

109TH CONGRESS
1ST SESSION

S. 1197

AN ACT

To reauthorize the Violence Against Women Act of 1994.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violence Against
5 Women Act of 2005”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

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- Sec. 2. Table of contents.
- Sec. 3. Universal definitions and grant provisions.

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1 **SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.**

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

1 **“SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.**

2 “(a) DEFINITIONS.—In this title:

3 “(1) COURTS.—The term ‘courts’ means any
4 civil or criminal, tribal, and Alaskan Village, Fed-
5 eral, State, local or territorial court having jurisdic-
6 tion to address domestic violence, dating violence,
7 sexual assault or stalking, including immigration,
8 family, juvenile, and dependency courts, and the ju-
9 dicial officers serving in those courts, including
10 judges, magistrate judges, commissioners, justices of
11 the peace, or any other person with decisionmaking
12 authority.

13 “(2) CHILD ABUSE AND NEGLECT.—The term
14 ‘child abuse and neglect’ means any recent act or
15 failure to act on the part of a parent or caregiver
16 which results in death, serious physical or emotional
17 harm, sexual abuse, or exploitation, or an act or fail-
18 ure to act which presents an imminent risk of seri-
19 ous harm.

20 “(3) CHILD MALTREATMENT.—The term ‘child
21 maltreatment’ means the physical or psychological
22 abuse or neglect of a child or youth, including sexual
23 assault and abuse.

24 “(4) COURT-BASED AND COURT-RELATED PER-
25 SONNEL.—The term ‘court-based’ and ‘court-related

1 personnel' mean persons working in the court,
2 whether paid or volunteer, including—

3 “(A) clerks, special masters, domestic rela-
4 tions officers, administrators, mediators, cus-
5 tody evaluators, guardians ad litem, lawyers,
6 negotiators, probation, parole, interpreters, vic-
7 tim assistants, victim advocates, and judicial,
8 administrative, or any other professionals or
9 personnel similarly involved in the legal process;

10 “(B) court security personnel;

11 “(C) personnel working in related, supple-
12 mentary offices or programs (such as child sup-
13 port enforcement); and

14 “(D) any other court-based or community-
15 based personnel having responsibilities or au-
16 thority to address domestic violence, dating vio-
17 lence, sexual assault, or stalking in the court
18 system.

19 “(5) DOMESTIC VIOLENCE.—The term ‘domes-
20 tic violence’ includes felony or misdemeanor crimes
21 of violence committed by a current or former spouse
22 of the victim, by a person with whom the victim
23 shares a child in common, by a person who is co-
24 habitating with or has cohabitated with the victim as
25 a spouse, by a person similarly situated to a spouse

1 of the victim under the domestic or family violence
2 laws of the jurisdiction receiving grant monies, or by
3 any other person against an adult, youth, or child
4 victim who is protected from that person's acts
5 under the domestic or family violence laws of the ju-
6 risdiction.

7 “(6) DATING PARTNER.—The term ‘dating
8 partner’ refers to a person who is or has been in a
9 social relationship of a romantic or intimate nature
10 with the abuser, and where the existence of such a
11 relationship shall be determined based on a consider-
12 ation of—

13 “(A) the length of the relationship;

14 “(B) the type of relationship; and

15 “(C) the frequency of interaction between
16 the persons involved in the relationship.

17 “(7) DATING VIOLENCE.—The term ‘dating vio-
18 lence’ means violence committed by a person—

19 “(A) who is or has been in a social rela-
20 tionship of a romantic or intimate nature with
21 the victim; and

22 “(B) where the existence of such a rela-
23 tionship shall be determined based on a consid-
24 eration of the following factors:

25 “(i) The length of the relationship.

1 “(ii) The type of relationship.

2 “(iii) The frequency of interaction be-
3 tween the persons involved in the relation-
4 ship.

5 “(8) ELDER ABUSE.—The term ‘elder abuse’
6 means any action against a person who is 50 years
7 of age or older that constitutes the willful—

8 “(A) infliction of injury, unreasonable con-
9 finement, intimidation, or cruel punishment
10 with resulting physical harm, pain, or mental
11 anguish; or

12 “(B) deprivation by a person, including a
13 caregiver, of goods or services that are nec-
14 essary to avoid physical harm, mental anguish,
15 or mental illness.

16 “(9) INDIAN.—The term ‘Indian’ means a
17 member of an Indian tribe.

18 “(10) INDIAN COUNTRY.—The term “Indian
19 country” has the same meaning given such term in
20 section 1151 of title 18, United States Code.

21 “(11) INDIAN HOUSING.—The term ‘Indian
22 housing’ means housing assistance described in the
23 Native American Housing Assistance and Self-De-
24 termination Act of 1996 (25 U.S.C. 4101 et seq., as
25 amended).

1 “(12) INDIAN TRIBE.—The term ‘Indian tribe’
2 means a tribe, band, pueblo, nation, or other orga-
3 nized group or community of Indians, including any
4 Alaska Native village or regional or village corpora-
5 tion (as defined in, or established pursuant to, the
6 Alaska Native Claims Settlement Act (43 U.S.C.
7 1601 et seq.)), that is recognized as eligible for the
8 special programs and services provided by the
9 United States to Indians because of their status as
10 Indians.

11 “(13) INDIAN LAW ENFORCEMENT.—The term
12 ‘Indian law enforcement’ means the departments or
13 individuals under the direction of the Indian tribe
14 that maintain public order.

15 “(14) LAW ENFORCEMENT.—The term ‘law en-
16 forcement’ means a public agency charged with po-
17 licing functions, including any of its component bu-
18 reaus (such as governmental victim services pro-
19 grams), including those referred to in section 3 of
20 the Indian Enforcement Reform Act (25 U.S.C.
21 2802).

22 “(15) LEGAL ASSISTANCE.—The term ‘legal as-
23 sistance’ includes assistance to adult and youth vic-
24 tims of domestic violence, dating violence, sexual as-
25 sault, and stalking in—

1 “(A) family, tribal, territorial, immigra-
2 tion, employment, administrative agency, hous-
3 ing matters, campus administrative or protec-
4 tion or stay away order proceedings, and other
5 similar matters; and

6 “(B) criminal justice investigations, pros-
7 ecutions and post-trial matters (including sen-
8 tencing, parole, and probation) that impact the
9 victim’s safety and privacy.

10 “(16) LINGUISTICALLY AND CULTURALLY SPE-
11 CIFIC SERVICES.—The term ‘linguistically and cul-
12 turally specific services’ means community-based
13 services that offer full linguistic access and cul-
14 turally specific services and resources, including out-
15 reach, collaboration, and support mechanisms pri-
16 marily directed toward racial and ethnic populations
17 and other underserved communities.

18 “(17) PERSONALLY IDENTIFYING INFORMATION
19 OR PERSONAL INFORMATION.—The term ‘personally
20 identifying information’ or ‘personal information’
21 means individually identifying information for or
22 about an individual including information likely to
23 disclose the location of a victim of domestic violence,
24 dating violence, sexual assault, or stalking,
25 including—

1 “(A) a first and last name;

2 “(B) a home or other physical address;

3 “(C) contact information (including a post-
4 al, e-mail or Internet protocol address, or tele-
5 phone or facsimile number);

6 “(D) a social security number; and

7 “(E) any other information, including date
8 of birth, racial or ethnic background, or reli-
9 gious affiliation, that, in combination with any
10 of subparagraphs (A) through (D), would serve
11 to identify any individual.

12 “(18) PROSECUTION.—The term ‘prosecution’
13 means any public agency charged with direct respon-
14 sibility for prosecuting criminal offenders, including
15 such agency’s component bureaus (such as govern-
16 mental victim services programs).

17 “(19) PROTECTION ORDER OR RESTRAINING
18 ORDER.—The term ‘protection order’ or ‘restraining
19 order’ includes—

20 “(A) any injunction, restraining order, or
21 any other order issued by a civil or criminal
22 court for the purpose of preventing violent or
23 threatening acts or harassment against, sexual
24 violence or contact or communication with or
25 physical proximity to, another person, including

1 any temporary or final orders issued by civil or
2 criminal courts whether obtained by filing an
3 independent action or as a pendente lite order
4 in another proceeding so long as any civil order
5 was issued in response to a complaint, petition,
6 or motion filed by or on behalf of a person seek-
7 ing protection; and

8 “(B) any support, child custody or visita-
9 tion provisions, orders, remedies, or relief
10 issued as part of a protection order, restraining
11 order, or stay away injunction pursuant to
12 State, tribal, territorial, or local law authorizing
13 the issuance of protection orders, restraining
14 orders, or injunctions for the protection of vic-
15 tims of domestic violence, dating violence, sex-
16 ual assault, or stalking.

17 “(20) RURAL AREA AND RURAL COMMUNITY.—

18 The term ‘rural area’ and ‘rural community’ mean—

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

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

1 “(i) within an area designated as a
2 metropolitan statistical area or considered
3 as part of a metropolitan statistical area;
4 and

5 “(ii) located in a rural census tract.

6 “(21) RURAL STATE.—The term ‘rural State’
7 means a State that has a population density of 52
8 or fewer persons per square mile or a State in which
9 the largest county has fewer than 150,000 people,
10 based on the most recent decennial census.

11 “(22) SEXUAL ASSAULT.—The term ‘sexual as-
12 sault’ means any conduct prescribed by chapter
13 109A of title 18, United States Code, whether or not
14 the conduct occurs in the special maritime and terri-
15 torial jurisdiction of the United States or in a Fed-
16 eral prison and includes both assaults committed by
17 offenders who are strangers to the victim and as-
18 saults committed by offenders who are known or re-
19 lated by blood or marriage to the victim.

20 “(23) STALKING.—The term ‘stalking’ means
21 engaging in a course of conduct directed at a spe-
22 cific person that would cause a reasonable person
23 to—

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

1 “(B) suffer substantial emotional distress.

2 “(24) STATE.—The term ‘State’ means each of
3 the several States and the District of Columbia, and
4 except as otherwise provided, the Commonwealth of
5 Puerto Rico, Guam, American Samoa, the Virgin Is-
6 lands, and the Northern Mariana Islands.

7 “(25) STATE DOMESTIC VIOLENCE COALI-
8 TION.—The term ‘State domestic violence coalition’
9 means a program determined by the Administration
10 for Children and Families under the Family Violence
11 Prevention and Services Act (42 U.S.C. 10410(b)).

12 “(26) STATE SEXUAL ASSAULT COALITION.—
13 The term ‘State sexual assault coalition’ means a
14 program determined by the Center for Injury Pre-
15 vention and Control of the Centers for Disease Con-
16 trol and Prevention under the Public Health Service
17 Act (42 U.S.C. 280b et seq.).

18 “(27) TERRITORIAL DOMESTIC VIOLENCE OR
19 SEXUAL ASSAULT COALITION.—The term ‘territorial
20 domestic violence or sexual assault coalition’ means
21 a program addressing domestic or sexual violence
22 that is—

23 “(A) an established nonprofit, nongovern-
24 mental territorial coalition addressing domestic

1 violence or sexual assault within the territory;
2 or

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

8 “(28) TRIBAL COALITION.—The term ‘tribal co-
9 alition’ means—

10 “(A) an established nonprofit, nongovern-
11 mental tribal coalition addressing domestic vio-
12 lence and sexual assault against American In-
13 dian or Alaskan Native women; or

14 “(B) individuals or organizations that pro-
15 pose to incorporate as nonprofit, nongovern-
16 mental tribal coalitions to address domestic vio-
17 lence and sexual assault against American In-
18 dian or Alaskan Native women.

19 “(29) TRIBAL GOVERNMENT.—The term ‘tribal
20 government’ means—

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

23 “(B) a tribe, band, pueblo, nation, or other
24 organized group or community of Indians, in-
25 cluding any Alaska Native village or regional or

1 village corporation (as defined in, or established
2 pursuant to, the Alaska Native Claims Settle-
3 ment Act (43 U.S.C. 1601 et seq.)), that is rec-
4 ognized as eligible for the special programs and
5 services provided by the United States to Indi-
6 ans because of their status as Indians.

7 “(30) TRIBAL ORGANIZATION.—The term ‘trib-
8 al organization’ means—

9 “(A) the governing body of any Indian
10 tribe;

11 “(B) any legally established organization
12 of Indians which is controlled, sanctioned, or
13 chartered by such governing body of a tribe or
14 tribes to be served, or which is democratically
15 elected by the adult members of the Indian
16 community to be served by such organization
17 and which includes the maximum participation
18 of Indians in all phases of its activities; or

19 “(C) any tribal nonprofit organization.

20 “(31) UNDERSERVED POPULATIONS.—The
21 term ‘underserved populations’ includes populations
22 underserved because of geographic location, under-
23 served racial and ethnic populations, populations un-
24 derserved because of special needs (such as language
25 barriers, disabilities, alienage status, or age), and

1 any other population determined to be underserved
2 by the Attorney General.

3 “(32) VICTIM ADVOCATE.—The term ‘victim
4 advocate’ means a person, whether paid or serving
5 as a volunteer, who provides services to victims of
6 domestic violence, sexual assault, stalking, or dating
7 violence under the auspices or supervision of a vic-
8 tim services program.

9 “(33) VICTIM ASSISTANT.—The term ‘victim
10 assistant’ means a person, whether paid or serving
11 as a volunteer, who provides services to victims of
12 domestic violence, sexual assault, stalking, or dating
13 violence under the auspices or supervision of a court
14 or a law enforcement or prosecution agency.

15 “(34) VICTIM SERVICES OR VICTIM SERVICE
16 PROVIDER.—The term ‘victim services’ or ‘victim
17 service provider’ means a nonprofit, nongovern-
18 mental organization that assists domestic violence,
19 dating violence, sexual assault, or stalking victims,
20 including rape crisis centers, domestic violence shel-
21 ters, faith-based organizations, and other organiza-
22 tions, with a documented history of effective work
23 concerning domestic violence, dating violence, sexual
24 assault, or stalking.

1 “(35) YOUTH.—The term ‘youth’ means teen
2 and young adult victims of domestic violence, dating
3 violence, sexual assault, or stalking.

4 “(b) GRANT CONDITIONS.—

5 “(1) MATCH.—No matching funds shall be re-
6 quired for a grant or subgrant made under this title
7 for any unit of local government, tribe, territory, or
8 victim service provider.

9 “(2) NONDISCLOSURE OF CONFIDENTIAL OR
10 PRIVATE INFORMATION.—

11 “(A) IN GENERAL.—In order to ensure the
12 safety of adult, youth, and child victims of do-
13 mestic violence, dating violence, sexual assault,
14 or stalking, and their families, grantees and
15 subgrantees under this title shall protect the
16 confidentiality and privacy of persons receiving
17 services.

18 “(B) NONDISCLOSURE.—Subject to sub-
19 paragraphs (C) and (D), grantees and sub-
20 grantees shall not—

21 “(i) disclose any personally identifying
22 information or individual information col-
23 lected in connection with services re-
24 quested, utilized, or denied through grant-
25 ees’ and subgrantees’ programs; or

1 “(ii) reveal individual client informa-
2 tion without the informed, written, reason-
3 ably time-limited consent of the person (or
4 in the case of an unemancipated minor, the
5 minor and the parent or guardian or in the
6 case of persons with disabilities, the guard-
7 ian) about whom information is sought,
8 whether for this program or any other
9 Federal, State, tribal, or territorial grant
10 program, except that consent for release
11 may not be given by the abuser of the
12 minor, person with disabilities, or the
13 abuser of the other parent of the minor.

14 “(C) RELEASE.—If release of information
15 described in subparagraph (B) is compelled by
16 statutory or court mandate—

17 “(i) grantees and subgrantees shall
18 make reasonable attempts to provide notice
19 to victims affected by the disclosure of in-
20 formation; and

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

1 “(D) INFORMATION SHARING.—Grantees
2 and subgrantees may share—

3 “(i) nonpersonally identifying data in
4 the aggregate regarding services to their
5 clients and nonpersonally identifying demo-
6 graphic information in order to comply
7 with Federal, State, tribal, or territorial
8 reporting, evaluation, or data collection re-
9 quirements;

10 “(ii) court-generated information and
11 law-enforcement generated information
12 contained in secure, governmental reg-
13 istries for protection order enforcement
14 purposes; and

15 “(iii) law enforcement- and prosecu-
16 tion-generated information necessary for
17 law enforcement and prosecution purposes.

18 “(3) APPROVED ACTIVITIES.—In carrying out
19 the activities under this title, grantees and sub-
20 grantees may collaborate with and provide informa-
21 tion to Federal, State, local, tribal, and territorial
22 public officials and agencies to develop and imple-
23 ment policies to reduce or eliminate domestic vio-
24 lence, dating violence, sexual assault, and stalking.

1 “(4) NON-SUPPLANTATION.—Any Federal
2 funds received under this title shall be used to sup-
3 plement, not supplant, non-Federal funds that would
4 otherwise be available for activities under this title.

5 “(5) USE OF FUNDS.—Funds authorized and
6 appropriated under this title may be used only for
7 the specific purposes described in this title and shall
8 remain available until expended.

9 “(6) REPORTS.—An entity receiving a grant
10 under this title shall submit to the disbursing agency
11 a report detailing the activities undertaken with the
12 grant funds, including and providing additional in-
13 formation as the agency shall require.

14 “(7) EVALUATION.—Federal agencies dis-
15 bursing funds under this title shall set aside up to
16 3 percent of such funds in order to conduct—

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

20 “(B) evaluations of promising practices or
21 problems emerging in the field or related re-
22 search, in order to inform the agency or agen-
23 cies as to which programs or projects are likely
24 to be effective or responsive to needs in the
25 field.

1 “(8) NONEXCLUSIVITY.—Nothing in this title
2 shall be construed to prohibit male victims of domes-
3 tic violence, dating violence, sexual assault, and
4 stalking from receiving benefits and services under
5 this title.”.

6 (b) DEFINITIONS AND GRANT CONDITIONS IN CRIME
7 CONTROL ACT.—

8 (1) PART T.—Part T of title I of the Omnibus
9 Crime Control and Safe Streets Act of 1968 (42
10 U.S.C. 3796gg et seq.) is amended by striking sec-
11 tion 2008 and inserting the following:

12 **“SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.**

13 “In this part the definitions and grant conditions in
14 section 40002 of the Violence Against Women Act of 1994
15 shall apply.”.

16 (2) PART U.—Section 2105 of the Omnibus
17 Crime Control and Safe Streets Act of 1968 is
18 amended to read as follows:

19 **“SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.**

20 “In this part the definitions and grant conditions in
21 section 40002 of the Violence Against Women Act of 1994
22 shall apply.”.

23 (c) DEFINITIONS AND GRANT CONDITIONS IN 2000
24 ACT.—Section 1002 of the Violence Against Women Act

1 of 2000 (42 U.S.C. 3796gg-2 note) is amended to read
2 as follows:

3 **“SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.**

4 “In this division the definitions and grant conditions
5 in section 40002 of the Violence Against Women Act of
6 1994 shall apply.”.

7 **TITLE I—ENHANCING JUDICIAL**
8 **AND LAW ENFORCEMENT**
9 **TOOLS TO COMBAT VIOLENCE**
10 **AGAINST WOMEN**

11 **SEC. 101. STOP GRANTS IMPROVEMENTS.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
13 1001(a)(18) of title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is
15 amended by striking “\$185,000,000 for each of fiscal
16 years 2001 through 2005” and inserting “\$225,000,000
17 for each of fiscal years 2006 through 2010”.

18 (b) **PURPOSE AREA ENHANCEMENTS.**—Section
19 2001(b) of title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

21 (1) in paragraph (10), by striking “and” after
22 the semicolon;

23 (2) in paragraph (11), by striking the period
24 and inserting “; and”; and

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

1 “(12) maintaining core victim services and
2 criminal justice initiatives, while supporting com-
3 plementary new initiatives and emergency services
4 for victims and their families.”.

5 (c) CLARIFICATION OF ACTIVITIES REGARDING UN-
6 DERSERVED POPULATIONS.—Section 2007 of the Omni-
7 bus Crime Control and Safe Streets Act of 1968 (42
8 U.S.C. 3796gg–1) is amended—

9 (1) in subsection (c)(2), by inserting before the
10 semicolon the following: “and describe how the State
11 will address the needs of racial and ethnic popu-
12 lations and underserved populations”; and

13 (2) in subsection (e)(2), by striking subpara-
14 graph (D) and inserting the following:

15 “(D) recognize and meaningfully respond
16 to the needs of underserved populations and en-
17 sure that monies set aside to fund linguistically
18 and culturally specific services and activities for
19 underserved populations are distributed equi-
20 tably among those populations.”.

21 (d) TRIBAL AND TERRITORIAL SETASIDES.—Section
22 2007 of the Omnibus Crime Control and Safe Streets Act
23 of 1968 (42 U.S.C. 3796gg–1) is amended—

24 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “5 per-
2 cent” and inserting “10 percent”;

3 (B) in paragraph (2), striking by “ $\frac{1}{54}$ ”
4 and inserting “ $\frac{1}{56}$ ”;

5 (C) in paragraph (3), by striking “and the
6 coalition for the combined Territories of the
7 United States, each receiving an amount equal
8 to $\frac{1}{54}$ ” and inserting “coalitions for Guam,
9 American Samoa, the United States Virgin Is-
10 lands, and the Commonwealth of the Northern
11 Mariana Islands, each receiving an amount
12 equal to $\frac{1}{56}$ ”; and

13 (D) in paragraph (4), by striking “ $\frac{1}{54}$ ”
14 and inserting “ $\frac{1}{56}$ ”; and

15 (2) in subsection (d)—

16 (A) in paragraph (2), by striking “and”
17 after the semicolon;

18 (B) in paragraph (3), by striking the pe-
19 riod and inserting “; and”; and

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

21 “(4) documentation showing that tribal, terri-
22 torial, State or local prosecution, law enforcement,
23 and court and victim service providers have con-
24 sulted with tribal, territorial, State, or local victim
25 service programs during the course of developing

1 their grant applications in order to ensure that pro-
 2 posed services, activities and equipment acquisitions
 3 are designed to promote the safety, confidentiality,
 4 and economic independence of victims of domestic vi-
 5 olence, sexual assault, stalking, and dating vio-
 6 lence.”.

