup> <http://www.kmjnow.com/2018/10/05/poverello-sued-for-protecting-transgender-individual-in-womens-shelter/>.

<sup>8</sup> These certification requirements are listed under 34 USC Section 20121(d).

<sup>9</sup> *Id.*

crimes on campus, adopt certain student discipline procedures, and train institutional personnel in the 2013 reauthorization.

*Concerns with H.R. 1585*

- H.R. 1585 further expands language related to “gender identity” from the 2013 reauthorization. As Ms. Julia Beck stated, “Another unfortunate outcome of the 2013 reauthorization of VAWA is the dissolution of all sex-based protection for women and girls through the introduction of ‘gender identity.’”<sup>10</sup> H.R. 1585 continues that trend and carries it further.

- H.R. 1585 expands tribal jurisdiction over non-tribal people significantly over current law. In 2013, tribal jurisdiction was expanded over non-tribal people for domestic violence purposes. H.R. 1585 expands that jurisdiction to crimes of domestic violence, dating violence, obstruction of justice, sexual violence, sex trafficking, stalking, and assault of a law enforcement or corrections officer. The expansion of tribal jurisdiction over non-tribal people creates due process concerns.

- H.R. 1585 allows grant funds to be used to develop and implement “alternative justice responses” to sexual assault, dating violence, and domestic violence, in which a victim and an abuser could be put together in the same room. There is little evidence available on effective interventions in this area, and such methods run the risk of re-victimizing the abused individual. Additionally, although the bill language makes victim participation voluntary, it is not clear this is possible, given the tremendous power imbalance involved in cases of domestic and dating violence and sexual assault.

- H.R. 1585 includes language related to firearms and restricting their possession.

- H.R. 1585 would require states to discourage the use of bench warrants in order to be eligible for federal grant money under VAWA. Bench warrants can be a valuable tool used by prosecutors to protect victims of domestic violence.

- H.R. 1585 continues to expand VAWA protections beyond just women and girls.

- H.R. 1585 could incentivize fraud in housing programs by allowing people who have been evicted from government-funded housing because of criminal activity to claim after the fact they are domestic violence victims, in order to keep their housing.

- H.R. 1585 includes language stating a transgender prisoner’s sex is determined according to the sex with which they identify.

- H.R. 1585 fails to provide a religious hiring exemption or protections for faith-based organizations.

Rather than continue to wield VAWA as a political weapon, we encourage Democrats to work with us on an alternative that preserves and strengthens the program while maintaining its intent.

Legislation reauthorizing VAWA should include provisions strengthening penalties for female genital mutilation. It should also include religious exemptions for grant recipients, in order to preserve the service that these entities provide to victims. Additionally, such legislation should strengthen and fix flaws in exist-

<sup>10</sup>Testimony of Ms Julia Beck at the House Judiciary Committee hearing on March 7, 2019. Available at <https://docs.house.gov/meetings/JU/JU08/20190307/109021/HHRG-116-JU08-Wstate-BeckJ-20190307.pdf>, pg. 2.

ing law related to housing provisions and provide grant accountability measures to ensure taxpayer funds are being used as intended.

DOUG COLLINS,  
*Ranking Member.*  
DEBBIE LESKO.  
GUY RESCHENTHALER.  
BEN CLINE.  
KELLY ARMSTRONG.  
MIKE JOHNSON.



### **Dissenting Views**

Protecting women and girls from violence is paramount, and Congress must act to reauthorize the *Violence Against Women Act* (VAWA) without partisan policies being included in the legislation. When VAWA was first signed into law in 1994, it helped enable communities to work toward ending domestic violence, dating violence, sexual assault, and stalking. As a former prosecutor of domestic violence, I understand the critical importance of advancing a bipartisan reauthorization of VAWA. I have seen firsthand what VAWA can do at the local level and the women that it helps. Women who have been victims of violence should not be put in jeopardy by partisan politics. Unfortunately, *H.R. 1585, the Violence Against Women Reauthorization Act of 2019* politicizes VAWA and puts every woman who is a victim of violence at risk.

During the Committee's consideration of H.R. 1585, numerous good faith amendments offered by Republicans to improve this bill were rejected. Two of those amendments were offered by Congresswoman Debbie Lesko of Arizona, a victim herself of domestic violence. I was proud to vote in favor of both amendments, and I was disappointed to see Democrats reject them in their effort to politicize VAWA. Congresswoman Lesko's first amendment would have ensured that victim service providers such as domestic violence shelters would not be compelled to place a woman or child into a circumstance where the victim has grounds to fear for their privacy or safety. Without this important clarification, women and children could potentially be placed in shelters with men. This common-sense amendment should have been adopted so that women and children in shelters are not subjected to the harmful provisions contained in H.R. 1585. The second amendment offered by Congresswoman Lesko and Congressman Steve Chabot of Ohio would have ensured religious entities and faith-based organizations could operate and provide services without compromising their foundational beliefs. Religious freedom is guaranteed by the U.S. Constitution, and organizations that provide services through VAWA grants should be protected from federal mandates that conflict with their religious principles.

Additionally, Democrats rejected an amendment offered by Congressman Ken Buck of Colorado that would have empowered women to defend themselves against and deter future acts of violence. This amendment would have strengthened VAWA by allowing grant money to be given to organizations for the purpose of conducting firearms safety, training, and self-defense courses for women. Women should be given every opportunity to protect themselves from violence, which is why I supported Congressman Buck's amendment.

Furthermore, I have deep concerns with the provisions contained in H.R. 1585 that would discourage the use of bench warrants.

Congress must ensure that the vital tools used by prosecutors and law enforcement are protected in order to help victims of violence. As an experienced prosecutor, I have seen firsthand how these warrants can be effective tools of the criminal justice system. It is imperative that we not discourage the use of bench warrants when bringing perpetrators to justice. These warrants are used in a limited capacity and are sometimes necessary to prevent victims of domestic violence from being harmed again.

Congress must act to reauthorize VAWA, and I stand ready to support a bipartisan bill that does not use women and girls to advance partisan agendas. VAWA was bipartisan for nearly two decades, and Congress must move forward with a bill that returns to the law's original intent. I urge my colleagues to oppose H.R. 1585 in its current form and advance legislation that removes partisan provisions to ensure that the safety of women is not put in jeopardy.

BEN CLINE.