7 (e) TRAINING, TECHNICAL ASSISTANCE, AND DATA
 8 COLLECTION.—Section 2007 of the Omnibus Crime Con-
 9 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-
 10 1) is amended by adding at the end the following:

11 “(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA
 12 COLLECTION.—

13 “(1) IN GENERAL.—Of the total amounts ap-
 14 propriated under this part, not less than 3 percent
 15 and up to 8 percent shall be available for providing
 16 training and technical assistance relating to the pur-
 17 pose areas of this part to improve the capacity of
 18 grantees, subgrantees and other entities.

19 “(2) INDIAN TRAINING.—The Director of the
 20 Office on Violence Against Women shall ensure that
 21 training or technical assistance regarding violence
 22 against Indian women will be developed and pro-
 23 vided by entities having expertise in tribal law, cus-
 24 tomary practices, and Federal Indian law.”.

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

5 “(c) USE OF FUNDS.—A State or Indian tribal gov-
6 ernment may use Federal grant funds under this part to
7 pay for forensic medical exams performed by trained ex-
8 aminers for victims of sexual assault, except that such
9 funds may not be used to pay for forensic medical exams
10 by any State, Indian tribal government, or territorial gov-
11 ernment that requires victims of sexual assault to seek re-
12 imbursement for such exams from their insurance carriers.

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to permit a State, Indian tribal
15 government, or territorial government to require a victim
16 of sexual assault to participate in the criminal justice sys-
17 tem or cooperate with law enforcement in order to be pro-
18 vided with a forensic medical exam, reimbursement for
19 charges incurred on account of such an exam, or both.

20 “(e) JUDICIAL NOTIFICATION.—

21 “(1) IN GENERAL.—A State or unit of local
22 government shall not be entitled to funds under this
23 part unless the State or unit of local government—

24 “(A) certifies that its judicial administra-
25 tive policies and practices include notification to

1 domestic violence offenders of the requirements
 2 delineated in section 922(g)(8) and (g)(9) of
 3 title 18, United States Code, and any applicable
 4 related Federal, State, or local laws; or

5 “(B) gives the Attorney General assur-
 6 ances that its judicial administrative policies
 7 and practices will be in compliance with the re-
 8 quirements of subparagraph (A) within the
 9 later of—

10 “(i) the period ending on the date on
 11 which the next session of the State legisla-
 12 ture ends; or

13 “(ii) 2 years.

14 “(2) REDISTRIBUTION.—Funds withheld from a
 15 State or unit of local government under subsection
 16 (a) shall be distributed to other States and units of
 17 local government, pro rata.”.

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

22 **“SEC. 2013. POLYGRAPH TESTING PROHIBITION.**

23 “(a) IN GENERAL.—In order to be eligible for grants
 24 under this part, a State, Indian tribal government, terri-
 25 torial government, or unit of local government shall certify

1 that, not later than 3 years after the date of enactment
2 of this section, their laws, policies, or practices will ensure
3 that no law enforcement officer, prosecuting officer or
4 other government official shall ask or require an adult,
5 youth, or child victim of an alleged sex offense as defined
6 under Federal, tribal, State, territorial, or local law to sub-
7 mit to a polygraph examination or other truth telling de-
8 vice as a condition for proceeding with the investigation
9 of such an offense.

10 “(b) PROSECUTION.—The refusal of a victim to sub-
11 mit to an examination described in subsection (a) shall
12 not prevent the investigation, charging, or prosecution of
13 the offense.”.

14 **SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE**
15 **PROTECTION ORDERS IMPROVEMENTS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
17 1001(a)(19) of title I of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is
19 amended by striking “\$65,000,000 for each of fiscal years
20 2001 through 2005” and inserting “\$75,000,000 for each
21 of fiscal years 2006 through 2010. Funds appropriated
22 under this paragraph shall remain available until ex-
23 pended.”.

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

4 (1) in subsection (a), by striking “to treat do-
5 mestic violence as a serious violation” and inserting
6 “to treat domestic violence, dating violence, sexual
7 assault, and stalking as serious violations”;

8 (2) in subsection (b)—

9 (A) in the matter before paragraph (1), by
10 inserting after “State” the following: “, tribal,
11 territorial,”;

12 (B) in paragraph (1), by—

13 (i) striking “mandatory arrest or”;

14 and

15 (ii) striking “mandatory arrest pro-
16 grams and”;

17 (C) in paragraph (2), by—

18 (i) inserting after “educational pro-
19 grams,” the following: “protection order
20 registries,”;

21 (ii) striking “domestic violence and
22 dating violence” and inserting “domestic
23 violence, dating violence, sexual assault,
24 and stalking. Policies, educational pro-
25 grams, protection order registries, and

1 training described in this paragraph shall
2 incorporate confidentiality, and privacy
3 protections for victims of domestic vio-
4 lence, dating violence, sexual assault, and
5 stalking”;

6 (D) in paragraph (3), by—

7 (i) striking “domestic violence cases”
8 and inserting “domestic violence, dating vi-
9 olence, sexual assault, and stalking cases”;
10 and

11 (ii) striking “groups” and inserting
12 “teams”;

13 (E) in paragraph (5), by striking “domes-
14 tic violence and dating violence” and inserting
15 “domestic violence, dating violence, sexual as-
16 sault, and stalking”;

17 (F) in paragraph (6), by—

18 (i) striking “other” and inserting
19 “civil”; and

20 (ii) inserting after “domestic violence”
21 the following: “, dating violence, sexual as-
22 sault, and stalking”; and

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

24 “(9) To develop State, tribal, territorial, or
25 local policies, procedures, and protocols for pre-

1 venting dual arrests and prosecutions in cases of do-
2 mestic violence, dating violence, sexual assault, and
3 stalking, and to develop effective methods for identi-
4 fying the pattern and history of abuse that indicates
5 which party is the actual perpetrator of abuse.

6 “(10) To plan, develop and establish com-
7 prehensive victim service and support centers, such
8 as family justice centers, designed to bring together
9 victim advocates from non-profit, non-governmental
10 victim services organizations, law enforcement offi-
11 cers, prosecutors, probation officers, governmental
12 victim assistants, forensic medical professionals, civil
13 legal attorneys, chaplains, legal advocates, represent-
14 atives from community-based organizations and
15 other relevant public or private agencies or organiza-
16 tions into one centralized location, in order to im-
17 prove safety, access to services, and confidentiality
18 for victims and families. Although funds may be
19 used to support the colocation of project partners
20 under this paragraph, funds may not support con-
21 struction or major renovation expenses or activities
22 that fall outside of the scope of the other statutory
23 purpose areas.

24 “(11) To develop and implement policies and
25 training for police, prosecutors, probation and parole

1 officers, and the judiciary in recognizing, inves-
2 tigating, and prosecuting instances of sexual assault,
3 with an emphasis on recognizing the threat to the
4 community for repeat crime perpetration by such in-
5 dividuals.”;

6 (3) in subsection (c)—

7 (A) in paragraph (3), by striking “and”
8 after the semicolon;

9 (B) in paragraph (4), by striking the pe-
10 riod and inserting “; and”; and

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

12 “(5) certify that, not later than 3 years after
13 the date of enactment of this section, their laws,
14 policies, or practices will ensure that—

15 “(A) no law enforcement officer, pros-
16 ecuting officer or other government official shall
17 ask or require an adult, youth, or child victim
18 of a sex offense as defined under Federal, trib-
19 al, State, territorial, or local law to submit to
20 a polygraph examination or other truth telling
21 device as a condition for proceeding with the in-
22 vestigation of such an offense; and

23 “(B) the refusal of a victim to submit to
24 an examination described in subparagraph (A)

1 shall not prevent the investigation of the of-
2 fense.”; and

3 (4) by striking subsections (d) and (e) and in-
4 serting the following:

5 “(d) ALLOTMENT FOR INDIAN TRIBES.—Not less
6 than 10 percent of the total amount made available for
7 grants under this section for each fiscal year shall be avail-
8 able for grants to Indian tribal governments.”.

9 (c) APPLICATIONS.—Section 2102(b) of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
11 3796hh–1(b)) is amended in each of paragraphs (1) and
12 (2) by inserting after “involving domestic violence” the fol-
13 lowing: “, dating violence, sexual assault, or stalking”.

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

18 **“SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.**

19 “Of the total amounts appropriated under this part,
20 not less than 5 percent and up to 8 percent shall be avail-
21 able for providing training and technical assistance relat-
22 ing to the purpose areas of this part to improve the capac-
23 ity of grantees and other entities.”.

1 **SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVE-**
2 **MENTS.**

3 Section 1201 of the Violence Against Women Act of
4 2000 (42 U.S.C. 3796gg-6) is amended—

5 (1) in subsection (a), by—

6 (A) inserting before “legal assistance” the
7 following: “civil and criminal”;

8 (B) inserting after “effective aid to” the
9 following: “adult and youth”; and

10 (C) inserting at the end the following:
11 “Criminal legal assistance provided for under
12 this section shall be limited to criminal matters
13 relating to domestic violence, sexual assault,
14 dating violence, and stalking.”;

15 (2) in subsection (c), by inserting “and tribal
16 organizations, territorial organizations” after “In-
17 dian tribal governments”;

18 (3) in subsection (d) by striking paragraph (2)
19 and inserting the following:

20 “(2) any training program conducted in satis-
21 faction of the requirement of paragraph (1) has been
22 or will be developed with input from and in collabo-
23 ration with a tribal, State, territorial, or local do-
24 mestic violence, dating violence, sexual assault or
25 stalking organization or coalition, as well as appro-

1 appropriate tribal, State, territorial, and local law enforce-
2 ment officials;

3 (4) in subsection (e), by inserting “dating vio-
4 lence,” after “domestic violence,”; and

5 (5) in subsection (f)—

6 (A) by striking paragraph (1) and insert-
7 ing the following:

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section \$65,000,000
10 for each of fiscal years 2006 through 2010.”; and

11 (B) in paragraph (2)(A), by—

12 (i) striking “5 percent” and inserting
13 “10 percent”; and

14 (ii) inserting “adult and youth” after
15 “that assist”.

16 **SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL**
17 **SERVICES.**

18 (a) IN GENERAL.—Section 502 of the Department of
19 Commerce, Justice, and State, the Judiciary, and Related
20 Agencies Appropriations Act, 1998 (Public Law 105–119;
21 111 Stat. 2510) is amended—

22 (1) in subsection (a)(2)(C)—

23 (A) in the matter preceding clause (i), by
24 striking “using funds derived from a source

1 other than the Corporation to provide” and in-
2 serting “providing”;

3 (B) in clause (i), by striking “in the
4 United States” and all that follows and insert-
5 ing “or a victim of sexual assault or trafficking
6 in the United States, or qualifies for immigra-
7 tion relief under section 101(a)(15)(U) of the
8 Immigration and Nationality Act (8 U.S.C.
9 1101(a)(15)(U)); or”; and

10 (C) in clause (ii), by striking “has been
11 battered” and all that follows and inserting “,
12 without the active participation of the alien, has
13 been battered or subjected to extreme cruelty or
14 a victim of sexual assault or trafficking in the
15 United States, or qualifies for immigration re-
16 lief under section 101(a)(15)(U) of the Immi-
17 gration and Nationality Act (8 U.S.C.
18 1101(a)(15)(U)).”; and

19 (2) in subsection (b)(2), by striking “described
20 in such subsection” and inserting “, sexual assault
21 or trafficking, or the crimes listed in section
22 101(a)(15)(U)(iii) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1101(a)(15)(U)(iii))”.

24 (b) SAVINGS PROVISION.—Nothing in this Act, or the
25 amendments made by this Act, shall be construed to re-

1 strict the legal assistance provided to victims of trafficking
 2 and certain family members authorized under section
 3 107(b)(1) of the Trafficking Victims Protection Act of
 4 2000 (22 U.S.C. 7105(b)(1)).

5 **SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT**
 6 **TRAINING AND IMPROVEMENTS.**

7 (a) VIOLENCE AGAINST WOMEN ACT COURT TRAIN-
 8 ING AND IMPROVEMENTS.—The Violence Against Women
 9 Act of 1994 (108 Stat. 1902 et seq.) is amended by adding
 10 at the end the following:

11 **“Subtitle J—Violence Against**
 12 **Women Act Court Training and**
 13 **Improvements**

14 **“SEC. 41001. SHORT TITLE.**

15 “This subtitle may be cited as the ‘Violence Against
 16 Women Act Court Training and Improvements Act of
 17 2005’.

18 **“SEC. 41002. PURPOSE.**

19 “The purpose of this subtitle is to enable the Attor-
 20 ney General, through the Director of the Office on Violence
 21 Against Women, to award grants to improve court re-
 22 sponses to adult and youth domestic violence, dating vio-
 23 lence, sexual assault, and stalking to be used for—

24 “(1) improved internal civil and criminal court
 25 functions, responses, practices, and procedures;

1 “(2) education for court-based and court-related
2 personnel on issues relating to victims’ needs, in-
3 cluding safety, security, privacy, confidentiality, and
4 economic independence, as well as information about
5 perpetrator behavior and best practices for holding
6 perpetrators accountable;

7 “(3) collaboration and training with Federal,
8 State, tribal, territorial, and local public agencies
9 and officials and nonprofit, nongovernmental organi-
10 zations to improve implementation and enforcement
11 of relevant Federal, State, tribal, territorial, and
12 local law;

13 “(4) enabling courts or court-based or court-re-
14 lated programs to develop new or enhance current—

15 “(A) court infrastructure (such as special-
16 ized courts, dockets, intake centers, or inter-
17 preter services);

18 “(B) community-based initiatives within
19 the court system (such as court watch pro-
20 grams, victim assistants, or community-based
21 supplementary services);

22 “(C) offender management, monitoring,
23 and accountability programs;

1 “(D) safe and confidential information-
2 storage and -sharing databases within and be-
3 tween court systems;

4 “(E) education and outreach programs to
5 improve community access, including enhanced
6 access for racial and ethnic communities and
7 underserved populations; and

8 “(F) other projects likely to improve court
9 responses to domestic violence, dating violence,
10 sexual assault, and stalking; and

11 “(5) providing technical assistance to Federal,
12 State, tribal, territorial, or local courts wishing to
13 improve their practices and procedures or to develop
14 new programs.

15 **“SEC. 41003. GRANT REQUIREMENTS.**

16 “Grants awarded under this subtitle shall be subject
17 to the following conditions:

18 “(1) **ELIGIBLE GRANTEES.**—Eligible grantees
19 may include—

20 “(A) Federal, State, tribal, territorial, or
21 local courts or court-based programs; and

22 “(B) national, State, tribal, territorial, or
23 local private, nonprofit organizations with dem-
24 onstrated expertise in developing and providing

1 judicial education about domestic violence, dat-
2 ing violence, sexual assault, or stalking.

3 “(2) CONDITIONS OF ELIGIBILITY.—To be eligi-
4 ble for a grant under this section, applicants shall
5 certify in writing that—

6 “(A) any courts or court-based personnel
7 working directly with or making decisions about
8 adult or youth parties experiencing domestic vi-
9 olence, dating violence, sexual assault, and
10 stalking have completed or will complete edu-
11 cation about domestic violence, dating violence,
12 sexual assault, and stalking;

13 “(B) any education program developed
14 under section 41002 has been or will be devel-
15 oped with significant input from and in collabo-
16 ration with a national, tribal, State, territorial,
17 or local victim services provider or coalition;
18 and

19 “(C) the grantee’s internal organizational
20 policies, procedures, or rules do not require me-
21 diation or counseling between offenders and vic-
22 tims physically together in cases where domestic
23 violence, dating violence, sexual assault, or
24 stalking is an issue.

1 **“SEC. 41004. NATIONAL EDUCATION CURRICULA.**

2 “(a) IN GENERAL.—The Attorney General, through
3 the Director of the Office on Violence Against Women,
4 shall fund efforts to develop a national education cur-
5 riculum for use by State and national judicial educators
6 to ensure that all courts and court personnel have access
7 to information about relevant Federal, State, territorial,
8 or local law, promising practices, procedures, and policies
9 regarding court responses to adult and youth domestic vio-
10 lence, dating violence, sexual assault, and stalking.

11 “(b) ELIGIBLE ENTITIES.—Any curricula developed
12 under this section—

13 “(1) shall be developed by an entity or entities
14 having demonstrated expertise in developing judicial
15 education curricula on issues relating to domestic vi-
16 olence, dating violence, sexual assault, and stalking;
17 or

18 “(2) if the primary grantee does not have dem-
19 onstrated expertise with such issues, shall be devel-
20 oped by the primary grantee in partnership with an
21 organization having such expertise.

22 **“SEC. 41005. TRIBAL CURRICULA.**

23 “(a) IN GENERAL.—The Attorney General, through
24 the Office on Violence Against Women, shall fund efforts
25 to develop education curricula for tribal court judges to
26 ensure that all tribal courts have relevant information

1 about promising practices, procedures, policies, and law
2 regarding tribal court responses to adult and youth domes-
3 tic violence, dating violence, sexual assault, and stalking.

4 “(b) ELIGIBLE ENTITIES.—Any curricula developed
5 under this section—

6 “(1) shall be developed by a tribal organization
7 having demonstrated expertise in developing judicial
8 education curricula on issues relating to domestic vi-
9 olence, dating violence, sexual assault, and stalking;
10 and

11 “(2) if the primary grantee does not have such
12 expertise, the curricula shall be developed by the pri-
13 mary grantee through partnership with organiza-
14 tions having such expertise.

15 **“SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) IN GENERAL.—There is authorized to be appro-
17 priated to carry out this subtitle \$5,000,000 for each of
18 fiscal years 2006 to 2010.

19 “(b) AVAILABILITY.—Funds appropriated under this
20 section shall remain available until expended and may only
21 be used for the specific programs and activities described
22 in this subtitle.

23 “(c) SET ASIDE.—Of the amounts made available
24 under this subsection in each fiscal year, not less than 10

1 percent shall be used for grants for tribal courts, tribal
 2 court-related programs, and tribal nonprofits.”.

3 **SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.**

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

7 (1) striking “or Indian tribe” each place it ap-
 8 pears and inserting “, Indian tribe, or territory”;
 9 and

10 (2) striking “State or tribal” each place it ap-
 11 pears and inserting “State, tribal, or territorial”.

12 (b) CLARIFICATION OF ENTITIES HAVING ENFORCE-
 13 MENT AUTHORITY AND RESPONSIBILITIES.—Section
 14 2265(a) of title 18, United States Code, is amended by
 15 striking “and enforced as if it were” and inserting “and
 16 enforced by the court and law enforcement personnel of
 17 the other State, Indian tribal government or Territory as
 18 if it were”.

19 (c) LIMITS ON INTERNET PUBLICATION OF PROTEC-
 20 TION ORDER INFORMATION.—Section 2265(d) of title 18,
 21 United States Code, is amended by adding at the end the
 22 following:

23 “(3) LIMITS ON INTERNET PUBLICATION OF
 24 REGISTRATION INFORMATION.—A State, Indian
 25 tribe, or territory shall not publish publicly on the

1 Internet any information regarding the registration
2 or filing of a protection order, restraining order, or
3 injunction in either the issuing or enforcing State,
4 tribal or territorial jurisdiction, if such publication
5 would be likely to publicly reveal the identity or loca-
6 tion of the party protected under such order. A
7 State, Indian tribe, or territory may share court-gen-
8 erated and law enforcement-generated information
9 contained in secure, governmental registries for pro-
10 tection order enforcement purposes.”.

11 (d) DEFINITIONS.—Section 2266 of title 18, United
12 States Code, is amended—

13 (1) by striking paragraph (5) and inserting the
14 following:

15 “(5) PROTECTION ORDER.—The term ‘protec-
16 tion order’ includes—

17 “(A) any injunction, restraining order, or
18 any other order issued by a civil or criminal
19 court for the purpose of preventing violent or
20 threatening acts or harassment against, sexual
21 violence, or contact or communication with or
22 physical proximity to, another person, including
23 any temporary or final order issued by a civil
24 or criminal court whether obtained by filing an
25 independent action or as a pendente lite order

1 in another proceeding so long as any civil or
2 criminal order was issued in response to a com-
3 plaint, petition, or motion filed by or on behalf
4 of a person seeking protection; and

5 “(B) any support, child custody or visita-
6 tion provisions, orders, remedies or relief issued
7 as part of a protection order, restraining order,
8 or injunction pursuant to State, tribal, terri-
9 torial, or local law authorizing the issuance of
10 protection orders, restraining orders, or injunc-
11 tions for the protection of victims of domestic
12 violence, sexual assault, dating violence, or
13 stalking.”; and

14 (2) in clauses (i) and (ii) of paragraph (7)(A),
15 by striking “2261A, a spouse or former spouse of
16 the abuser, a person who shares a child in common
17 with the abuser, and a person who cohabits or has
18 cohabited as a spouse with the abuser” and inserting
19 “2261A—

20 “(I) a spouse or former spouse of
21 the abuser, a person who shares a
22 child in common with the abuser, and
23 a person who cohabits or has
24 cohabited as a spouse with the abuser;
25 or

1 “(II) a person who is or has been
 2 in a social relationship of a romantic
 3 or intimate nature with the abuser, as
 4 determined by the length of the rela-
 5 tionship, the type of relationship, and
 6 the frequency of interaction between
 7 the persons involved in the relation-
 8 ship”.

9 **SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMES-**
 10 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
 11 **VIOLENCE, AND STALKING.**

12 The Violence Against Women Act of 1994 (108 Stat.
 13 1902 et seq.) is amended by adding at the end the fol-
 14 lowing:

15 **“Subtitle K—Privacy Protections**
 16 **for Victims of Domestic Vio-**
 17 **lence, Dating Violence, Sexual**
 18 **Violence, and Stalking**

19 **“SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CON-**
 20 **FIDENTIALITY OF VICTIMS OF DOMESTIC VI-**
 21 **OLENCE, DATING VIOLENCE, SEXUAL AS-**
 22 **SAULT, AND STALKING.**

23 “The Attorney General, through the Director of the
 24 Office on Violence Against Women, may award grants
 25 under this subtitle to States, Indian tribes, territories, or

1 local agencies or nonprofit, nongovernmental organiza-
2 tions to ensure that personally identifying information of
3 adult, youth, and child victims of domestic violence, sexual
4 violence, stalking, and dating violence shall not be released
5 or disclosed to the detriment of such victimized persons.

6 **“SEC. 41102. PURPOSE AREAS.**

7 “Grants made under this subtitle may be used—

8 “(1) to develop or improve protocols, proce-
9 dures, and policies for the purpose of preventing the
10 release of personally identifying information of vic-
11 tims (such as developing alternative identifiers);

12 “(2) to defray the costs of modifying or improv-
13 ing existing databases, registries, and victim notifi-
14 cation systems to ensure that personally identifying
15 information of victims is protected from release, un-
16 authorized information sharing and disclosure;

17 “(3) to develop confidential opt out systems
18 that will enable victims of violence to make a single
19 request to keep personally identifying information
20 out of multiple databases, victim notification sys-
21 tems, and registries; or

22 “(4) to develop safe uses of technology (such as
23 notice requirements regarding electronic surveillance
24 by government entities), to protect against abuses of
25 technology (such as electronic or GPS stalking), or

1 providing training for law enforcement on high tech
2 electronic crimes of domestic violence, dating vio-
3 lence, sexual assault, and stalking.

4 **“SEC. 41103. ELIGIBLE ENTITIES.**

5 “Entities eligible for grants under this subtitle
6 include—

7 “(1) jurisdictions or agencies within jurisdic-
8 tions having authority or responsibility for devel-
9 oping or maintaining public databases, registries or
10 victim notification systems;

11 “(2) nonprofit nongovernmental victim advocacy
12 organizations having expertise regarding confiden-
13 tiality, privacy, and information technology and how
14 these issues are likely to impact the safety of vic-
15 tims;

16 “(3) States or State agencies;

17 “(4) local governments or agencies;

18 “(5) Indian tribal governments or tribal organi-
19 zations;

20 “(6) territorial governments, agencies, or orga-
21 nizations; or

22 “(7) nonprofit nongovernmental victim advocacy
23 organizations, including statewide domestic violence
24 and sexual assault coalitions.

1 **“SEC. 41104. GRANT CONDITIONS.**

2 “Applicants described in paragraph (1) and para-
3 graphs (3) through (6) shall demonstrate that they have
4 entered into a significant partnership with a State, tribal,
5 territorial, or local victim service or advocacy organization
6 or condition in order to develop safe, confidential, and ef-
7 fective protocols, procedures, policies, and systems for pro-
8 tecting personally identifying information of victims.

9 **“SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—There is authorized to be appro-
11 priated to carry out this subtitle \$5,000,000 for each of
12 fiscal years 2006 through 2010.

13 “(b) TRIBAL ALLOCATION.—Of the amount made
14 available under this section in each fiscal year, 10 percent
15 shall be used for grants to Indian tribes for programs that
16 assist victims of domestic violence, dating violence, stalk-
17 ing, and sexual assault.

18 “(c) TECHNICAL ASSISTANCE AND TRAINING.—Of
19 the amount made available under this section in each fis-
20 cal year, not less than 5 percent shall be used for grants
21 to organizations that have expertise in confidentiality, pri-
22 vacy, and technology issues impacting victims of domestic
23 violence, dating violence, sexual assault, and stalking to
24 provide technical assistance and training to grantees and
25 non-grantees on how to improve safety, privacy, confiden-
26 tiality, and technology to protect victimized persons.”.

1 **SEC. 108. SEX OFFENDER MANAGEMENT.**

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

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$3,000,000 for each of fiscal years 2006 through 2010.”.

8 **SEC. 109. STALKER DATABASE.**

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

11 (1) by striking “2001” and inserting “2006”;

12 and

13 (2) by striking “2006” and inserting “2010”.

14 **SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZA-**
15 **TION.**

16 Section 40114 of the Violence Against Women Act
17 of 1994 (Public Law 103–322) is amended to read as fol-
18 lows:

19 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM AS-**
20 **SISTANTS.**

21 “There are authorized to be appropriated for the
22 United States attorneys for the purpose of appointing vic-
23 tim assistants for the prosecution of sex crimes and do-
24 mestic violence crimes where applicable (such as the Dis-
25 trict of Columbia), \$1,000,000 for each of fiscal years
26 2006 through 2010.”.

1 **SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PRO-**
2 **GRAMS.**

3 (a) DEFINITIONS.—In this section:

4 (1) ACT OF TRAFFICKING.—The term “act of
5 trafficking” means an act or practice described in
6 paragraph (8) of section 103 of the Trafficking Vic-
7 tims Protection Act of 2000 (22 U.S.C. 7102).

8 (2) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means a State or a local government.

10 (3) STATE.—The term “State” means any
11 State of the United States, the District of Columbia,
12 the Commonwealth of Puerto Rico, Guam, the
13 United States Virgin Islands, the Commonwealth of
14 the Northern Mariana Islands, American Samoa,
15 and any other territory or possession of the United
16 States.

17 (4) VICTIM OF TRAFFICKING.—The term “vic-
18 tim of trafficking” means a person subjected to an
19 act of trafficking.

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

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

1 (1) train law enforcement personnel to identify
2 and protect victims of trafficking, including training
3 such personnel to utilize Federal, State, or local re-
4 sources to assist victims of trafficking;

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

8 (3) train law enforcement or State or local
9 prosecutors to utilize laws that prohibit acts of traf-
10 ficking and to assist in the development of State and
11 local laws to prohibit acts of trafficking.

12 (d) RESTRICTIONS.—

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

17 (2) NONEXCLUSIVITY.—Nothing in this section
18 may be construed to restrict the ability of an eligible
19 entity to apply for or obtain funding from any other
20 source to carry out the training described in sub-
21 section (c).

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

1 **SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED**
2 **SPECIAL ADVOCATE PROGRAM.**

3 (a) FINDINGS.—Section 215 of the Victims of Child
4 Abuse Act of 1990 (42 U.S.C. 13011) is amended by
5 striking paragraphs (1) and (2) and inserting the fol-
6 lowing:

7 “(1) Court Appointed Special Advocates, who
8 may serve as guardians ad litem, are trained volun-
9 teers appointed by courts to advocate for the best in-
10 terests of children who are involved in the juvenile
11 and family court system due to abuse or neglect;

12 “(2) the National Court Appointed Special Ad-
13 vocate Association maintains a system of account-
14 ability, including standards, quality assurance, train-
15 ing, and technical assistance for a network of 70,000
16 volunteers in more than 850 programs operating in
17 49 States, the District of Columbia, and the Virgin
18 Islands; and

19 “(3) in 2003, Court Appointed Special Advo-
20 cate volunteers represented 288,000 children, more
21 than 50 percent of the estimated 540,000 children
22 in foster care because of substantiated cases of child
23 abuse or neglect.”.

24 (b) IMPLEMENTATION DATE.—Section 216 of the
25 Victims of Child Abuse Act of 1990 (42 U.S.C. 13012)

1 is amended by striking “January 1, 1995” and inserting
2 “January 1, 2010”.

3 (c) CLARIFICATION OF PROGRAM GOALS.—Section
4 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C.
5 13013) is amended—

6 (1) in subsection (a), by striking “to expand”
7 and inserting “to initiate, sustain, and expand”;

8 (2) subsection (b)—

9 (A) in paragraph (1), by striking “to ini-
10 tiate or expand” and inserting “to initiate, sus-
11 tain, and expand”; and

12 (B) in paragraph (2), by—

13 (i) striking “(1)(a)” and inserting
14 “(1)(A)”; and

15 (ii) striking “to initiate and to ex-
16 pand” and inserting “to initiate, sustain,
17 and expand”; and

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

19 “(d) BACKGROUND CHECKS.—State and local Court
20 Appointed Special Advocate programs are authorized to
21 request criminal background checks from the Federal Bu-
22 reau of Investigation National Crime Information Center
23 for prospective volunteers. The requesting program is re-
24 sponsible for the reasonable costs associated with the Fed-
25 eral records check.”.

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

4 “(a) AUTHORIZATION.—There is authorized to be ap-
5 propriated to carry out this subtitle \$17,000,000 for each
6 of fiscal years 2006 through 2010.”.

7 **SEC. 113. PREVENTING CYBERSTALKING.**

8 (a) IN GENERAL.—Paragraph (1) of section 223(h)
9 of the Communications Act of 1934 (47 U.S.C. 223(h)(1))
10 is amended—

11 (1) in subparagraph (A), by striking “and” at
12 the end;

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

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(C) in the case of subparagraph (C) of
18 subsection (a)(1), includes any device or soft-
19 ware that can be used to originate telecommuni-
20 cations or other types of communications that
21 are transmitted, in whole or in part, by the
22 Internet (as such term is defined in section
23 1104 of the Internet Tax Freedom Act (47
24 U.S.C. 151 note)).”.

1 (b) RULE OF CONSTRUCTION.—This section and the
2 amendment made by this section may not be construed
3 to affect the meaning given the term “telecommunications
4 device” in section 223(h)(1) of the Communications Act
5 of 1934, as in effect before the date of the enactment of
6 this section.

7 **SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.**

8 (a) INTERSTATE STALKING.—Section 2261A of title
9 18, United States Code, is amended to read as follows:

10 **“§ 2261A. Stalking**

11 “Whoever—

12 “(1) travels in interstate or foreign commerce
13 or within the special maritime and territorial jurisdic-
14 tion of the United States, or enters or leaves In-
15 dian country, with the intent to kill, injure, harass,
16 place under surveillance, or intimidate another per-
17 son, and in the course of, or as a result of, such
18 travel places that person in reasonable fear of the
19 death of, or serious bodily injury to, or causes sub-
20 stantial emotional distress to that person, a member
21 of the immediate family (as defined in section 115)
22 of that person, or the spouse or intimate partner of
23 that person; or

24 “(2) with the intent—

1 “(A) to kill, injure, harass, place under
2 surveillance, intimidate, or cause substantial
3 emotional distress to a person in another State
4 or tribal jurisdiction or within the special mari-
5 time and territorial jurisdiction of the United
6 States; or

7 “(B) to place a person in another State or
8 tribal jurisdiction, or within the special mari-
9 time and territorial jurisdiction of the United
10 States, in reasonable fear of the death of, or se-
11 rious bodily injury to—

12 “(i) that person;

13 “(ii) a member of the immediate fam-
14 ily (as defined in section 115 of that per-
15 son; or

16 “(iii) a spouse or intimate partner of
17 that person;

18 uses the mail or any facility of interstate or foreign
19 commerce to engage in a course of conduct that
20 causes substantial emotional distress to that person
21 or places that person in reasonable fear of the death
22 of, or serious bodily injury to, any of the persons de-
23 scribed in clauses (i) through (iii) of subparagraph
24 (B);

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

3 (b) ENHANCED PENALTIES FOR STALKING.—Section
4 2261(b) of title 18, United States Code, is amended by
5 adding at the end the following:

6 “(6) Whoever commits the crime of stalking in
7 violation of a temporary or permanent civil or crimi-
8 nal injunction, restraining order, no-contact order,
9 or other order described in section 2266 of title 18,
10 United States Code, shall be punished by imprison-
11 ment for not less than 1 year.”.

12 **SEC. 115. REPEAT OFFENDER PROVISION.**

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

15 **“§ 2265A. Repeat offenders**

16 “(a) MAXIMUM TERM OF IMPRISONMENT.—The max-
17 imum term of imprisonment for a violation of this chapter
18 after a prior domestic violence or stalking offense shall
19 be twice the term otherwise provided under this chapter.

20 “(b) DEFINITION.—For purposes of this section—

21 “(1) the term ‘prior domestic violence or stalk-
22 ing offense’ means a conviction for an offense—

23 “(A) under section 2261, 2261A, or 2262
24 of this chapter; or

1 “(B) under State law for an offense con-
2 sisting of conduct that would have been an of-
3 fense under a section referred to in subpara-
4 graph (A) if the conduct had occurred within
5 the special maritime and territorial jurisdiction
6 of the United States, or in interstate or foreign
7 commerce; and

8 “(2) the term ‘State’ means a State of the
9 United States, the District of Columbia, or any com-
10 monwealth, territory, or possession of the United
11 States.”.

12 **SEC. 116. PROHIBITING DATING VIOLENCE.**

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

15 (1) in paragraph (1), striking “or intimate
16 partner” and inserting “, intimate partner, or dating
17 partner”; and

18 (2) in paragraph (2), striking “or intimate
19 partner” and inserting “, intimate partner, or dating
20 partner”.

21 (b) DEFINITION.—Section 2266 of title 18, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

24 “(10) DATING PARTNER.—The term ‘dating
25 partner’ refers to a person who is or has been in a

1 social relationship of a romantic or intimate nature
 2 with the abuser and the existence of such a relation-
 3 ship based on a consideration of—

4 “(A) the length of the relationship; and

5 “(B) the type of relationship; and

6 “(C) the frequency of interaction between
 7 the persons involved in the relationship.”.

8 **SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME**
 9 **AND TERRITORIAL JURISDICTION.**

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

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

18 **SEC. 118. UPDATING PROTECTION ORDER DEFINITION.**

19 Section 9534 of title 28, United States Code, is
 20 amended by striking subsection (e)(3)(B) and inserting
 21 the following:

22 “(B) the term ‘protection order’ includes—

23 “(i) any injunction, restraining order,
 24 or any other order issued by a civil or
 25 criminal court for the purpose of pre-

1 venting violent or threatening acts or har-
2 assment against, sexual violence or contact
3 or communication with or physical prox-
4 imity to, another person, including any
5 temporary or final orders issued by civil or
6 criminal courts whether obtained by filing
7 an independent action or as a pendente lite
8 order in another proceeding so long as any
9 civil order was issued in response to a com-
10 plaint, petition, or motion filed by or on
11 behalf of a person seeking protection; and

12 “(ii) any support, child custody or vis-
13 itation provisions, orders, remedies, or re-
14 lief issued as part of a protection order, re-
15 straining order, or stay away injunction
16 pursuant to State, tribal, territorial, or
17 local law authorizing the issuance of pro-
18 tection orders, restraining orders, or in-
19 junctions for the protection of victims of
20 domestic violence, dating violence, sexual
21 assault, or stalking.”.

1 **TITLE II—IMPROVING SERVICES**
2 **FOR VICTIMS OF DOMESTIC**
3 **VIOLENCE, DATING VIO-**
4 **LENCE, SEXUAL ASSAULT,**
5 **AND STALKING**

6 **SEC. 201. FINDINGS.**

7 Congress finds the following:

8 (1) Nearly $\frac{1}{3}$ of American women report phys-
9 ical or sexual abuse by a husband or boyfriend at
10 some point in their lives.

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

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

17 (A) lost productivity;

18 (B) medical and mental health care;

19 (C) police and fire services;

20 (D) social services;

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

22 (F) reduced quality of life.

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

1 (5) Geographic isolation often compounds the
2 problems facing sexual assault victims. The lack of
3 anonymity and accessible support services can limit
4 opportunities for justice for victims.

5 (6) Domestic elder abuse is primarily family
6 abuse. The National Elder Abuse Incidence Study
7 found that the perpetrator was a family member in
8 90 percent of cases.

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

11 (A) the inability to support themselves;

12 (B) poor health that increases their de-
13 pendence on the abuser;

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

15 and

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

18 (8) Disabled women comprise another vulner-
19 able population with unmet needs. Women with dis-
20 abilities are more likely to be the victims of abuse
21 and violence than women without disabilities because
22 of their increased physical, economic, social, or psy-
23 chological dependence on others.

24 (9) Many women with disabilities also fail to re-
25 port the abuse, since they are dependent on their

1 abusers and fear being abandoned or institutional-
2 ized.

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

5 (A) only 35 percent of these programs of-
6 fered disability awareness training for their
7 staff; and

8 (B) only 16 percent dedicated a staff mem-
9 ber to provide services to women with disabil-
10 ities.

11 (11) Problems of domestic violence are exacer-
12 bated for immigrants when spouses control the im-
13 migration status of their family members, and abus-
14 ers use threats of refusal to file immigration papers
15 and threats to deport spouses and children as power-
16 ful tools to prevent battered immigrant women from
17 seeking help, trapping battered immigrant women in
18 violent homes because of fear of deportation.

19 (12) Battered immigrant women who attempt
20 to flee abusive relationships may not have access to
21 bilingual shelters or bilingual professionals, and face
22 restrictions on public or financial assistance. They
23 may also lack assistance of a certified interpreter in
24 court, when reporting complaints to the police or a

1 9-1-1 operator, or even in acquiring information
2 about their rights and the legal system.

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

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

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

18 (16) Approximately 60 percent of the callers in-
19 dicate that calling the Hotline is their first attempt
20 to address a domestic violence situation and that
21 they have not called the police or any other support
22 services.

23 (17) Between 2000 and 2003, there was a 27
24 percent increase in call volume at the National Do-
25 mestic Violence Hotline.

1 (18) Improving technology infrastructure at the
2 National Domestic Violence Hotline and training ad-
3 vocates, volunteers, and other staff on upgraded
4 technology will drastically increase the Hotline’s
5 ability to answer more calls quickly and effectively.

6 **SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.**

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

11 **“SEC. 2014. SEXUAL ASSAULT SERVICES.**

12 “(a) PURPOSES.—The purposes of this section are—

13 “(1) to assist States, Indian tribes, and terri-
14 tories in providing intervention, advocacy, accom-
15 paniment, support services, and related assistance
16 for—

17 “(A) adult, youth, and child victims of sex-
18 ual assault;

19 “(B) family and household members of
20 such victims; and

21 “(C) those collaterally affected by the vic-
22 timization, except for the perpetrator of such
23 victimization;

24 “(2) to provide for technical assistance and
25 training relating to sexual assault to—

1 “(A) Federal, State, tribal, territorial and
2 local governments, law enforcement agencies,
3 and courts;

4 “(B) professionals working in legal, social
5 service, and health care settings;

6 “(C) nonprofit organizations;

7 “(D) faith-based organizations; and

8 “(E) other individuals and organizations
9 seeking such assistance.

10 “(b) GRANTS TO STATES AND TERRITORIES.—

11 “(1) GRANTS AUTHORIZED.—The Attorney
12 General shall award grants to States and territories
13 to support the establishment, maintenance, and ex-
14 pansion of rape crisis centers and other programs
15 and projects to assist those victimized by sexual as-
16 sault.

17 “(2) ALLOCATION AND USE OF FUNDS.—

18 “(A) ADMINISTRATIVE COSTS.—Not more
19 than 5 percent of the grant funds received by
20 a State or territory governmental agency under
21 this subsection for any fiscal year may be used
22 for administrative costs.

23 “(B) GRANT FUNDS.—Any funds received
24 by a State or territory under this subsection
25 that are not used for administrative costs shall

1 be used to provide grants to rape crisis centers
2 and other nonprofit, nongovernmental organiza-
3 tions for programs and activities within such
4 State or territory that provide direct interven-
5 tion and related assistance.

6 “(C) INTERVENTION AND RELATED AS-
7 SISTANCE.—Intervention and related assistance
8 under subparagraph (B) may include—

9 “(i) 24 hour hotline services providing
10 crisis intervention services and referral;

11 “(ii) accompaniment and advocacy
12 through medical, criminal justice, and so-
13 cial support systems, including medical fa-
14 cilities, police, and court proceedings;

15 “(iii) crisis intervention, short-term
16 individual and group support services, and
17 comprehensive service coordination and su-
18 pervision to assist sexual assault victims
19 and family or household members;

20 “(iv) information and referral to as-
21 sist the sexual assault victim and family or
22 household members;

23 “(v) community-based, linguistically
24 and culturally specific services and support
25 mechanisms, including outreach activities

1 for racial and ethnic, and other under-
2 served communities; and

3 “(vi) the development and distribution
4 of materials on issues related to the serv-
5 ices described in clauses (i) through (v).

6 “(3) APPLICATION.—

7 “(A) IN GENERAL.—Each eligible entity
8 desiring a grant under this subsection shall
9 submit an application to the Attorney General
10 at such time and in such manner as the Attor-
11 ney General may reasonably require.

12 “(B) CONTENTS.—Each application sub-
13 mitted under subparagraph (A) shall—

14 “(i) set forth procedures designed to
15 ensure meaningful involvement of the State
16 or territorial sexual assault coalition and
17 representatives from racial and ethnic and
18 other underserved communities in the de-
19 velopment of the application and the imple-
20 mentation of the plans;

21 “(ii) set forth procedures designed to
22 ensure an equitable distribution of grants
23 and grant funds within the State or terri-
24 tory and between urban and rural areas
25 within such State or territory;

1 “(iii) identify the State or territorial
2 agency that is responsible for the adminis-
3 tration of programs and activities; and

4 “(iv) meet other such requirements as
5 the Attorney General reasonably deter-
6 mines are necessary to carry out the pur-
7 poses and provisions of this section.

8 “(4) MINIMUM AMOUNT.—The Attorney Gen-
9 eral shall allocate to each State not less than 1.50
10 percent of the total amount appropriated in a fiscal
11 year for grants under this section, except that the
12 United States Virgin Islands, American Samoa,
13 Guam, the District of Columbia, Puerto Rico, and
14 the Commonwealth of the Northern Mariana Islands
15 shall each be allocated 0.125 percent of the total ap-
16 propriations. The remaining funds shall be allotted
17 to each State and each territory in an amount that
18 bears the same ratio to such remaining funds as the
19 population of such State and such territory bears to
20 the population of the combined States or the popu-
21 lation of the combined territories.

22 “(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS
23 ADDRESSING SEXUAL ASSAULT.—

24 “(1) GRANTS AUTHORIZED.—The Attorney
25 General shall award grants to eligible entities to

1 support the establishment, maintenance, and expansion
2 of culturally specific intervention and related
3 assistance for victims of sexual assault.

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

6 “(A) be a private nonprofit organization
7 that focuses primarily on racial and ethnic communities;
8

9 “(B) must have documented organizational
10 experience in the area of sexual assault intervention or have entered into a partnership with
11 an organization having such expertise;
12

13 “(C) have expertise in the development of
14 community-based, linguistically and culturally
15 specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or
16 have the capacity to link to existing services in
17 the community tailored to the needs of racial
18 and ethnic populations; and
19

20
21 “(D) have an advisory board or steering
22 committee and staffing which is reflective of the
23 targeted racial and ethnic community.

1 “(3) AWARD BASIS.—The Attorney General
2 shall award grants under this section on a competi-
3 tive basis.

4 “(4) DISTRIBUTION.—

5 “(A) The Attorney General shall not use
6 more than 2.5 percent of funds appropriated
7 under this subsection in any year for adminis-
8 tration, monitoring, and evaluation of grants
9 made available under this subsection.

10 “(B) Up to 5 percent of funds appro-
11 priated under this subsection in any year shall
12 be available for technical assistance by a na-
13 tional, nonprofit, nongovernmental organization
14 or organizations whose primary focus and ex-
15 pertise is in addressing sexual assault within
16 racial and ethnic communities.

17 “(5) TERM.—The Attorney General shall make
18 grants under this section for a period of no less than
19 2 fiscal years.

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

24 “(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL
25 SEXUAL ASSAULT COALITIONS.—

1 “(1) GRANTS AUTHORIZED.—

2 “(A) IN GENERAL.—The Attorney General
3 shall award grants to State, territorial, and
4 tribal sexual assault coalitions to assist in sup-
5 porting the establishment, maintenance, and ex-
6 pansion of such coalitions.

7 “(B) MINIMUM AMOUNT.—Not less than
8 10 percent of the total amount appropriated to
9 carry out this section shall be used for grants
10 under subparagraph (A).

11 “(C) ELIGIBLE APPLICANTS.—Each of the
12 State, territorial, and tribal sexual assault coali-
13 tions.

14 “(2) USE OF FUNDS.—Grant funds received
15 under this subsection may be used to—

16 “(A) work with local sexual assault pro-
17 grams and other providers of direct services to
18 encourage appropriate responses to sexual as-
19 sult within the State, territory, or tribe;

20 “(B) work with judicial and law enforce-
21 ment agencies to encourage appropriate re-
22 sponses to sexual assault cases;

23 “(C) work with courts, child protective
24 services agencies, and children’s advocates to
25 develop appropriate responses to child custody

1 and visitation issues when sexual assault has
2 been determined to be a factor;

3 “(D) design and conduct public education
4 campaigns;

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

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

12 “(3) ALLOCATION AND USE OF FUNDS.—From
13 amounts appropriated for grants under this sub-
14 section for each fiscal year—

15 “(A) not less than 10 percent of the funds
16 shall be available for grants to tribal sexual as-
17 sult coalitions;

18 “(B) the remaining funds shall be available
19 for grants to State and territorial coalitions,
20 and the Attorney General shall allocate an
21 amount equal to $\frac{1}{56}$ of the amounts so appro-
22 priated to each of those State and territorial
23 coalitions.

24 “(4) APPLICATION.—Each eligible entity desir-
25 ing a grant under this subsection shall submit an

1 application to the Attorney General at such time, in
2 such manner, and containing such information as
3 the Attorney General determines to be essential to
4 carry out the purposes of this section.

5 “(5) FIRST-TIME APPLICANTS.—No entity shall
6 be prohibited from submitting an application under
7 this subsection during any fiscal year for which
8 funds are available under this subsection because
9 such entity has not previously applied or received
10 funding under this subsection.

11 “(e) GRANTS TO TRIBES.—

12 “(1) GRANTS AUTHORIZED.—The Attorney
13 General may award grants to Indian tribes, tribal
14 organizations, and nonprofit tribal organizations for
15 the operation of sexual assault programs or projects
16 in Indian country and Alaskan Native villages to
17 support the establishment, maintenance, and expan-
18 sion of programs and projects to assist those victim-
19 ized by sexual assault.

20 “(2) ALLOCATION AND USE OF FUNDS.—

21 “(A) ADMINISTRATIVE COSTS.—Not more
22 than 5 percent of the grant funds received by
23 an Indian tribe, tribal organization, and non-
24 profit tribal organization under this subsection

1 for any fiscal year may be used for administra-
2 tive costs.

3 “(B) GRANT FUNDS.—Any funds received
4 under this subsection that are not used for ad-
5 ministrative costs shall be used to provide
6 grants to tribal organizations and nonprofit
7 tribal organizations for programs and activities
8 within Indian country and Alaskan native vil-
9 lages that provide direct intervention and re-
10 lated assistance.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated \$50,000,000 for each of the fiscal
14 years 2006 through 2010 to carry out the provisions
15 of this section.

16 “(2) ALLOCATIONS.—Of the total amounts ap-
17 propriated for each fiscal year to carry out this
18 section—

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

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

1 “(C) not less than 65 percent shall be used
2 for grants to States and territories under sub-
3 section (b);

4 “(D) not less than 10 percent shall be used
5 for making grants to State, territorial, and trib-
6 al sexual assault coalitions under subsection
7 (d);

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

10 “(F) not less than 10 percent shall be used
11 for grants for culturally specific programs ad-
12 dressing sexual assault under subsection (c).”.

13 **SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIO-**
14 **LENCE AND CHILD ABUSE ENFORCEMENT AS-**
15 **SISTANCE PROGRAM.**

16 Section 40295 of the Safe Homes for Women Act of
17 1994 (42 U.S.C. 13971) is amended to read as follows:

18 **“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIO-**
19 **LENCE, SEXUAL ASSAULT, STALKING, AND**
20 **CHILD ABUSE ENFORCEMENT ASSISTANCE.**

21 “(a) PURPOSES.—The purposes of this section are—

22 “(1) to identify, assess, and appropriately re-
23 spond to child, youth, and adult victims of domestic
24 violence, sexual assault, dating violence, and stalking

1 in rural communities, by encouraging collaboration
2 among—

3 “(A) domestic violence, dating violence,
4 sexual assault, and stalking victim service pro-
5 viders;

6 “(B) law enforcement agencies;

7 “(C) prosecutors;

8 “(D) courts;

9 “(E) other criminal justice service pro-
10 viders;

11 “(F) human and community service pro-
12 viders;

13 “(G) educational institutions; and

14 “(H) health care providers;

15 “(2) to establish and expand nonprofit, non-
16 governmental, State, tribal, territorial, and local gov-
17 ernment victim services in rural communities to
18 child, youth, and adult victims; and

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

21 “(A) dealing directly and immediately with
22 domestic violence, sexual assault, dating vio-
23 lence, and stalking occurring in rural commu-
24 nities; and

1 “(B) creating and implementing strategies
2 to increase awareness and prevent domestic vio-
3 lence, sexual assault, dating violence, and stalk-
4 ing.

5 “(b) GRANTS AUTHORIZED.—The Attorney General,
6 acting through the Director of the Office on Violence
7 Against Women (referred to in this section as the ‘Direc-
8 tor’), may award grants to States, Indian tribes, local gov-
9 ernments, and nonprofit, public or private entities, includ-
10 ing tribal nonprofit organizations, to carry out programs
11 serving rural areas or rural communities that address do-
12 mestic violence, dating violence, sexual assault, and stalk-
13 ing by—

14 “(1) implementing, expanding, and establishing
15 cooperative efforts and projects among law enforce-
16 ment officers, prosecutors, victim advocacy groups,
17 and other related parties to investigate and pros-
18 ecute incidents of domestic violence, dating violence,
19 sexual assault, and stalking;

20 “(2) providing treatment, counseling, advocacy,
21 and other long- and short-term assistance to adult
22 and minor victims of domestic violence, dating vio-
23 lence, sexual assault, and stalking in rural commu-
24 nities, including assistance in immigration matters;
25 and

1 “(3) working in cooperation with the commu-
2 nity to develop education and prevention strategies
3 directed toward such issues.

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

7 “(d) ALLOTMENTS AND PRIORITIES.—

8 “(1) ALLOTMENT FOR INDIAN TRIBES.—Not
9 less than 10 percent of the total amount made avail-
10 able for each fiscal year to carry out this section
11 shall be allocated for grants to Indian tribes or trib-
12 al organizations.

13 “(2) ALLOTMENT FOR SEXUAL ASSAULT.—

14 “(A) IN GENERAL.—Not less than 25 per-
15 cent of the total amount appropriated in a fis-
16 cal year under this section shall fund services
17 that meaningfully address sexual assault in
18 rural communities, however at such time as the
19 amounts appropriated reach the amount of
20 \$45,000,000, the percentage allocated shall rise
21 to 30 percent of the total amount appropriated,
22 at such time as the amounts appropriated reach
23 the amount of \$50,000,000, the percentage al-
24 located shall rise to 35 percent of the total
25 amount appropriated, and at such time as the

1 amounts appropriated reach the amount of
2 \$55,000,000, the percentage allocated shall rise
3 to 40 percent of the amounts appropriated.

4 “(B) MULTIPLE PURPOSE APPLICA-
5 TIONS.—Nothing in this section shall prohibit
6 any applicant from applying for funding to ad-
7 dress sexual assault, domestic violence, stalking,
8 or dating violence in the same application.

9 “(3) ALLOTMENT FOR TECHNICAL ASSIST-
10 ANCE.—Of the amounts appropriated for each fiscal
11 year to carry out this section, not more than 8 per-
12 cent may be used by the Director for technical as-
13 sistance costs. Of the amounts appropriated in this
14 section, no less than 25 percent of such amounts
15 shall be available to a nonprofit, nongovernmental
16 organization or organizations whose focus and exper-
17 tise is in addressing sexual assault to provide tech-
18 nical assistance to sexual assault grantees.

19 “(4) UNDERSERVED POPULATIONS.—In award-
20 ing grants under this section, the Director shall give
21 priority to the needs of racial, ethnic, and other un-
22 derserved populations.

23 “(5) ALLOCATION OF FUNDS FOR RURAL
24 STATES.—Not less than 75 percent of the total
25 amount made available for each fiscal year to carry

1 out this section shall be allocated to eligible entities
2 located in rural States.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated \$55,000,000 for each of the fiscal
6 years 2006 through 2010 to carry out this section.

7 “(2) ADDITIONAL FUNDING.—In addition to
8 funds received through a grant under subsection (b),
9 a law enforcement agency may use funds received
10 through a grant under part Q of title I of the Omni-
11 bus Crime Control and Safe Streets Act of 1968 (42
12 U.S.C. 3796dd et seq.) to accomplish the objectives
13 of this section.”.

14 **SEC. 204. TRAINING AND SERVICES TO END VIOLENCE**
15 **AGAINST WOMEN WITH DISABILITIES.**

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

19 **“SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERV-**
20 **ICES TO END VIOLENCE AGAINST AND ABUSE**
21 **OF WOMEN WITH DISABILITIES.**

22 “(a) IN GENERAL.—The Attorney General, in con-
23 sultation with the Secretary of Health and Human Serv-
24 ices, may award grants to eligible entities—

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

7 “(2) to enhance direct services to such individ-
8 uals.

9 “(b) USE OF FUNDS.—Grants awarded under this
10 section shall be used—

11 “(1) to provide personnel, training, technical
12 assistance, advocacy, intervention, risk reduction and
13 prevention of domestic violence, dating violence,
14 stalking, and sexual assault against disabled individ-
15 uals;

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

20 “(3) to conduct cross-training for victim service
21 organizations, governmental agencies, courts, law en-
22 forcement, and nonprofit, nongovernmental organi-
23 zations serving individuals with disabilities about
24 risk reduction, intervention, prevention and the na-

1 ture of domestic violence, dating violence, stalking,
2 and sexual assault for disabled individuals;

3 “(4) to provide technical assistance to assist
4 with modifications to existing policies, protocols, and
5 procedures to ensure equal access to the services,
6 programs, and activities of victim service organiza-
7 tions for disabled individuals;

8 “(5) to provide training and technical assist-
9 ance on the requirements of shelters and victim serv-
10 ices organizations under Federal antidiscrimination
11 laws, including—

12 “(A) the Americans with Disabilities Act of
13 1990; and

14 “(B) section 504 of the Rehabilitation Act
15 of 1973;

16 “(6) to rehabilitate facilities, purchase equip-
17 ment, and provide personnel so that shelters and vic-
18 tim service organizations can accommodate the
19 needs of disabled individuals;

20 “(7) to provide advocacy and intervention serv-
21 ices for disabled individuals who are victims of do-
22 mestic violence, dating violence, stalking, or sexual
23 assault; or

24 “(8) to develop model programs providing advo-
25 cacy and intervention services within organizations

1 serving disabled individuals who are victims of do-
2 mestic violence, dating violence, sexual assault, or
3 stalking.

4 “(c) ELIGIBLE ENTITIES.—

5 “(1) IN GENERAL.—An entity shall be eligible
6 to receive a grant under this section if the entity
7 is—

8 “(A) a State;

9 “(B) a unit of local government;

10 “(C) an Indian tribal government or tribal
11 organization; or

12 “(D) a nonprofit and nongovernmental vic-
13 tim services organization, such as a State do-
14 mestic violence or sexual assault coalition or a
15 nonprofit, nongovernmental organization serv-
16 ing disabled individuals.

17 “(2) LIMITATION.—A grant awarded for the
18 purpose described in subsection (b)(8) shall only be
19 awarded to an eligible agency (as defined in section
20 410 of the Rehabilitation Act of 1973 (29 U.S.C.
21 796f-5).

22 “(d) UNDERSERVED POPULATIONS.—In awarding
23 grants under this section, the Director shall ensure that
24 the needs of racial and ethnic and other underserved popu-
25 lations are being addressed.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$10,000,000 for each
3 of the fiscal years 2006 through 2010 to carry out this
4 section.”.

5 **SEC. 205. TRAINING AND SERVICES TO END VIOLENCE**
6 **AGAINST WOMEN IN LATER LIFE.**

7 (a) TRAINING PROGRAMS.—Section 40802 of the Vi-
8 olence Against Women Act of 1994 (42 U.S.C. 14041a)
9 is amended to read as follows:

10 **“SEC. 40802. ENHANCED TRAINING AND SERVICES TO END**
11 **VIOLENCE AGAINST AND ABUSE OF WOMEN**
12 **LATER IN LIFE.**

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

16 “(1) training programs to assist law enforce-
17 ment, prosecutors, governmental agencies, victim as-
18 sistants, and relevant officers of Federal, State, trib-
19 al, territorial, and local courts in recognizing, ad-
20 dressing, investigating, and prosecuting instances of
21 elder abuse, neglect, and exploitation, including do-
22 mestic violence, dating violence, sexual assault, or
23 stalking against victims who are 50 years of age or
24 older;

1 “(2) providing or enhancing services for victims
2 of elder abuse, neglect, and exploitation, including
3 domestic violence, dating violence, sexual assault, or
4 stalking, who are 50 years of age or older;

5 “(3) increasing the physical accessibility of
6 buildings in which services are or will be rendered
7 for victims of elder abuse, neglect, and exploitation,
8 including domestic violence, dating violence, sexual
9 assault, and stalking, who are 50 years of age or
10 older;

11 “(4) creating or supporting multidisciplinary
12 collaborative community responses to victims of elder
13 abuse, neglect, and exploitation, including domestic
14 violence, dating violence, sexual assault, and stalk-
15 ing, who are 50 years of age or older; and

16 “(5) conducting cross-training for victim service
17 organizations, governmental agencies, courts, law en-
18 forcement, and nonprofit, nongovernmental organi-
19 zations serving victims of elder abuse, neglect, and
20 exploitation, including domestic violence, dating vio-
21 lence, sexual assault, and stalking, who are 50 years
22 of age or older.

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

25 “(1) a State;

1 “(2) a unit of local government;

2 “(3) an Indian tribal government or tribal orga-
3 nization; or

4 “(4) a nonprofit and nongovernmental victim
5 services organization with demonstrated experience
6 in assisting elderly women or demonstrated experi-
7 ence in addressing domestic violence, dating violence,
8 sexual assault, and stalking.

9 “(c) **UNDERSERVED POPULATIONS.**—In awarding
10 grants under this section, the Director shall ensure that
11 services are culturally and linguistically relevant and that
12 the needs of racial, ethnic, and other underserved popu-
13 lations are being addressed.”.

14 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Section
15 40803 of the Violence Against Women Act of 1994 (42
16 U.S.C. 14041b) is amended by striking “\$5,000,000 for
17 each of fiscal years 2001 through 2005” and inserting
18 “\$10,000,000 for each of the fiscal years 2006 through
19 2010”.

20 **SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIO-**
21 **LENCE HOTLINE.**

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

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

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

7 (2) in subsection (g)—

8 (A) in paragraph (1), by striking
9 “\$3,500,000” and all that follows and inserting
10 “\$5,000,000 for each of fiscal years 2006
11 through 2010.”;

12 (B) by striking paragraph (2); and

13 (C) by redesignating paragraph (3) as
14 paragraph (2); and

15 (3) by striking subsection (e) and redesignating
16 subsections (f) and (g) as subsections (e) and (f), re-
17 spectively.

18 **TITLE III—SERVICES, PROTEC-**
19 **TION, AND JUSTICE FOR**
20 **YOUNG VICTIMS OF VIO-**
21 **LENCE**

22 **SEC. 301. FINDINGS.**

23 Congress finds the following:

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

4 (2) The Department of Justice consistently
5 finds that young women between the ages of 16 and
6 24 experience the highest rate of non-fatal intimate
7 partner violence.

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

11 (4) Young people experience particular obsta-
12 cles to seeking help. They often do not have access
13 to money, transportation, or shelter services. They
14 must overcome issues such as distrust of adults, lack
15 of knowledge about available resources, or pressure
16 from peers and parents.

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

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

1 (7) Many youth are involved in dating relation-
2 ships, and these relationships can include the same
3 kind of domestic violence and dating violence seen in
4 the adult population. In fact, more than 40 percent
5 of all incidents of domestic violence involve people
6 who are not married.

7 (8) 40 percent of girls ages 14 to 17 report
8 knowing someone their age who has been hit or
9 beaten by a boyfriend, and 13 percent of college
10 women report being stalked.

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

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

1 **SEC. 302. RAPE PREVENTION AND EDUCATION.**

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

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

9 “(2) NATIONAL SEXUAL VIOLENCE RESOURCE
10 CENTER ALLOTMENT.—Of the total amount made
11 available under this subsection in each fiscal year,
12 not less than \$1,500,000 shall be available for allot-
13 ment under subsection (b).”.

14 **SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUS-**
15 **TICE FOR YOUNG VICTIMS OF VIOLENCE.**

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

19 **“Subtitle L—Services, Education,**
20 **Protection and Justice for**
21 **Young Victims of Violence**

22 **“SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND**
23 **TO YOUTH.**

24 “(a) GRANTS AUTHORIZED.—The Attorney General,
25 in consultation with the Department of Health and
26 Human Services, shall award grants to eligible entities to

1 conduct programs to serve victims of domestic violence,
2 dating violence, sexual assault, and stalking who are be-
3 tween the ages of 12 and 24. Amounts appropriated under
4 this section may only be used for programs and activities
5 described under subsection (c).

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

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

12 “(2) a community-based organization special-
13 izing in intervention or violence prevention services
14 for youth;

15 “(3) an Indian Tribe or tribal organization pro-
16 viding services primarily to tribal youth or tribal vic-
17 tims of domestic violence, dating violence, sexual as-
18 sault or stalking; or

19 “(4) a nonprofit, nongovernmental entity pro-
20 viding services for runaway or homeless youth af-
21 fected by domestic or sexual abuse.

22 “(c) USE OF FUNDS.—

23 “(1) IN GENERAL.—An entity that receives a
24 grant under this section shall use amounts provided
25 under the grant to design or replicate, and imple-

1 ment, programs and services, using domestic vio-
2 lence, dating violence, sexual assault, and stalking
3 intervention models to respond to the needs of youth
4 who are victims of domestic violence, dating violence,
5 sexual assault or stalking.

6 “(2) TYPES OF PROGRAMS.—Such a program—

7 “(A) shall provide direct counseling and
8 advocacy for youth and young adults, who have
9 experienced domestic violence, dating violence,
10 sexual assault or stalking;

11 “(B) shall include linguistically, culturally,
12 and community relevant services for racial, eth-
13 nic, and other underserved populations or link-
14 ages to existing services in the community tai-
15 lored to the needs of underserved populations;

16 “(C) may include mental health services
17 for youth and young adults who have experi-
18 enced domestic violence, dating violence, sexual
19 assault, or stalking;

20 “(D) may include legal advocacy efforts on
21 behalf of youth and young adults with respect
22 to domestic violence, dating violence, sexual as-
23 sault or stalking;

24 “(E) may work with public officials and
25 agencies to develop and implement policies,

1 rules, and procedures in order to reduce or
2 eliminate domestic violence, dating violence,
3 sexual assault, and stalking against youth and
4 young adults; and

5 “(F) may use not more than 25 percent of
6 the grant funds to provide additional services
7 and resources for youth, including childcare,
8 transportation, educational support, and respite
9 care.

10 “(d) AWARDS BASIS.—

11 “(1) GRANTS TO INDIAN TRIBES.—Not less
12 than 7 percent of funds appropriated under this sec-
13 tion in any year shall be available for grants to In-
14 dian Tribes or tribal organizations.

15 “(2) ADMINISTRATION.—The Attorney General
16 shall not use more than 2.5 percent of funds appro-
17 priated under this section in any year for adminis-
18 tration, monitoring, and evaluation of grants made
19 available under this section.

20 “(3) TECHNICAL ASSISTANCE.—Not less than 5
21 percent of funds appropriated under this section in
22 any year shall be available to provide technical as-
23 sistance for programs funded under this section.

24 “(e) TERM.—The Attorney General shall make the
25 grants under this section for a period of 3 fiscal years.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section,
3 \$15,000,000 for each of fiscal years 2006 through 2010.

4 **“SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.**

5 “(a) PURPOSE.—It is the purpose of this section to
6 encourage cross training and collaboration between the
7 courts, domestic violence and sexual assault service pro-
8 viders, youth organizations and service providers, violence
9 prevention programs, and law enforcement agencies, so
10 that communities can establish and implement policies,
11 procedures, and practices to protect and more comprehen-
12 sively and effectively serve young victims of dating vio-
13 lence, domestic violence, sexual assault, and stalking who
14 are between the ages of 12 and 24, and to engage, where
15 necessary, other entities addressing the safety, health,
16 mental health, social service, housing, and economic needs
17 of young victims of domestic violence, dating violence, sex-
18 ual assault, and stalking, including community-based sup-
19 ports such as schools, local health centers, community ac-
20 tion groups, and neighborhood coalitions.

21 “(b) GRANT AUTHORITY.—

22 “(1) IN GENERAL.—The Attorney General,
23 through the Director of the Office on Violence
24 Against Women (in this section referred to as the

1 ‘Director’), shall make grants to eligible entities to
2 carry out the purposes of this section.

3 “(2) GRANT PERIODS.—Grants shall be award-
4 ed under this section for a period of 2 fiscal years.

5 “(3) ELIGIBLE ENTITIES.—To be eligible for a
6 grant under this section, a grant applicant shall es-
7 tablish a collaboration that—

8 “(A) shall include a victim service provider
9 that has a documented history of effective work
10 concerning domestic violence, dating violence,
11 sexual assault, or stalking and the effect that
12 those forms of abuse have on young people;

13 “(B) shall include a court or law enforce-
14 ment agency partner; and

15 “(C) may include—

16 “(i) batterer intervention programs or
17 sex offender treatment programs with spe-
18 cialized knowledge and experience working
19 with youth offenders;

20 “(ii) community-based youth organiza-
21 tions that deal specifically with the con-
22 cerns and problems faced by youth, includ-
23 ing programs that target teen parents and
24 racial, ethnic, and other underserved com-
25 munities;

1 “(iii) schools or school-based pro-
2 grams designed to provide prevention or
3 intervention services to youth experiencing
4 problems;

5 “(iv) faith-based entities that deal
6 with the concerns and problems faced by
7 youth;

8 “(v) healthcare entities eligible for re-
9 imbursement under title XVIII of the So-
10 cial Security Act, including providers that
11 target the special needs of youth;

12 “(vi) education programs on HIV and
13 other sexually transmitted diseases that
14 are designed to target teens;

15 “(vii) Indian Health Service, tribal
16 child protective services, the Bureau of In-
17 dian Affairs, or the Federal Bureau of In-
18 vestigations; or

19 “(viii) law enforcement agencies of the
20 Bureau of Indian Affairs providing tribal
21 law enforcement.

22 “(c) USES OF FUNDS.—An entity that receives a
23 grant under this section shall use the funds made available
24 through the grant for cross-training and collaborative
25 efforts—

1 “(1) addressing domestic violence, dating vio-
2 lence, sexual assault, and stalking, assessing and
3 analyzing currently available services for youth and
4 young adult victims, determining relevant barriers to
5 such services in a particular locality, and developing
6 a community protocol to address such problems col-
7 laboratively;

8 “(2) to establish and enhance linkages and col-
9 laboration between—

10 “(A) domestic violence and sexual assault
11 service providers; and

12 “(B) where applicable, law enforcement
13 agencies, courts, Federal agencies, and other
14 entities addressing the safety, health, mental
15 health, social service, housing, and economic
16 needs of young victims of abuse, including com-
17 munity-based supports such as schools, local
18 health centers, community action groups, and
19 neighborhood coalitions—

20 “(i) to respond effectively and com-
21 prehensively to the varying needs of young
22 victims of abuse;

23 “(ii) to include linguistically, cul-
24 turally, and community relevant services
25 for racial, ethnic, and other underserved

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

4 “(iii) to include where appropriate
5 legal assistance, referral services, and pa-
6 rental support;

7 “(3) to educate the staff of courts, domestic vi-
8 olence and sexual assault service providers, and, as
9 applicable, the staff of law enforcement agencies, In-
10 dian child welfare agencies, youth organizations,
11 schools, healthcare providers, and other community
12 prevention and intervention programs to responsibly
13 address youth victims and perpetrators of domestic
14 violence, dating violence, sexual assault, and stalk-
15 ing;

16 “(4) to identify, assess, and respond appro-
17 priately to dating violence, domestic violence, sexual
18 assault, or stalking against teens and young adults
19 and meet the needs of young victims of violence; and

20 “(5) to provide appropriate resources in juvenile
21 court matters to respond to dating violence, domestic
22 violence, sexual assault, and stalking and ensure
23 necessary services dealing with the health and men-
24 tal health of victims are available.

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

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

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

18 “(1) not less than 10 percent of funds appro-
19 priated under this section in any year shall be avail-
20 able to Indian tribal governments to establish and
21 maintain collaborations involving the appropriate
22 tribal justice and social services departments or do-
23 mestic violence or sexual assault service providers,
24 the purpose of which is to provide culturally appro-
25 priate services to American Indian women or youth;

1 “(2) the Director shall not use more than 2.5
2 percent of funds appropriated under this section in
3 any year for monitoring and evaluation of grants
4 made available under this section;

5 “(3) the Attorney General of the United States
6 shall not use more than 2.5 percent of funds appro-
7 priated under this section in any year for adminis-
8 tration of grants made available under this section;
9 and

10 “(4) up to 8 percent of funds appropriated
11 under this section in any year shall be available to
12 provide technical assistance for programs funded
13 under this section.

14 “(g) DISSEMINATION OF INFORMATION.—Not later
15 than 12 months after the end of the grant period under
16 this section, the Director shall prepare, submit to Con-
17 gress, and make widely available, including through elec-
18 tronic means, summaries that contain information on—

19 “(1) the activities implemented by the recipients
20 of the grants awarded under this section; and

21 “(2) related initiatives undertaken by the Direc-
22 tor to promote attention to dating violence, domestic
23 violence, sexual assault, and stalking and their im-
24 pact on young victims by—

25 “(A) the staffs of courts;

1 “(B) domestic violence, dating violence,
2 sexual assault, and stalking victim service pro-
3 viders; and

4 “(C) law enforcement agencies and com-
5 munity organizations.

6 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section,
8 \$5,000,000 in each of fiscal years 2006 through 2010.

9 **“SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION**
10 **ON THE INTERSECTION BETWEEN DOMESTIC**
11 **VIOLENCE AND CHILD MALTREATMENT.**

12 “(a) PURPOSE.—The purpose of this section is to
13 support efforts by child welfare agencies, domestic violence
14 or dating violence victim services providers, courts, law en-
15 forcement, and other related professionals and community
16 organizations to develop collaborative responses and serv-
17 ices and provide cross-training to enhance community re-
18 sponses to families where there is both child maltreatment
19 and domestic violence.

20 “(b) GRANTS AUTHORIZED.—The Secretary of the
21 Department of Health and Human Services (in this sec-
22 tion referred to as the ‘Secretary’), through the Family
23 and Youth Services Bureau, and in consultation with the
24 Office on Violence Against Women, shall award grants on

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

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$5,000,000 for each of fiscal years 2006 through 2010.
6 Funds appropriated under this section shall remain avail-
7 able until expended. Of the amounts appropriated to carry
8 out this section for each fiscal year, the Secretary shall—

9 “(1) use not more than 3 percent for evalua-
10 tion, monitoring, site visits, grantee conferences, and
11 other administrative costs associated with con-
12 ducting activities under this section;

13 “(2) set aside not more than 7 percent for
14 grants to Indian tribes to develop programs address-
15 ing child maltreatment and domestic violence or dat-
16 ing violence that are operated by, or in partnership
17 with, a tribal organization; and

18 “(3) set aside up to 8 percent for technical as-
19 sistance and training to be provided by organizations
20 having demonstrated expertise in developing collabo-
21 rative community and system responses to families
22 in which there is both child maltreatment and do-
23 mestic violence or dating violence, which technical
24 assistance and training may be offered to jurisdic-
25 tions in the process of developing community re-

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

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

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

11 “(f) USES OF FUNDS.—Entities receiving grants
12 under this section shall use amounts provided to develop
13 collaborative responses and services and provide cross-
14 training to enhance community responses to families
15 where there is both child maltreatment and domestic vio-
16 lence or dating violence. Amounts distributed under this
17 section may only be used for programs and activities de-
18 scribed in subsection (g).

19 “(g) PROGRAMS AND ACTIVITIES.—The programs
20 and activities developed under this section shall—

21 “(1) encourage cross training, education, serv-
22 ice development, and collaboration among child wel-
23 fare agencies, domestic violence victim service pro-
24 viders, and courts, law enforcement agencies, com-
25 munity-based programs, and other entities, in order

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

3 “(A) domestic violence or dating violence
4 in homes where children are present and may
5 be exposed to the violence;

6 “(B) domestic violence or dating violence
7 in child protection cases; and

8 “(C) the needs of both the child and non-
9 abusing parent;

10 “(2) establish and implement policies, proce-
11 dures, programs, and practices for child welfare
12 agencies, domestic violence victim service providers,
13 courts, law enforcement agencies, and other entities,
14 that are consistent with the principles of protecting
15 and increasing the immediate and long-term safety
16 and well being of children and non-abusing parents
17 and caretakers;

18 “(3) increase cooperation and enhance linkages
19 between child welfare agencies, domestic violence vic-
20 tim service providers, courts, law enforcement agen-
21 cies, and other entities to provide more comprehen-
22 sive community-based services (including health,
23 mental health, social service, housing, and neighbor-
24 hood resources) to protect and to serve both child
25 and adult victims;

1 “(4) identify, assess, and respond appropriately
2 to domestic violence or dating violence in child pro-
3 tection cases and to child maltreatment when it co-
4 occurs with domestic violence or dating violence;

5 “(5) analyze and change policies, procedures,
6 and protocols that contribute to overrepresentation
7 of racial and ethnic minorities in the court and child
8 welfare system; and

9 “(6) provide appropriate referrals to commu-
10 nity-based programs and resources, such as health
11 and mental health services, shelter and housing as-
12 sistance for adult and youth victims and their chil-
13 dren, legal assistance and advocacy for adult and
14 youth victims, assistance for parents to help their
15 children cope with the impact of exposure to domes-
16 tic violence or dating violence and child maltreat-
17 ment, appropriate intervention and treatment for
18 adult perpetrators of domestic violence or dating vio-
19 lence whose children are the subjects of child protec-
20 tion cases, programs providing support and assist-
21 ance to racial and ethnic populations, and other nec-
22 essary supportive services.

23 “(i) GRANTEE REQUIREMENTS.—

24 “(1) APPLICATIONS.—Under this section, an
25 entity shall prepare and submit to the Secretary an

1 application at such time, in such manner, and con-
2 taining such information as the Secretary may re-
3 quire, consistent with the requirements described
4 herein. The application shall—

5 “(A) ensure that communities impacted by
6 these systems or organizations are adequately
7 represented in the development of the applica-
8 tion, the programs and activities to be under-
9 taken, and that they have a significant role in
10 evaluating the success of the project;

11 “(B) describe how the training and col-
12 laboration activities will enhance or ensure the
13 safety and economic security of families where
14 both child maltreatment and domestic violence
15 or dating violence occurs by providing appro-
16 priate resources, protection, and support to the
17 victimized parents of such children and to the
18 children themselves; and

19 “(C) outline methods and means partici-
20 pating entities will use to ensure that all serv-
21 ices are provided in a developmentally, linguis-
22 tically and culturally competent manner and
23 will utilize community-based supports and re-
24 sources.

1 “(2) ELIGIBLE ENTITIES.—To be eligible for a
2 grant under this section, an entity shall be a collabo-
3 ration that—

4 “(A) shall include a State or local child
5 welfare agency or Indian Tribe;

6 “(B) shall include a domestic violence or
7 dating violence victim service provider;

8 “(C) shall include a law enforcement agen-
9 cy or Bureau of Indian Affairs providing tribal
10 law enforcement;

11 “(D) may include a court; and

12 “(E) may include any other such agencies
13 or private nonprofit organizations and faith-
14 based organizations, including community-based
15 organizations, with the capacity to provide ef-
16 fective help to the child and adult victims
17 served by the collaboration.”.

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

20 Section 826 of the Higher Education Amendments of
21 1998 (20 U.S.C. 1152) is amended—

22 (1) in subsection (a)(2), by adding at the end
23 the following: “The Attorney General, through the
24 Director of the Office on Violence Against Women,
25 shall award the grants in amounts of not more than

1 \$500,000 for individual institutions of higher edu-
2 cation and not more than \$1,000,000 for consortia
3 of such institutions.”;

4 (2) in subsection (b)—

5 (A) in paragraph (2)—

6 (i) by inserting “develop and imple-
7 ment campus policies, protocols, and serv-
8 ices that” after “boards to”; and

9 (ii) by adding at the end the fol-
10 lowing: “Within 90 days after the date of
11 enactment of the Violence Against Women
12 Act of 2005, the Attorney General shall
13 issue and make available minimum stand-
14 ards of training relating to violent crimes
15 against women on campus, for all campus
16 security personnel and personnel serving
17 on campus disciplinary or judicial
18 boards.”;

19 (B) in paragraph (4), by striking all that
20 follows “strengthen” and inserting: “victim
21 services programs on the campuses of the insti-
22 tutions involved, including programs providing
23 legal, medical, or psychological counseling, for
24 victims of domestic violence, stalking, dating vi-
25 olence, or sexual assault, and to improve deliv-

1 ery of victim assistance on campus. To the ex-
2 tent practicable, such an institution shall col-
3 laborate with any entities carrying out non-
4 profit and other victim services programs, in-
5 cluding sexual assault, domestic violence, stalk-
6 ing, and dating violence victim services pro-
7 grams in the community in which the institu-
8 tion is located. If appropriate victim services
9 programs are not available in the community or
10 are not accessible to students, the institution
11 shall, to the extent practicable, provide a victim
12 services program on campus or create a victim
13 services program in collaboration with a com-
14 munity-based organization. The institution shall
15 use not less than 20 percent of the funds made
16 available through the grant for a victim services
17 program provided in accordance with this para-
18 graph.”;

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

20 (D) by redesignating paragraphs (7), (9),
21 and (10) as paragraphs (6), (7), and (8), re-
22 spectively;

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

1 “(B) include proof that the institution of
2 higher education collaborated with a nonprofit,
3 nongovernmental entities carrying out other vic-
4 tim services programs, including sexual assault,
5 domestic violence, stalking, and dating violence
6 victim services programs in the community in
7 which the institution is located;”;

8 (4) in subsection (f), by striking the text and
9 inserting the following: “In this section, the defini-
10 tions and grant conditions provided in section 40002
11 of the Violence Against Women Act of 1994 shall
12 apply.”; and

13 (5) in subsection (g), by—

14 (A) striking “\$10,000,000” and inserting
15 “\$15,000,000”;

16 (B) striking “2001” and inserting “2006”;

17 and

18 (C) striking “2005” and inserting “2010”.

19 **SEC. 305. JUVENILE JUSTICE.**

20 (a) STATE PLANS.—Section 223(a) of the Juvenile
21 Justice and Delinquency Prevention Act of 1974 (42
22 U.S.C. 5633(a)) is amended—

23 (1) in paragraph (7)(B)—

1 (A) by redesignating clauses (i), (ii) and
2 (iii), as clauses (ii), (iii), and (iv), respectively;
3 and

4 (B) by inserting before clause (ii) the fol-
5 lowing:

6 “(i) an analysis of gender-specific services
7 for the prevention and treatment of juvenile de-
8 linquency, including the types of such services
9 available and the need for such services for fe-
10 males;”.

11 (b) USE OF FUNDS.—Section 223(a)(9) of the Juve-
12 nile Justice and Delinquency Prevention Act of 1974 (42
13 U.S.C. 5633(a)(9)) is amended—

14 (1) in subparagraph (R), by striking “and” at
15 the end;

16 (2) in subparagraph (S), by striking the period
17 at the end and inserting “; and”; and

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

19 “(T) developing and adopting policies to
20 prohibit disparate treatment of female juveniles
21 in placement and treatment, and establishing
22 gender-specific services to ensure that female
23 juveniles have access to the full range of health
24 and mental health services, treatment for phys-
25 ical or sexual assault and abuse, education in

1 parenting, education in general, and other
2 training and vocational services.”.

3 **SEC. 306. SAFE HAVENS.**

4 Section 1301 of the Victims of Trafficking and Vio-
5 lence Protection Act of 2000 (42 U.S.C. 10420) is
6 amended—

7 (1) by striking the section heading and insert-
8 ing the following:

9 **“SEC. 10402. SAFE HAVENS FOR CHILDREN.”;**

10 (2) in subsection (a)—

11 (A) by inserting “, through the Director of
12 the Office on Violence Against Women,” after
13 “Attorney General”;

14 (B) by inserting “dating violence,” after
15 “domestic violence,”;

16 (C) by striking “to provide” and inserting
17 the following:

18 “(1) to provide”;

19 (D) by striking the period at the end and
20 inserting a semicolon; and

21 (E) by adding at the end the following:

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

1 “(3) to protect parents or caretakers who are
2 victims of domestic and dating violence from experi-
3 encing further violence, abuse, and threats during
4 child visitation exchanges; and

5 “(4) to protect children from the trauma of ex-
6 periencing sexual assault or other forms of physical
7 assault or abuse during parent and child visitation
8 and visitation exchanges.”; and

9 (3) by striking subsection (e) and inserting the
10 following:

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this section, \$20,000,000
14 for each of fiscal years 2006 through 2010. Funds
15 appropriated under this section shall remain avail-
16 able until expended.

17 “(2) USE OF FUNDS.—Of the amounts appro-
18 priated to carry out this section for each fiscal year,
19 the Attorney General shall—

20 “(A) set aside not less than 7 percent for
21 grants to Indian tribal governments or tribal
22 organizations;

23 “(B) use not more than 3 percent for eval-
24 uation, monitoring, site visits, grantee con-
25 ferences, and other administrative costs associ-

1 ated with conducting activities under this sec-
2 tion; and

3 “(C) set aside not more than 8 percent for
4 technical assistance and training to be provided
5 by organizations having nationally recognized
6 expertise in the design of safe and secure super-
7 vised visitation programs and visitation ex-
8 change of children in situations involving do-
9 mestic violence, dating violence, sexual assault,
10 or stalking.”.

11 **TITLE IV—STRENGTHENING**
12 **AMERICA’S FAMILIES BY PRE-**
13 **VENTING VIOLENCE**

14 **SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND**
15 **CHILDREN.**

16 The Violence Against Women Act of 1994 (108 Stat.
17 1902 et seq.) is amended by adding at the end the fol-
18 lowing:

19 **“Subtitle M—Strengthening Amer-**
20 **ica’s Families by Preventing Vi-**
21 **olence Against Women and Chil-**
22 **dren**

23 **“SEC. 41301. FINDINGS.**

24 “Congress finds that—

1 “(1) the former United States Advisory Board
2 on Child Abuse suggests that domestic violence may
3 be the single major precursor to child abuse and ne-
4 glect fatalities in this country;

5 “(2) studies suggest that as many as
6 10,000,000 children witness domestic violence every
7 year;

8 “(3) studies suggest that among children and
9 teenagers, recent exposure to violence in the home
10 was a significant factor in predicting a child’s violent
11 behavior;

12 “(4) a study by the Nurse-Family Partnership
13 found that children whose parents did not partici-
14 pate in home visitation programs that provided
15 coaching in parenting skills, advice and support,
16 were almost 5 times more likely to be abused in
17 their first 2 years of life;

18 “(5) a child’s exposure to domestic violence
19 seems to pose the greatest independent risk for
20 being the victim of any act of partner violence as an
21 adult;

22 “(6) children exposed to domestic violence are
23 more likely to believe that using violence is an effec-
24 tive means of getting one’s needs met and managing
25 conflict in close relationships;

1 “(7) children exposed to abusive parenting,
2 harsh or erratic discipline, or domestic violence are
3 at increased risk for juvenile crime; and

4 “(8) in a national survey of more than 6,000
5 American families, 50 percent of men who frequently
6 assaulted their wives also frequently abused their
7 children.

8 **“SEC. 41302. PURPOSE.**

9 “The purpose of this subtitle is to—

10 “(1) prevent crimes involving violence against
11 women, children, and youth;

12 “(2) increase the resources and services avail-
13 able to prevent violence against women, children,
14 and youth;

15 “(3) reduce the impact of exposure to violence
16 in the lives of children and youth so that the
17 intergenerational cycle of violence is interrupted;

18 “(4) develop and implement education and serv-
19 ices programs to prevent children in vulnerable fami-
20 lies from becoming victims or perpetrators of domes-
21 tic violence, dating violence, sexual assault, or stalk-
22 ing;

23 “(5) promote programs to ensure that children
24 and youth receive the assistance they need to end

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

3 “(6) encourage collaboration among community-
4 based organizations and governmental agencies serv-
5 ing children and youth, providers of health and men-
6 tal health services and providers of domestic vio-
7 lence, dating violence, sexual assault, and stalking
8 victim services to prevent violence against women
9 and children.

10 **“SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EX-**
11 **POSED TO VIOLENCE.**

12 “(a) GRANTS AUTHORIZED.—

13 “(1) IN GENERAL.—The Attorney General, act-
14 ing through the Director of the Office on Violence
15 Against Women, and in collaboration with the De-
16 partment of Health and Human Services, is author-
17 ized to award grants on a competitive basis to eligi-
18 ble entities for the purpose of mitigating the effects
19 of domestic violence, dating violence, sexual assault,
20 and stalking on children exposed to such violence,
21 and reducing the risk of future victimization or per-
22 petration of domestic violence, dating violence, sex-
23 ual assault, and stalking.

24 “(2) TERM.—The Director shall make grants
25 under this section for a period of 2 fiscal years.

1 “(3) AWARD BASIS.—The Director shall award
2 grants—

3 “(A) considering the needs of underserved
4 populations;

5 “(B) awarding not less than 10 percent of
6 such amounts to Indian tribes for the funding
7 of tribal projects from the amounts made avail-
8 able under this section for a fiscal year;

9 “(C) awarding up to 8 percent for the
10 funding of technical assistance programs from
11 the amounts made available under this section
12 for a fiscal year; and

13 “(D) awarding not less than 66 percent to
14 programs described in subsection (e)(1) from
15 the amounts made available under this section
16 for a fiscal year.

17 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$20,000,000 for each of fiscal years 2006 through 2010.

20 “(c) USE OF FUNDS.—The funds appropriated under
21 this section shall be used for—

22 “(1) programs that provide services for children
23 exposed to domestic violence, dating violence, sexual
24 assault, or stalking, which may include direct coun-
25 seling, advocacy, or mentoring, and must include

1 support for the nonabusing parent or the child’s
2 caretaker; or

3 “(2) training, coordination, and advocacy for
4 programs that serve children and youth (such as
5 Head Start, child care, and after-school programs)
6 on how to safely and confidentially identify children
7 and families experiencing domestic violence and
8 properly refer them to programs that can provide di-
9 rect services to the family and children, and coordi-
10 nation with other domestic violence or other pro-
11 grams serving children exposed to domestic violence,
12 dating violence, sexual assault, or stalking that can
13 provide the training and direct services referenced in
14 this subsection.

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

17 “(1) a victim service provider, tribal nonprofit
18 organization or community-based organization that
19 has a documented history of effective work con-
20 cerning children or youth exposed to domestic vio-
21 lence, dating violence, sexual assault, or stalking, in-
22 cluding programs that provide culturally specific
23 services, Head Start, childcare, faith-based organiza-
24 tions, after school programs, and health and mental
25 health providers; or

1 “(2) a State, territorial, or tribal, or local unit
2 of government agency that is partnered with an or-
3 ganization described in paragraph (1).

4 “(e) GRANTEE REQUIREMENTS.—Under this section,
5 an entity shall—

6 “(1) prepare and submit to the Director an ap-
7 plication at such time, in such manner, and con-
8 taining such information as the Director may re-
9 quire; and

10 “(2) at a minimum, describe in the application
11 the policies and procedures that the entity has or
12 will adopt to—

13 “(A) enhance or ensure the safety and se-
14 curity of children who have been or are being
15 exposed to violence and their nonabusing par-
16 ent, enhance or ensure the safety and security
17 of children and their nonabusing parent in
18 homes already experiencing domestic violence,
19 dating violence, sexual assault, or stalking; and

20 “(B) ensure linguistically, culturally, and
21 community relevant services for racial and eth-
22 nic, and other underserved communities.

1 **“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT**
2 **PROGRAMS FOR HOME VISITATION**
3 **PROJECTS.**

4 “(a) GRANTS AUTHORIZED.—

5 “(1) IN GENERAL.—The Attorney General, act-
6 ing through the Director of the Office on Violence
7 Against Women, and in collaboration with the De-
8 partment of Health and Human Services, shall
9 award grants on a competitive basis to home visita-
10 tion programs, in collaboration with victim service
11 providers, for the purposes of developing and imple-
12 menting model policies and procedures to train home
13 visitation service providers on addressing domestic
14 violence, dating violence, sexual assault, and stalking
15 in families experiencing violence, or at risk of vio-
16 lence, to reduce the impact of that violence on chil-
17 dren, maintain safety, improve parenting skills, and
18 break intergenerational cycles of violence.

19 “(2) TERM.—The Director shall make the
20 grants under this section for a period of 2 fiscal
21 years.

22 “(3) AWARD BASIS.—The Director shall—

23 “(A) consider the needs of underserved
24 populations;

25 “(B) award not less than 7 percent of such
26 amounts for the funding of tribal projects from

1 the amounts made available under this section
2 for a fiscal year; and

3 “(C) award up to 8 percent for the funding
4 of technical assistance programs from the
5 amounts made available under this section for
6 a fiscal year.

7 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$7,000,000 for each of fiscal years 2006 through 2010.

10 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
11 a grant under this section, an entity shall be a national,
12 Federal, State, local, territorial, or tribal—

13 “(1) home visitation program that provides
14 services to pregnant women and to young children
15 and their parent or primary caregiver that are pro-
16 vided in the permanent or temporary residence or in
17 other familiar surroundings of the individual or fam-
18 ily receiving such services; or

19 “(2) victim services organization or agency in
20 collaboration with an organization or organizations
21 listed in paragraph (1).

22 “(d) GRANTEE REQUIREMENTS.—Under this section,
23 an entity shall—

24 “(1) prepare and submit to the Director an ap-
25 plication at such time, in such manner, and con-

1 taining such information as the Director may re-
2 quire; and

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

5 “(A) enhance or ensure the safety and se-
6 curity of children and their nonabusing parent
7 in homes already experiencing domestic vio-
8 lence, dating violence, sexual assault, or stalk-
9 ing;

10 “(B) ensure linguistically, culturally, and
11 community relevant services for racial and eth-
12 nic and other underserved communities;

13 “(C) ensure the adequate training by do-
14 mestic violence, dating violence, sexual assault
15 or stalking victim service providers of home visi-
16 tation grantee program staff to—

17 “(i) safely screen for and/or recognize
18 domestic violence, dating violence, sexual
19 assault, and stalking;

20 “(ii) understand the impact of domes-
21 tic violence or sexual assault on children
22 and protective actions taken by a non-
23 abusing parent or caretaker in response to
24 violence against anyone in the household;
25 and

1 “(iii) link new parents with existing
2 community resources in communities where
3 resources exist; and

4 “(D) ensure that relevant State and local
5 domestic violence, dating violence, sexual as-
6 sault, and stalking victim service providers and
7 coalitions are aware of the efforts of organiza-
8 tions receiving grants under this section, and
9 are included as training partners, where pos-
10 sible.

11 **“SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING**
12 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
13 **SEXUAL ASSAULT, AND STALKING.**

14 “(a) GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—The Attorney General, act-
16 ing through the Director of the Office on Violence
17 Against Women, and in collaboration with the De-
18 partment of Health and Human Services, shall
19 award grants on a competitive basis to eligible enti-
20 ties for the purpose of developing or enhancing pro-
21 grams related to engaging men and youth in pre-
22 venting domestic violence, dating violence, sexual as-
23 sault, and stalking by helping them to develop mutu-
24 ally respectful, nonviolent relationships.

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

3 “(3) AWARD BASIS.—The Director shall award
4 grants—

5 “(A) considering the needs of racial and
6 ethnic and other underserved populations;

7 “(B) awarding not less than 10 percent of
8 such amounts for the funding of Indian tribes
9 from the amounts made available under this
10 section for a fiscal year; and

11 “(C) awarding up to 8 percent for the
12 funding of technical assistance for grantees and
13 non-grantees working in this area from the
14 amounts made available under this section for
15 a fiscal year.

16 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$10,000,000 for each of fiscal years 2006 through 2010.

19 “(c) USE OF FUNDS.—

20 “(1) PROGRAMS.—The funds appropriated
21 under this section shall be used by eligible entities—

22 “(A) to develop or enhance community-
23 based programs, including gender-specific pro-
24 grams in accordance with applicable laws
25 that—

1 “(i) encourage children and youth to
2 pursue nonviolent relationships and reduce
3 their risk of becoming victims or perpetra-
4 tors of domestic violence, dating violence,
5 sexual assault, or stalking; and

6 “(ii) that include at a minimum—

7 “(I) information on domestic vio-
8 lence, dating violence, sexual assault,
9 stalking, or child sexual abuse and
10 how they affect children and youth;
11 and

12 “(II) strategies to help partici-
13 pants be as safe as possible; or

14 “(B) to create public education campaigns
15 and community organizing to encourage men
16 and boys to work as allies with women and girls
17 to prevent violence against women and girls
18 conducted by entities that have experience in
19 conducting public education campaigns that ad-
20 dress domestic violence, dating violence, sexual
21 assault, or stalking.

22 “(2) MEDIA LIMITS.—No more than 40 percent
23 of funds received by a grantee under this section
24 may be used to create and distribute media mate-
25 rials.

1 “(d) ELIGIBLE ENTITIES.—

2 “(1) RELATIONSHIPS.—Eligible entities under
3 subsection (c)(1)(A) are—

4 “(A) nonprofit, nongovernmental domestic
5 violence, dating violence, sexual assault, or
6 stalking victim service providers or coalitions;

7 “(B) community-based child or youth serv-
8 ices organizations with demonstrated experience
9 and expertise in addressing the needs and con-
10 cerns of young people;

11 “(C) a State, territorial, tribal, or unit of
12 local governmental entity that is partnered with
13 an organization described in subparagraph (A)
14 or (B); or

15 “(D) a program that provides culturally
16 specific services.

17 “(2) AWARENESS CAMPAIGN.—Eligible entities
18 under subsection (c)(1)(B) are—

19 “(A) nonprofit, nongovernmental organiza-
20 tions or coalitions that have a documented his-
21 tory of creating and administering effective
22 public education campaigns addressing the pre-
23 vention of domestic violence, dating violence,
24 sexual assault or stalking; or

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

4 “(e) GRANTEE REQUIREMENTS.—Under this section,
5 an entity shall—

6 “(1) prepare and submit to the Director an ap-
7 plication at such time, in such manner, and con-
8 taining such information as the Director may re-
9 quire; and

10 “(2) eligible entities pursuant to subsection
11 (c)(1)(A) shall describe in the application the poli-
12 cies and procedures that the entity has or will adopt
13 to—

14 “(A) enhance or ensure the safety and se-
15 curity of children and youth already experi-
16 encing domestic violence, dating violence, sexual
17 assault, or stalking in their lives;

18 “(B) ensure linguistically, culturally, and
19 community relevant services for racial and eth-
20 nic, and other underserved communities;

21 “(C) inform participants about laws, serv-
22 ices, and resources in the community, and make
23 referrals as appropriate; and

24 “(D) ensure that State and local domestic
25 violence, dating violence, sexual assault, and

1 stalking victim service providers and coalitions
2 are aware of the efforts of organizations receiv-
3 ing grants under this section.”.

4 **SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DIS-**
5 **EASE CONTROL AND PREVENTION.**

6 (a) **PURPOSES.**—The Secretary of Health and
7 Human Services acting through the National Center for
8 Injury Prevention and Control at the Centers for Disease
9 Control Prevention shall make grants to entities, including
10 domestic and sexual assault coalitions and programs, re-
11 search organizations, tribal organizations, and academic
12 institutions to support research to examine prevention and
13 intervention programs to further the understanding of sex-
14 ual and domestic violence by and against adults, youth,
15 and children.

16 (b) **USE OF FUNDS.**—The research conducted under
17 this section shall include evaluation and study of best
18 practices for reducing and preventing violence against
19 women and children addressed by the strategies included
20 in Department of Health and Human Services-related pro-
21 visions this title, including strategies addressing racial,
22 ethnic, and other underserved communities.

23 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
24 shall be authorized to be appropriated to carry out this

1 title \$2,000,000 for each of the fiscal years 2006 through
2 2010.

3 **TITLE V—STRENGTHENING THE**
4 **HEALTHCARE SYSTEM’S RE-**
5 **SPONSE TO DOMESTIC VIO-**
6 **LENCE, DATING VIOLENCE,**
7 **SEXUAL ASSAULT, AND**
8 **STALKING**

9 **SEC. 501. FINDINGS.**

10 Congress makes the following findings:

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

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

18 (3) In addition to injuries sustained during vio-
19 lent episodes, physical and psychological abuse is
20 linked to a number of adverse physical and mental
21 health effects. Women who have been abused are
22 much more likely to suffer from chronic pain, diabe-
23 tes, depression, unintended pregnancies, substance
24 abuse and sexually transmitted infections, including
25 HIV/AIDS.

1 (4) Health plans spend an average of \$1,775
2 more a year on abused women than on general en-
3 rollees.

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

9 (6) Pregnant and recently pregnant women are
10 more likely to be victims of homicide than to die of
11 any other pregnancy-related cause, and evidence ex-
12 ists that a significant proportion of all female homi-
13 cide victims are killed by their intimate partners.

14 (7) Children who witness domestic violence are
15 more likely to exhibit behavioral and physical health
16 problems including depression, anxiety, and violence
17 towards peers. They are also more likely to attempt
18 suicide, abuse drugs and alcohol, run away from
19 home, engage in teenage prostitution, and commit
20 sexual assault crimes.

21 (8) Recent research suggests that women experi-
22 encing domestic violence significantly increase their
23 safety-promoting behaviors over the short- and long-
24 term when health care providers screen for, identify,

1 and provide followup care and information to ad-
2 dress the violence.

3 (9) Currently, only about 10 percent of primary
4 care physicians routinely screen for intimate partner
5 abuse during new patient visits and 9 percent rou-
6 tinely screen for intimate partner abuse during peri-
7 odic checkups.

8 (10) Recent clinical studies have proven the ef-
9 fectiveness of a 2-minute screening for early detec-
10 tion of abuse of pregnant women. Additional longitu-
11 dinal studies have tested a 10-minute intervention
12 that was proven highly effective in increasing the
13 safety of pregnant abused women. Comparable re-
14 search does not yet exist to support the effectiveness
15 of screening men.

16 (11) Seventy to 81 percent of the patients stud-
17 ied reported that they would like their healthcare
18 providers to ask them privately about intimate part-
19 ner violence.

20 **SEC. 502. PURPOSE.**

21 It is the purpose of this title to improve the health
22 care system's response to domestic violence, dating vio-
23 lence, sexual assault, and stalking through the training
24 and education of health care providers, developing com-
25 prehensive public health responses to violence against

1 women and children, increasing the number of women
 2 properly screened, identified, and treated for lifetime expo-
 3 sure to violence, and expanding research on effective inter-
 4 ventions in the health care setting.

5 **SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFES-**
 6 **SIONALS IN DOMESTIC AND SEXUAL VIO-**
 7 **LENCE.**

8 Part D of title VII of the Public Health Service Act
 9 (42 U.S.C. 294 et seq.) is amended by adding at the end
 10 the following:

11 **“SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION**
 12 **ON DOMESTIC VIOLENCE AND OTHER TYPES**
 13 **OF VIOLENCE AND ABUSE.**

14 “(a) GRANTS.—The Secretary, acting through the
 15 Director of the Health Resources and Services Adminis-
 16 tration, shall award grants under this section to develop
 17 interdisciplinary training and education programs that
 18 provide undergraduate, graduate, post-graduate medical,
 19 nursing (including advanced practice nursing students),
 20 and other health professions students with an under-
 21 standing of, and clinical skills pertinent to, domestic vio-
 22 lence, sexual assault, stalking, and dating violence.

23 “(b) ELIGIBILITY.—To be eligible to receive a grant
 24 under this section an entity shall—

1 “(1) be an accredited school of allopathic or os-
2 teopathic medicine;

3 “(2) prepare and submit to the Secretary an
4 application at such time, in such manner, and con-
5 taining such information as the Secretary may re-
6 quire, including—

7 “(A) information to demonstrate that the
8 applicant includes the meaningful participation
9 of a school of nursing and at least one other
10 school of health professions or graduate pro-
11 gram in public health, dentistry, social work,
12 midwifery, or behavioral and mental health;

13 “(B) strategies for the dissemination and
14 sharing of curricula and other educational ma-
15 terials developed under the grant to other inter-
16 ested medical and nursing schools and national
17 resource repositories for materials on domestic
18 violence and sexual assault; and

19 “(C) a plan for consulting with, and com-
20 pensating community-based coalitions or indi-
21 viduals who have experience and expertise in
22 issues related to domestic violence, sexual as-
23 sault, dating violence, and stalking for services
24 provided under the program carried out under
25 the grant.

1 “(c) USE OF FUNDS.—

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

4 “(A) fund interdisciplinary training and
5 education projects that are designed to train
6 medical, nursing, and other health professions
7 students and residents to identify and provide
8 health care services (including mental or behav-
9 orial health care services and referrals to appro-
10 priate community services) to individuals who
11 are or who have experienced domestic violence,
12 sexual assault, and stalking or dating violence;
13 and

14 “(B) plan and develop culturally competent
15 clinical components for integration into ap-
16 proved residency training programs that ad-
17 dress health issues related to domestic violence,
18 sexual assault, dating violence, and stalking,
19 along with other forms of violence as appro-
20 priate, and include the primacy of victim safety
21 and confidentiality.

22 “(2) PERMISSIVE USES.—Amounts provided
23 under a grant under this section may be used to—

24 “(A) offer community-based training op-
25 portunities in rural areas for medical, nursing,

1 and other students and residents on domestic
2 violence, sexual assault, stalking, and dating vi-
3 olence, and other forms of violence and abuse,
4 which may include the use of distance learning
5 networks and other available technologies need-
6 ed to reach isolated rural areas; or

7 “(B) provide stipends to students from ra-
8 cial and ethnic population groups who are
9 underrepresented in the health professions as
10 necessary to promote and enable their partici-
11 pation in clerkships, preceptorships, or other
12 offsite training experiences that are designed to
13 develop health care clinical skills related to do-
14 mestic violence, sexual assault, dating violence,
15 and stalking.

16 “(3) REQUIREMENTS.—

17 “(A) CONFIDENTIALITY AND SAFETY.—
18 Grantees under this section shall ensure that all
19 educational programs developed with grant
20 funds address issues of confidentiality and pa-
21 tient safety, and that faculty and staff associ-
22 ated with delivering educational components are
23 fully trained in procedures that will protect the
24 immediate and ongoing security of the patients,
25 patient records, and staff. Advocacy-based coali-

1 tions or other expertise available in the commu-
2 nity shall be consulted on the development and
3 adequacy of confidentiality and security proce-
4 dures, and shall be fairly compensated by
5 grantees for their services.

6 “(B) RURAL PROGRAMS.—Rural training
7 programs carried out under paragraph (2)(A)
8 shall reflect adjustments in protocols and proce-
9 dures or referrals that may be needed to protect
10 the confidentiality and safety of patients who
11 live in small or isolated communities and who
12 are currently or have previously experienced vio-
13 lence or abuse.

14 “(4) CHILD AND ELDER ABUSE.—Issues related
15 to child and elder abuse may be addressed as part
16 of a comprehensive programmatic approach imple-
17 mented under a grant under this section.

18 “(d) REQUIREMENTS OF GRANTEES.—

19 “(1) LIMITATION ON ADMINISTRATIVE EX-
20 PENSES.—A grantee shall not use more than 10 per-
21 cent of the amounts received under a grant under
22 this section for administrative expenses.

23 “(2) CONTRIBUTION OF FUNDS.—A grantee
24 under this section, and any entity receiving assist-
25 ance under the grant for training and education,

1 shall contribute non-Federal funds, either directly or
 2 through in-kind contributions, to the costs of the ac-
 3 tivities to be funded under the grant in an amount
 4 that is not less than 25 percent of the total cost of
 5 such activities.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 7 is authorized to be appropriated to carry out this section,
 8 \$3,000,000 for each of fiscal years 2006 through 2010.
 9 Amounts appropriated under this subsection shall remain
 10 available until expended.”.

11 **SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES**
 12 **TO DOMESTIC VIOLENCE, DATING VIOLENCE,**
 13 **SEXUAL ASSAULT, AND STALKING GRANTS.**

14 Part P of title III of the Public Health Service Act
 15 (42 U.S.C. 280g et seq.) is amended by adding at the end
 16 the following:

17 **“SEC. 3990. GRANTS TO FOSTER PUBLIC HEALTH RE-**
 18 **SPONSES TO DOMESTIC VIOLENCE, DATING**
 19 **VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

20 “(a) AUTHORITY TO AWARD GRANTS.—

21 “(1) IN GENERAL.—The Secretary, acting
 22 through the Director of the Centers for Disease
 23 Control and Prevention, shall award grants to eligi-
 24 ble State, tribal, territorial, or local entities to
 25 strengthen the response of State, tribal, territorial,

1 or local health care systems to domestic violence,
2 dating violence, sexual assault, and stalking.

3 “(2) ELIGIBLE ENTITIES.—To be eligible to re-
4 ceive a grant under this section, an entity shall—

5 “(A) be—

6 “(i) a State department (or other divi-
7 sion) of health, a State domestic or sexual
8 assault coalition or service-based program,
9 State law enforcement task force, or any
10 other nonprofit, nongovernmental, tribal,
11 territorial, or State entity with a history of
12 effective work in the fields of domestic vio-
13 lence, dating violence, sexual assault or
14 stalking, and health care; or

15 “(ii) a local, nonprofit domestic vio-
16 lence, dating violence, sexual assault, or
17 stalking service-based program, a local de-
18 partment (or other division) of health, a
19 local health clinic, hospital, or health sys-
20 tem, or any other nonprofit, tribal, or local
21 entity with a history of effective work in
22 the field of domestic or sexual violence and
23 health;

24 “(B) prepare and submit to the Secretary
25 an application at such time, in such manner,

1 and containing such agreements, assurances,
2 and information as the Secretary determines to
3 be necessary to carry out the purposes for
4 which the grant is to be made; and

5 “(C) demonstrate that the entity is rep-
6 resenting a team of organizations and agencies
7 working collaboratively to strengthen the re-
8 sponse of the health care system involved to do-
9 mestic violence, dating violence, sexual assault,
10 or stalking and that such team includes domes-
11 tic violence, dating violence, sexual assault or
12 stalking and health care organizations.

13 “(3) DURATION.—A program conducted under
14 a grant awarded under this section shall not exceed
15 2 years.

16 “(b) USE OF FUNDS.—

17 “(1) IN GENERAL.—An entity shall use
18 amounts received under a grant under this section to
19 design and implement comprehensive strategies to
20 improve the response of the health care system in-
21 volved to domestic or sexual violence in clinical and
22 public health settings, hospitals, clinics, managed
23 care settings (including behavioral and mental
24 health), and other health settings.

1 “(2) MANDATORY STRATEGIES.—Strategies im-
2 plemented under paragraph (1) shall include the fol-
3 lowing:

4 “(A) The implementation, dissemination,
5 and evaluation of policies and procedures to
6 guide health care professionals and behavioral
7 and public health staff in responding to domes-
8 tic violence, dating violence, sexual assault, and
9 stalking, including strategies to ensure that
10 health information is maintained in a manner
11 that protects the patient’s privacy and safety
12 and prohibits insurance discrimination.

13 “(B) The development of on-site access to
14 services to address the safety, medical, mental
15 health, and economic needs of patients either by
16 increasing the capacity of existing health care
17 professionals and behavioral and public health
18 staff to address domestic violence, dating vio-
19 lence, sexual assault, and stalking, by con-
20 tracting with or hiring domestic or sexual as-
21 sault advocates to provide the services, or to
22 model other services appropriate to the geo-
23 graphic and cultural needs of a site.

24 “(C) The evaluation of practice and the in-
25 stitutionalization of identification, intervention,

1 and documentation including quality improve-
2 ment measurements.

3 “(D) The provision of training and fol-
4 lowup technical assistance to health care profes-
5 sionals, behavioral and public health staff, and
6 allied health professionals to identify, assess,
7 treat, and refer clients who are victims of do-
8 mestic violence, dating violence, sexual violence,
9 or stalking.

10 “(3) PERMISSIVE STRATEGIES.—Strategies im-
11 plemented under paragraph (1) may include the fol-
12 lowing:

13 “(A) Where appropriate, the development
14 of training modules and policies that address
15 the overlap of child abuse, domestic violence,
16 dating violence, sexual assault, and stalking and
17 elder abuse as well as childhood exposure to do-
18 mestic violence.

19 “(B) The creation, adaptation, and imple-
20 mentation of public education campaigns for
21 patients concerning domestic violence, dating vi-
22 olence, sexual assault, and stalking prevention.

23 “(C) The development, adaptation, and
24 dissemination of domestic violence, dating vio-
25 lence, sexual assault, and stalking education

1 materials to patients and health care profes-
2 sionals and behavioral and public health staff.

3 “(D) The promotion of the inclusion of do-
4 mestic violence, dating violence, sexual assault,
5 and stalking into health professional training
6 schools, including medical, dental, nursing
7 school, social work, and mental health cur-
8 riculum.

9 “(E) The integration of domestic violence,
10 dating violence, sexual assault, and stalking
11 into health care accreditation and professional
12 licensing examinations, such as medical, dental,
13 social work, and nursing boards.

14 “(c) ALLOCATION OF FUNDS.—Funds appropriated
15 under this section shall be distributed equally between
16 State and local programs.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to award grants under
19 this section, \$5,000,000 for each of fiscal years 2006
20 through 2010.”.

21 **SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN**
22 **THE HEALTHCARE SETTING.**

23 Subtitle B of the Violence Against Women Act of
24 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as
25 amended by the Violence Against Women Act of 2000

1 (114 Stat. 1491 et seq.), and as amended by this Act,
 2 is further amended by adding at the end the following:

3 **“CHAPTER 11—RESEARCH ON EFFECTIVE**
 4 **INTERVENTIONS TO ADDRESS VIO-**
 5 **LENCE AGAINST WOMEN**

6 **“SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN**
 7 **THE HEALTH CARE SETTING.**

8 “(a) PURPOSE.—The Secretary, acting through the
 9 Director of the Centers for Disease Control and Preven-
 10 tion and the Director of the Agency for Healthcare Re-
 11 search and Quality, shall award grants and contracts to
 12 fund research on effective interventions in the health care
 13 setting that prevent domestic violence, dating violence, and
 14 sexual assault across the lifespan and that prevent the
 15 health effects of such violence and improve the safety and
 16 health of individuals who are currently being victimized.

17 “(b) USE OF FUNDS.—Research conducted with
 18 amounts received under a grant or contract under this sec-
 19 tion shall include the following:

20 “(1) With respect to the authority of the Cen-
 21 ters for Disease Control and Prevention—

22 “(A) research on the effects of domestic vi-
 23 olence, dating violence, sexual assault, and
 24 childhood exposure to domestic, dating, or sex-
 25 ual violence, on health behaviors, health condi-

1 tions, and the health status of individuals, fami-
2 lies, and populations; and

3 “(B) research and testing of best messages
4 and strategies to mobilize public and health
5 care provider action concerning the prevention
6 of domestic, dating, or sexual violence; and

7 “(2) With respect to the authority of the Agen-
8 cy for Healthcare Research and Quality—

9 “(A) research on the impact on the health
10 care system, health care utilization, health care
11 costs, and health status of domestic violence,
12 dating violence, and childhood exposure to do-
13 mestic and dating violence, sexual violence and
14 stalking and childhood exposure; and

15 “(B) research on effective interventions
16 within primary care and emergency health care
17 settings and with health care settings that in-
18 clude clinical partnerships within community
19 domestic violence providers for adults and chil-
20 dren exposed to domestic or dating violence.

21 “(c) USE OF DATA.—Research funded under this sec-
22 tion shall be utilized by eligible entities under section
23 3990 of the Public Health Service Act.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out this section,
 3 \$5,000,000 for each of fiscal years 2006 through 2010.”.

4 **TITLE VI—HOUSING OPPORTU-**
 5 **NITIES AND SAFETY FOR BAT-**
 6 **TERED WOMEN AND CHIL-**
 7 **DREN**

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

11 The Violence Against Women Act of 1994 (42 U.S.C.
 12 13701 et seq.) is amended by adding at the end the fol-
 13 lowing:

14 **“Subtitle N—Addressing the Hous-**
 15 **ing Needs of Victims of Domes-**
 16 **tic Violence, Dating Violence,**
 17 **Sexual Assault, and Stalking**

18 **“SEC. 41401. FINDINGS.**

19 “Congress finds that:

20 “(1) There is a strong link between domestic vi-
 21 olence and homelessness. Among cities surveyed, 44
 22 percent identified domestic violence as a primary
 23 cause of homelessness.

24 “(2) 92 percent of homeless women have experi-
 25 enced severe physical or sexual abuse at some point

1 in their lives. Of all homeless women and children,
2 60 percent had been abused by age 12, and 63 per-
3 cent have been victims of intimate partner violence
4 as adults.

5 “(3) Women and families across the country
6 are being discriminated against, denied access to,
7 and even evicted from public and subsidized housing
8 because of their status as victims of domestic vio-
9 lence.

10 “(4) A recent survey of legal service providers
11 around the country found that these providers have
12 responded to almost 150 documented eviction cases
13 in the last year alone where the tenant was evicted
14 because of the domestic violence crimes committed
15 against her. In addition, nearly 100 clients were de-
16 nied housing because of their status as victims of
17 domestic violence.

18 “(5) Women who leave their abusers frequently
19 lack adequate emergency shelter options. The lack of
20 adequate emergency options for victims presents a
21 serious threat to their safety and the safety of their
22 children. Requests for emergency shelter by home-
23 less women with children increased by 78 percent of
24 United States cities surveyed in 2004. In the same
25 year, 32 percent of the requests for shelter by home-

1 less families went unmet due to the lack of available
2 emergency shelter beds.

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

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

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

15 “(9) Transitional housing resources and serv-
16 ices provide an essential continuum between emer-
17 gency shelter provision and independent living. A
18 majority of women in transitional housing programs
19 stated that had these programs not existed, they
20 would have likely gone back to abusive partners.

21 “(10) Because abusers frequently manipulate fi-
22 nances in an effort to control their partners, victims
23 often lack steady income, credit history, landlord ref-
24 erences, and a current address, all of which are nec-
25 essary to obtain long-term permanent housing.

1 “(11) Victims of domestic violence in rural
2 areas face additional barriers, challenges, and
3 unique circumstances, such as geographical isolation,
4 poverty, lack of public transportation systems, short-
5 ages of health care providers, under-insurance or
6 lack of health insurance, difficulty ensuring con-
7 fidentiality in small communities, and decreased ac-
8 cess to many resources (such as advanced education,
9 job opportunities, and adequate childcare).

10 “(12) Congress and the Secretary of Housing
11 and Urban Development have recognized in recent
12 years that families experiencing domestic violence
13 have unique needs that should be addressed by those
14 administering the Federal housing programs.

15 **“SEC. 41402. PURPOSE.**

16 “The purpose of this subtitle is to reduce domestic
17 violence, dating violence, sexual assault, and stalking, and
18 to prevent homelessness by—

19 “(1) protecting the safety of victims of domestic
20 violence, dating violence, sexual assault, and stalking
21 who reside in homeless shelters, public housing, as-
22 sisted housing, Indian housing, or other emergency,
23 transitional, permanent, or affordable housing, and
24 ensuring that such victims have meaningful access to

1 the criminal justice system without jeopardizing such
2 housing;

3 “(2) creating long-term housing solutions that
4 develop communities and provide sustainable living
5 solutions for victims of domestic violence, dating vio-
6 lence, sexual assault, and stalking;

7 “(3) building collaborations among victim serv-
8 ice providers, homeless service providers, housing
9 providers, and housing agencies to provide appro-
10 priate services, interventions, and training to ad-
11 dress the housing needs of victims of domestic vio-
12 lence, dating violence, sexual assault, and stalking;
13 and

14 “(4) enabling public and assisted housing agen-
15 cies, tribally designated housing entities, private
16 landlords, property management companies, and
17 other housing providers and agencies to respond ap-
18 propriately to domestic violence, dating violence, sex-
19 ual assault, and stalking, while maintaining a safe
20 environment for all housing residents.

21 **“SEC. 41403. DEFINITIONS.**

22 “For purposes of this subtitle—

23 “(1) the term ‘assisted housing’ means housing
24 assisted—

1 “(A) under sections 213, 220, 221(d)(3),
2 221(d)(4), 223(e), 231, or 236 of the National
3 Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or
4 1715z-1);

5 “(B) under section 101 of the Housing
6 and Urban Development Act of 1965 (12
7 U.S.C. 1701s);

8 “(C) under section 202 of the Housing Act
9 of 1959 (12 U.S.C. 1701q);

10 “(D) under section 811 of the Cranston-
11 Gonzales National Affordable Housing Act (42
12 U.S.C. 8013);

13 “(E) under title II of the Cranston-
14 Gonzales National Affordable Housing Act (42
15 U.S.C. 12701 et seq.);

16 “(F) under subtitle D of title VIII of the
17 Cranston-Gonzalez National Affordable Hous-
18 ing Act (42 U.S.C. 12901 et seq.);

19 “(G) under title I of the Housing and
20 Community Development Act of 1974 (42
21 U.S.C. 5301 et seq.); or

22 “(H) under section 8 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437f);

24 “(2) the term ‘continuum of care’ means a com-
25 munity plan developed to organize and deliver hous-

1 ing and services to meet the specific needs of people
2 who are homeless as they move to stable housing
3 and achieve maximum self-sufficiency;

4 “(3) the term ‘Indian housing’ means housing
5 assistance described in the Native American Hous-
6 ing Assistance and Self-Determination Act of 1996
7 (25 U.S.C. 4101 et seq.);

8 “(4) the term ‘low-income housing assistance
9 voucher’ means housing assistance described in sec-
10 tion 8 of the United States Housing Act of 1937 (42
11 U.S.C. 1437f);

12 “(5) the term ‘public housing’ means housing
13 described in section 3(b)(1) of the United States
14 Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

15 “(6) the term ‘public housing agency’ means an
16 agency described in section 3(b)(6) of the United
17 States Housing Act of 1937 (42 U.S.C.
18 1437a(b)(6));

19 “(7) the terms ‘homeless’, ‘homeless individual’,
20 and ‘homeless person’—

21 “(A) mean an individual who lacks a fixed,
22 regular, and adequate nighttime residence; and

23 “(B) includes—

24 “(i) an individual who—

1 “(I) is sharing the housing of
2 other persons due to loss of housing,
3 economic hardship, or a similar rea-
4 son;

5 “(II) is living in a motel, hotel,
6 trailer park, or campground due to
7 the lack of alternative adequate ac-
8 commodations;

9 “(III) is living in an emergency
10 or transitional shelter;

11 “(IV) is abandoned in a hospital;
12 or

13 “(V) is awaiting foster care
14 placement;

15 “(ii) an individual who has a primary
16 nighttime residence that is a public or pri-
17 vate place not designed for or ordinarily
18 used as a regular sleeping accommodation
19 for human beings; or

20 “(iii) migratory children (as defined in
21 section 1309 of the Elementary and Sec-
22 ondary Education Act of 1965; 20 U.S.C.
23 6399) who qualify as homeless under this
24 section because the children are living in

1 circumstances described in this paragraph;

2 and

3 “(8) the term ‘homeless service provider’ means
4 a nonprofit, nongovernmental homeless service pro-
5 vider, such as a homeless shelter, a homeless service
6 or advocacy program, a tribal organization serving
7 homeless individuals, or coalition or other nonprofit,
8 nongovernmental organization carrying out a com-
9 munity-based homeless or housing program that has
10 a documented history of effective work concerning
11 homelessness.

12 **“SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-**
13 **TERM HOUSING FOR VICTIMS.**

14 “(a) GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—The Secretary of Health
16 and Human Services, acting through the Adminis-
17 tration of Children and Families, in consultation
18 with the Secretary of Housing and Urban Develop-
19 ment, shall award grants, contracts, or cooperative
20 agreements for a period of not less than 2 years to
21 eligible entities to develop long-term housing options
22 for adult and youth victims of domestic violence,
23 dating violence, sexual assault, and stalking who are
24 currently homeless or at risk for becoming homeless.

1 “(2) AMOUNT.—The Secretary of Health and
2 Human Services shall award funds in amounts—

3 “(A) not less than \$25,000 per year; and

4 “(B) not more than \$1,000,000 per year.

5 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
6 funds under this section, an entity shall demonstrate that
7 it is a coalition or partnership, applying jointly, that—

8 “(1) shall include a domestic violence victim
9 service provider;

10 “(2) shall include—

11 “(A) a homeless service provider;

12 “(B) a nonprofit, nongovernmental com-
13 munity housing development organization or a
14 Department of Agriculture rural housing service
15 program; or

16 “(C) in the absence of a homeless service
17 provider on tribal lands or nonprofit, non-
18 governmental community housing development
19 organization on tribal lands, a tribally des-
20 ignated housing entity or tribal housing consor-
21 tium;

22 “(3) may include a dating violence, sexual as-
23 sault, or stalking victim service provider;

24 “(4) may include housing developers, housing
25 corporations, State housing finance agencies, other

1 housing agencies, and associations representing
2 landlords;

3 “(5) may include a public housing agency or
4 tribally designated housing entity;

5 “(6) may include tenant organizations in public
6 or tribally designated housing, as well as nonprofit,
7 nongovernmental tenant organizations;

8 “(7) may include other nonprofit, nongovern-
9 mental organizations participating in the Depart-
10 ment of Housing and Urban Development’s Con-
11 tinuum of Care process;

12 “(8) may include a State, tribal, territorial, or
13 local government or government agency; and

14 “(9) may include any other agencies or non-
15 profit, nongovernmental organizations with the ca-
16 pacity to provide effective help to adult and youth
17 victims of domestic violence, dating violence, sexual
18 assault, or stalking.

19 “(c) APPLICATION.—Each eligible entity seeking
20 funds under this section shall submit an application to the
21 Secretary of Health and Human Services at such time,
22 in such manner, and containing such information as the
23 Secretary of Health and Human Services may require.

24 “(d) USE OF FUNDS.—

1 “(1) IN GENERAL.—Funds awarded to eligible
2 entities under subsection (a) shall be used to design
3 or replicate and implement new activities, services,
4 and programs to develop long-term housing options
5 for adult and youth victims of domestic violence,
6 dating violence, sexual assault, or stalking, and their
7 dependents, who are currently homeless or at risk of
8 becoming homeless.

9 “(2) ACTIVITIES, SERVICES, PROGRAMS.—Such
10 activities, services, or programs described in para-
11 graph (1)—

12 “(A) shall participate in the Department of
13 Housing and Urban Development’s Continuum
14 of Care process, unless such a process does not
15 exist in the community to be served;

16 “(B) shall develop sustainable long-term
17 housing in the community by—

18 “(i) coordinating efforts and resources
19 among the various groups and organiza-
20 tions comprised in the entity to access ex-
21 isting private and public funding;

22 “(ii) assisting with the placement of
23 individuals and families in long-term hous-
24 ing; and

1 “(iii) providing services to help indi-
2 viduals or families find and maintain long-
3 term housing, including financial assist-
4 ance and support services;

5 “(3) may develop partnerships with individuals,
6 organizations, corporations, or other entities that
7 provide capital costs for the purchase,
8 preconstruction, construction, renovation, repair, or
9 conversion of affordable housing units;

10 “(4) may use funds for the administrative ex-
11 penses related to the continuing operation, upkeep,
12 maintenance, and use of housing described in para-
13 graph (3); and

14 “(5) may provide to the community information
15 about housing and housing programs, and the proc-
16 ess to locate and obtain long-term housing.

17 “(e) LIMITATION.—Funds provided under paragraph
18 (a) shall not be used for construction, modernization or
19 renovation.

20 “(f) UNDERSERVED POPULATIONS AND PRIOR-
21 ITIES.—In awarding grants under this section, the Sec-
22 retary of Health and Human Services shall—

23 “(1) give priority to linguistically and culturally
24 specific services;

1 “(2) give priority to applications from entities
2 that include a sexual assault service provider as de-
3 scribed in subsection (b)(3); and

4 “(3) award a minimum of 15 percent of the
5 funds appropriated under this section in any fiscal
6 year to tribal organizations.

7 “(g) DEFINITIONS.—For purposes of this section:

8 “(1) AFFORDABLE HOUSING.—The term ‘af-
9 fordable housing’ means housing that complies with
10 the conditions set forth in section 215 of the Cran-
11 ston-Gonzalez National Affordable Housing Act (42
12 U.S.C. 12745).

13 “(2) LONG-TERM HOUSING.—The term ‘long-
14 term housing’ means housing that is sustainable, ac-
15 cessible, affordable, and safe for the foreseeable fu-
16 ture and is—

17 “(A) rented or owned by the individual;

18 “(B) subsidized by a voucher or other pro-
19 gram which is not time-limited and is available
20 for as long as the individual meets the eligibility
21 requirements for the voucher or program; or

22 “(C) provided directly by a program, agen-
23 cy, or organization and is not time-limited and
24 is available for as long as the individual meets

1 the eligibility requirements for the program,
2 agency, or organization.

3 “(h) EVALUATION, MONITORING, ADMINISTRATION,
4 AND TECHNICAL ASSISTANCE.—For purposes of this
5 section—

6 “(1) up to 5 percent of the funds appropriated
7 under subsection (i) for each fiscal year may be used
8 by the Secretary of Health and Human Services for
9 evaluation, monitoring, and administration costs
10 under this section; and

11 “(2) up to 8 percent of the funds appropriated
12 under subsection (i) for each fiscal year may be used
13 to provide technical assistance to grantees under this
14 section.

15 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$10,000,000 for each
17 of fiscal years 2006 through 2010 to carry out the provi-
18 sions of this section.

19 **“SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST**
20 **WOMEN IN PUBLIC AND ASSISTED HOUSING.**

21 “(a) PURPOSE.—It is the purpose of this section to
22 assist eligible grantees in responding appropriately to do-
23 mestic violence, dating violence, sexual assault, and stalk-
24 ing so that the status of being a victim of such a crime

1 is not a reason for the denial or loss of housing. Such
2 assistance shall be accomplished through—

3 “(1) education and training of eligible entities;

4 “(2) development and implementation of appro-
5 priate housing policies and practices;

6 “(3) enhancement of collaboration with victim
7 service providers and tenant organizations; and

8 “(4) reduction of the number of victims of such
9 crimes who are evicted or denied housing because of
10 crimes and lease violations committed or directly
11 caused by the perpetrators of such crimes.

12 “(b) GRANTS AUTHORIZED.—

13 “(1) IN GENERAL.—The Attorney General, act-
14 ing through the Director of the Violence Against
15 Women Office of the Department of Justice (‘Direc-
16 tor’), and in consultation with the Secretary of
17 Housing and Urban Development (‘Secretary’), and
18 the Secretary of Health and Human Services, acting
19 through the Administration for Children, Youth and
20 Families (‘ACYF’), shall award grants and contracts
21 for not less than 2 years to eligible grantees to pro-
22 mote the full and equal access to and use of housing
23 by adult and youth victims of domestic violence, dat-
24 ing violence, sexual assault, and stalking.

1 “(2) AMOUNTS.—Not less than 15 percent of
2 the funds appropriated to carry out this section shall
3 be available for grants to tribally designated housing
4 entities.

5 “(3) AWARD BASIS.—The Attorney General
6 shall award grants and contracts under this section
7 on a competitive basis.

8 “(4) LIMITATION.—Appropriated funds may
9 only be used for the purposes described in subsection
10 (f).

11 “(c) ELIGIBLE GRANTEES.—

12 “(1) IN GENERAL.—Eligible grantees are—

13 “(A) public housing agencies;

14 “(B) principally managed public housing
15 resident management corporations, as deter-
16 mined by the Secretary;

17 “(C) public housing projects owned by
18 public housing agencies;

19 “(D) agencies and authorities receiving as-
20 sistance under the Native American Housing
21 Assistance and Self-Determination Act of 1996
22 (25 U.S.C. 4101 et seq.); and

23 “(E) private, for-profit, and nonprofit own-
24 ers or managers of assisted housing.

1 “(2) SUBMISSION REQUIRED FOR ALL GRANT-
2 EES.—To receive assistance under this section, an
3 eligible grantee shall certify that—

4 “(A) its policies and practices do not pro-
5 hibit or limit a resident’s right to summon po-
6 lice or other emergency assistance in response
7 to domestic violence, dating violence, sexual as-
8 sault, or stalking;

9 “(B) programs and services are developed
10 that give a preference in admission to adult and
11 youth victims of such violence, consistent with
12 local housing needs, and applicable law and the
13 Secretary’s instructions;

14 “(C) it does not discriminate against any
15 person—

16 “(i) because that person is or is per-
17 ceived to be, or has a family or household
18 member who is or is perceived to be, a vic-
19 tim of such violence; or

20 “(ii) because of the actions or threat-
21 ened actions of the individual who the vic-
22 tim, as certified in subsection (e), states
23 has committed or threatened to commit
24 acts of such violence against the victim, or

1 against the victim’s family or household
2 member;

3 “(D) plans are developed that establish
4 meaningful consultation and coordination with
5 local victim service providers, tenant organiza-
6 tions, linguistically and culturally specific serv-
7 ice providers, State domestic violence and sex-
8 ual assault coalitions, and, where they exist,
9 tribal domestic violence and sexual assault coa-
10 litions; and

11 “(E) its policies and practices will be in
12 compliance with those described in this para-
13 graph within the later of 1 year or a period se-
14 lected by the Attorney General in consultation
15 with the Secretary and ACYF.

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

21 “(e) CERTIFICATION.—

22 “(1) IN GENERAL.—A public housing agency,
23 tribally designated housing entity, or assisted hous-
24 ing provider receiving funds under this section may
25 request that an individual claiming relief under this

1 section certify that the individual is a victim of do-
2 mestic violence, dating violence, sexual assault, or
3 stalking. The individual shall provide a copy of such
4 certification to the public housing agency, tribally
5 designated housing entity, or assisted housing pro-
6 vider within a reasonable period of time after the
7 agency or authority requests such certification.

8 “(2) CONTENTS.—An individual may satisfy the
9 certification requirement of paragraph (1) by—

10 “(A) providing the public housing agency,
11 tribally designated housing entity, or assisted
12 housing provider with documentation, signed by
13 an employee, agent, or volunteer of a victim
14 service provider, an attorney, a member of the
15 clergy, a medical professional, or any other pro-
16 fessional from whom the victim has sought as-
17 sistance in addressing domestic violence, dating
18 violence, sexual assault, or stalking, or the ef-
19 fects of abuse; or

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

22 “(3) LIMITATION.—Nothing in this subsection
23 shall be construed to require any housing agency, as-
24 sisted housing provider, tribally designated housing
25 entity, owner, or manager to demand that an indi-

1 vidual produce official documentation or physical
2 proof of the individual’s status as a victim of domes-
3 tic violence, dating violence, sexual assault, or stalk-
4 ing, in order to receive any of the benefits provided
5 in this section. A housing authority may provide
6 benefits to an individual based solely on the individ-
7 ual’s statement or other corroborating evidence.

8 “(4) CONFIDENTIALITY.—

9 “(A) IN GENERAL.—All information pro-
10 vided to any housing agency, assisted housing
11 provider, tribally designated housing entity,
12 owner, or manager pursuant to paragraph (1),
13 including the fact that an individual is a victim
14 of domestic violence, dating violence, sexual as-
15 sault, or stalking, shall be retained in the strict-
16 est confidence by such housing authority, and
17 shall neither be entered into any shared data-
18 base, nor provided to any related housing agen-
19 cy, assisted housing provider, tribally des-
20 ignated housing entity, owner, or manager, ex-
21 cept to the extent that disclosure is—

22 “(i) requested or consented to by the
23 individual in writing; or

24 “(ii) otherwise required by applicable
25 law.

1 “(B) NOTIFICATION.—An individual shall
2 be notified of the limits of such confidentiality
3 and informed in advance about circumstances
4 in which the housing agency, assisted housing
5 provider, tribally designated housing entity,
6 owner, or manager will be compelled to disclose
7 the individual’s information.

8 “(f) USE OF FUNDS.—Grants and contracts awarded
9 pursuant to subsection (a) shall provide to eligible entities
10 personnel, training, and technical assistance to develop
11 and implement policies, practices, and procedures, making
12 physical improvements or changes, and developing or en-
13 hancing collaborations for the purposes of—

14 “(1) enabling victims of domestic violence, dat-
15 ing violence, sexual assault, and stalking with other-
16 wise disqualifying rental, credit, or criminal histories
17 to be eligible to obtain housing or housing assist-
18 ance, if such victims would otherwise qualify for
19 housing or housing assistance and can provide docu-
20 mented evidence that demonstrates the causal con-
21 nection between such violence or abuse and the vic-
22 tims’ negative histories;

23 “(2) permitting applicants for housing or hous-
24 ing assistance to provide incomplete rental and em-
25 ployment histories, otherwise required as a condition

1 of admission or assistance, if the victim believes that
2 providing such rental and employment history would
3 endanger the victim's or the victim children's safety;

4 “(3) protecting victims' confidentiality, includ-
5 ing protection of victims' personally identifying in-
6 formation, address, or rental history;

7 “(4) assisting victims who need to leave a pub-
8 lic housing, Indian housing, or assisted housing unit
9 quickly to protect their safety, including those who
10 are seeking transfer to a new public housing unit,
11 Indian housing unit, or assisted housing unit, wheth-
12 er in the same or a different neighborhood or juris-
13 diction;

14 “(5) enabling the public housing agency, trib-
15 ally designated housing entity, or assisted housing
16 provider, or the victim, to remove, consistent with
17 applicable State law, the perpetrator of domestic vio-
18 lence, dating violence, sexual assault, or stalking
19 without evicting, removing, or otherwise penalizing
20 the victim;

21 “(6) enabling the public housing agency, trib-
22 ally designated housing entity, or assisted housing
23 provider to comply with court orders, including civil
24 protection orders issued to protect the victim, when
25 notified and issued to address the distribution or

1 possession of property among the household mem-
2 bers in cases where a family breaks up;

3 “(7) developing and implementing more effec-
4 tive security policies, protocols, and services;

5 “(8) allotting not more than 15 percent of
6 funds awarded under the grant to make physical im-
7 provements;

8 “(9) training personnel to more effectively iden-
9 tify and respond to victims of domestic violence, dat-
10 ing violence, sexual assault, and stalking; and

11 “(10) effectively providing notice to applicants
12 and residents of the above housing policies, prac-
13 tices, and procedures.

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated \$10,000,000 for each
16 of fiscal years 2006 through 2010 to carry out the provi-
17 sions of this section.

18 “(h) TECHNICAL ASSISTANCE.—Up to 12 percent of
19 the amount appropriated under subsection (g) for each fis-
20 cal year shall be used by the Attorney General for tech-
21 nical assistance costs under this section.”.

1 **SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS**
2 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
3 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**
4 **ING.**

5 (a) IN GENERAL.—Section 40299 of the Violence
6 Against Women Act of 1994 (42 U.S.C. 13975) is
7 amended—

8 (1) in subsection (a)—

9 (A) by inserting “the Department of Hous-
10 ing and Urban Development, and the Depart-
11 ment of Health and Human Services,” after
12 “Department of Justice,”;

13 (B) by inserting “, including domestic vio-
14 lence and sexual assault victim service pro-
15 viders, domestic violence and sexual assault coa-
16 litions, other nonprofit, nongovernmental orga-
17 nizations, or community-based and culturally
18 specific organizations, that have a documented
19 history of effective work concerning domestic vi-
20 olence, dating violence, sexual assault, or stalk-
21 ing” after “other organizations”; and

22 (C) in paragraph (1), by inserting “, dat-
23 ing violence, sexual assault, or stalking” after
24 “domestic violence”;

25 (2) in subsection (b)—

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

3 (B) in paragraph (3), as redesignated, by
4 inserting “, dating violence, sexual assault, or
5 stalking” after “violence”;

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

8 “(1) transitional housing, or acquire land or
9 buildings, or rehabilitate or construct buildings for
10 the purpose of providing transitional housing to per-
11 sons described in subsection (a), including funding
12 for—

13 “(A) the predevelopment cost and capital
14 expenses involved in the development of transi-
15 tional housing; and

16 “(B) the operating expenses of newly de-
17 veloped or existing transitional housing.”; and

18 (D) in paragraph (3)(B) as redesignated,
19 by inserting “Participation in the support serv-
20 ices shall be voluntary. Receipt of the benefits
21 of the housing assistance described in para-
22 graph (2) shall not be conditioned upon the
23 participation of the youth, adults, or their de-
24 pendents in any or all of the support services
25 offered them.” after “assistance.”;

1 (3) in paragraph (1) of subsection (c), by strik-
2 ing “18 months” and inserting “24 months”;

3 (4) in subsection (d)(2)—

4 (A) by striking “and” at the end of sub-
5 paragraph (A);

6 (B) by redesignating subparagraph (B) as
7 subparagraph (C); and

8 (C) by inserting after subparagraph (A)
9 the following:

10 “(B) provide assurances that any sup-
11 portive services offered to participants in pro-
12 grams developed under subsection (b)(3) are
13 voluntary and that refusal to receive such serv-
14 ices shall not be grounds for termination from
15 the program or eviction from the victim’s hous-
16 ing; and”;

17 (5) in subsection (e)(2)—

18 (A) in subparagraph (A), by inserting
19 “purpose and” before “amount”;

20 (B) in clause (ii) of subparagraph (C), by
21 striking “and”;

22 (C) in subparagraph (D), by striking the
23 period and inserting “; and”; and

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

1 “(E) the client population served and the
2 number of individuals requesting services that
3 the transitional housing program is unable to
4 serve as a result of a lack of resources.”; and
5 (6) in subsection (g)—

6 (A) in paragraph (1), by striking
7 “\$30,000,000” and inserting “\$40,000,000”;

8 (B) in paragraph (1), by striking “2004”
9 and inserting “2006”;

10 (C) in paragraph (1), by striking “2008.”
11 and inserting “2010”;

12 (D) in paragraph (2), by striking “not
13 more than 3 percent” and inserting “up to 5
14 percent”;

15 (E) in paragraph (2), by inserting “evalua-
16 tion, monitoring, technical assistance,” before
17 “salaries”; and

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

20 “(C) UNDERSERVED POPULATIONS.—

21 “(i) A minimum of 7 percent of the
22 total amount appropriated in any fiscal
23 year shall be allocated to tribal organiza-
24 tions serving adult and youth victims of

1 domestic violence, dating violence, sexual
2 assault, or stalking, and their dependents.

3 “(ii) Priority shall be given to projects
4 developed under subsection (b) that pri-
5 marily serve racial, ethnic, or other under-
6 served populations.”.

7 **SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING**
8 **REQUIREMENT.**

9 Section 5A of the United States Housing Act of 1937
10 (42 U.S.C. 1437c-1) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “para-
13 graph (2)” and inserting “paragraph (3)”;

14 (B) by redesignating paragraph (2) as
15 paragraph (3); and

16 (C) by inserting after paragraph (1) the
17 following:

18 “(2) STATEMENT OF GOALS.—The 5-year plan
19 shall include a statement by any public housing
20 agency of the goals, objectives, policies, or programs
21 that will enable the housing authority to serve the
22 needs of child and adult victims of domestic violence,
23 dating violence, sexual assault, or stalking.”;

24 (2) in subsection (d), by redesignating para-
25 graphs (13), (14), (15), (16), (17), and (18), as

1 paragraphs (14), (15), (16), (17), (18), and (19), re-
2 spectively; and

3 (3) by inserting after paragraph (12) the fol-
4 lowing:

5 “(13) DOMESTIC VIOLENCE, DATING VIOLENCE,
6 SEXUAL ASSAULT, OR STALKING PROGRAMS.—A de-
7 scription of—

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

13 “(B) any activities, services, or programs
14 provided or offered by a public housing agency
15 that helps child and adult victims of domestic
16 violence, dating violence, sexual assault, or
17 stalking, to obtain or maintain housing; and

18 “(C) any activities, services, or programs
19 provided or offered by a public housing agency
20 to prevent domestic violence, dating violence,
21 sexual assault, and stalking, or to enhance vic-
22 tim safety in assisted families.”.

23 **SEC. 604. HOUSING STRATEGIES.**

24 Section 105(b)(1) of the Cranston-Gonzalez National
25 Affordable Housing Act (42 U.S.C. 12705(b)(1)) is

1 amended by inserting after “immunodeficiency syn-
2 drome,” the following: “victims of domestic violence, dat-
3 ing violence, sexual assault, and stalking”.

4 **SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOME-**
5 **LESS ASSISTANCE ACT.**

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

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

10 “(8) CONFIDENTIALITY.—

11 “(A) IN GENERAL.—In the course of
12 awarding grants or implementing programs
13 under this subsection, the Secretary shall in-
14 struct any recipient or subgrantee not to dis-
15 close to any person, agency, or entity any per-
16 sonally identifying information about any client
17 where the Secretary, recipient, or subgrantee
18 believes based upon reasonable evidence that
19 the client is either a child or an adult victim of
20 domestic violence, dating violence, sexual as-
21 sault, or stalking, and has immediate safety
22 concerns, or is the parent or guardian of a child
23 victim of domestic violence, dating violence, sex-
24 ual assault, or stalking, and has immediate
25 safety concerns. The Secretary shall not require

1 or ask a recipient or subgrantee of any other
2 Federal or State program to disclose personally
3 identifying information about any clients where
4 the persons, agencies, or entities implementing
5 those programs believe, based upon reasonable
6 evidence, that those clients either are child or
7 adult victims of domestic violence, dating vio-
8 lence, sexual assault, or stalking, and has im-
9 mediate safety concerns or are the parents or
10 guardians of child victims of domestic violence,
11 dating violence, sexual assault, or stalking, and
12 has immediate safety concerns. The Secretary
13 shall instruct any recipient or subgrantee under
14 this subsection or any recipient or subgrantee
15 of any other Federal or State program partici-
16 pating in the Homeless Management Informa-
17 tion System that personally identifying informa-
18 tion about any client may only be disclosed if
19 the program seeking to disclose such informa-
20 tion has obtained informed, reasonably time-
21 limited, written consent from the client to
22 whom the information relates. The Secretary
23 may require or ask any recipient or subgrantee
24 to share nonpersonally identifying data in the
25 aggregate regarding services to clients and non-

1 personally identifying demographic information
2 in order to comply with the data collection re-
3 quirements of the Homeless Management Infor-
4 mation System.

5 “(B) PERSONALLY IDENTIFYING INFORMA-
6 TION OR PERSONAL INFORMATION.—The term
7 ‘personally identifying information’ or ‘personal
8 information’ means individually identifying in-
9 formation for or about an individual including
10 information likely to disclose the location of a
11 victim of domestic violence, dating violence, sex-
12 ual assault, or stalking, including—

13 “(i) a first and last name;

14 “(ii) a home or other physical address;

15 “(iii) contact information (including a
16 postal, e-mail or Internet protocol address,
17 or telephone or facsimile number);

18 “(iv) a social security number; and

19 “(v) any other information, including
20 date of birth, racial or ethnic background,
21 or religious affiliation, that, in combination
22 with any of clauses (i) through (iv), would
23 serve to identify any individual.”

1 **SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING AS-**
2 **SISTANCE VOUCHER PROGRAM.**

3 Section 8 of the United States Housing Act of 1937
4 (42 U.S.C. 1437f) is amended—

5 (1) in subsection (c)—

6 (A) in the first sentence by inserting “;
7 miscellaneous provisions” after “monthly assist-
8 ance payments”; and

9 (B) by adding at the end the following new
10 paragraph:

11 “(9)(A) That an applicant or participant is or
12 has been a victim of domestic violence, dating vio-
13 lence, or stalking is not an appropriate basis for de-
14 nial of program assistance or for denial of admis-
15 sion.

16 “(B) An incident or incidents of actual or
17 threatened domestic violence, dating violence, or
18 stalking will not be construed as a serious or re-
19 peated violation of the lease by the victim or threat-
20 ened victim of that violence and shall not be good
21 cause for terminating the tenancy or occupancy
22 rights of the victim of such violence.

23 “(C)(i) Criminal activity directly relating to do-
24 mestic violence, dating violence, or stalking, engaged
25 in by a member of a tenant’s household or any guest
26 or other person under the tenant’s control shall not

1 be cause for termination of tenancy or occupancy
2 rights if the tenant or an immediate member of the
3 tenant's family is the victim or threatened victim of
4 that domestic violence, dating violence, or stalking.

5 “(ii) A public housing agency or an owner or
6 manager under this section may bifurcate a lease
7 under this section, in order to evict, remove, or ter-
8minate assistance to any individual who is a tenant
9 or lawful occupant and who engages in criminal acts
10 of physical violence against family members or oth-
11ers, without evicting, removing, terminating assist-
12ance to, or otherwise penalizing the victim of such
13 violence who is also a tenant or lawful occupant.

14 “(iii) Nothing in clause (i) may be construed to
15 limit the authority of a public housing agency,
16 owner, or manager, when notified, to comply with
17 court orders, including civil protection orders issued
18 to protect the victim and issued to address the dis-
19tribution or possession of property among the house-
20hold members in cases where a family breaks up.

21 “(iv) Nothing in clause (i) limits any otherwise
22 available authority of an owner or manager to evict
23 or the public housing agency or assisted housing
24 provider to terminate voucher assistance to a tenant
25 for any violation of a lease not premised on the act

1 or acts of violence in question against the tenant or
2 a member of the tenant’s household, provided that
3 the owner or manager does not subject an individual
4 who is or has been a victim of domestic violence,
5 dating violence, or stalking to a more demanding
6 standard than other tenants in determining whether
7 to evict or terminate.

8 “(v) Nothing in clause (i) may be construed to
9 limit the authority of an owner or manager to evict
10 any tenant or lawful occupant if the owner or man-
11 ager can demonstrate an actual and imminent threat
12 to other tenants or those employed at or providing
13 service to the property if that tenant is not evicted
14 or terminated from assistance.

15 “(vi) Nothing in this section shall be construed
16 to supersede any provision of any Federal, State, or
17 local law that provides greater protection than this
18 section for victims of domestic violence, dating vio-
19 lence, or stalking.”.

20 (2) in subsection (d)—

21 (A) in paragraph (1)(A), by inserting after
22 “public housing agency” the following: “and
23 that an applicant is or has been a victim of do-
24 mestic violence, dating violence, or stalking is

1 not an appropriate basis for denial of program
2 assistance or for denial of admission”;

3 (B) in paragraph (1)(B)(ii), by inserting
4 after “other good cause” the following: “, and
5 that an incident or incidents of actual or
6 threatened domestic violence, dating violence, or
7 stalking will not be construed as a serious or
8 repeated violation of the lease by the victim or
9 threatened victim of that violence and will not
10 be good cause for terminating the tenancy or
11 occupancy rights of the victim of such vio-
12 lence”; and

13 (C) in paragraph (1)(B)(iii), by inserting
14 after “termination of tenancy” the following: “,
15 except that (I) criminal activity directly relating
16 to domestic violence, dating violence, or stalk-
17 ing, engaged in by a member of a tenant’s
18 household or any guest or other person under
19 the tenant’s control, shall not be cause for ter-
20 mination of the tenancy or occupancy rights, if
21 the tenant or immediate member of the tenant’s
22 family is a victim of that domestic violence, dat-
23 ing violence, or stalking; (II) a public housing
24 agency or an owner or manager under this sec-
25 tion may bifurcate a lease under this section, in

1 order to evict, remove, or terminate assistance
2 to any individual who is a tenant or lawful oc-
3 cupant and who engages in criminal acts of
4 physical violence against family members or
5 others, without evicting, removing, terminating
6 assistance to, or otherwise penalizing the victim
7 of such violence who is also a tenant or lawful
8 occupant; (III) nothing in subclause (I) may be
9 construed to limit the authority of a public
10 housing agency, owner, or manager, when noti-
11 fied, to comply with court orders, including civil
12 protection orders issued to protect the victim
13 and issued to address the distribution or pos-
14 session of property among the household mem-
15 bers in cases where a family breaks up; (IV)
16 nothing in subclause (I) limits any otherwise
17 available authority of an owner or manager to
18 evict or the public housing agency or assisted
19 housing provider to terminate voucher assist-
20 ance to a tenant for any violation of a lease not
21 premised on the act or acts of violence in ques-
22 tion against the tenant or a member of the ten-
23 ant's household, provided that the owner or
24 manager does not subject an individual who is
25 or has been a victim of domestic violence, dat-

1 ing violence, or stalking to a more demanding
2 standard than other tenants in determining
3 whether to evict or terminate; (V) nothing in
4 subclause (I) may be construed to limit the au-
5 thority of an owner or manager to evict, or the
6 public housing agency or assisted housing pro-
7 vider to terminate voucher assistance, to any
8 tenant if the owner, manager, public housing
9 agency, or assisted housing provider can dem-
10 onstrate an actual and imminent threat to other
11 tenants or those employed at or providing serv-
12 ice to the property if that tenant is not evicted
13 or terminated from assistance; and (VI) nothing
14 in this section shall be construed to supersede
15 any provision of any Federal, State, or local law
16 that provides greater protection than this sec-
17 tion for victims of domestic violence, dating vio-
18 lence, or stalking.”;

19 (3) in subsection (f)—

20 (A) in paragraph (6), by striking “and”;

21 (B) in paragraph (7), by striking the pe-
22 riod at the end and inserting a semicolon; and

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

1 “(8) the term ‘domestic violence’ has the same
2 meaning given the term in section 40002 of the Vio-
3 lence Against Women Act of 1994;

4 “(9) the term ‘dating violence’ has the same
5 meaning given the term in section 40002 of the Vio-
6 lence Against Women Act of 1994; and

7 “(10) the term ‘stalking’ means engaging in a
8 course of conduct directed at a specific person that
9 would cause a reasonable person to—

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

12 “(B) suffer significant emotional or phys-
13 ical distress; and

14 “(11) the term ‘sexual assault’ has the same
15 meaning given the term in section 40002 of the Vio-
16 lence Against Women Act of 1994.”;

17 (4) in subsection (o)—

18 (A) by inserting at the end of paragraph
19 (6)(B) the following new sentence: “That an
20 applicant is or has been a victim of domestic vi-
21 olence, dating violence, or stalking is not an ap-
22 propriate basis for denial of program assistance
23 by or for denial of admission, and that nothing
24 in this section shall be construed to supersede
25 any provision of any Federal, State, or local law

1 that provides greater protection than this sec-
2 tion for victims of domestic violence, dating vio-
3 lence, or stalking.”;

4 (B) in paragraph (7)(C), by inserting after
5 “other good cause” the following: “, and that
6 an incident or incidents of actual or threatened
7 domestic violence, dating violence, or stalking
8 shall not be construed as a serious or repeated
9 violation of the lease by the victim or threat-
10 ened victim of that violence and shall not be
11 good cause for terminating the tenancy or occu-
12 pancy rights of the victim of such violence”;

13 (C) in paragraph (7)(D), by inserting after
14 “termination of tenancy” the following: “; ex-
15 cept that (i) criminal activity directly relating
16 to domestic violence, dating violence, or stalk-
17 ing, engaged in by a member of a tenant’s
18 household or any guest or other person under
19 the tenant’s control shall not be cause for ter-
20 mination of the tenancy or occupancy rights, if
21 the tenant or immediate member of the tenant’s
22 family is a victim of that domestic violence, dat-
23 ing violence, or stalking; (ii) a public housing
24 agency or an owner or manager under this sec-
25 tion may bifurcate a lease under this section, in

1 order to evict, remove, or terminate assistance
2 to any individual who is a tenant or lawful oc-
3 cupant and who engages in criminal acts of
4 physical violence against family members or
5 others, without evicting, removing, terminating
6 assistance to, or otherwise penalizing the victim
7 of such violence who is also a tenant or lawful
8 occupant; (iii) nothing in clause (i) may be con-
9 strued to limit the authority of a public housing
10 agency, owner, or manager, when notified, to
11 comply with court orders, including civil protec-
12 tion orders issued to protect the victim and
13 issued to address the distribution or possession
14 of property among the household member sin
15 cases where a family breaks up; (iv) nothing in
16 clause (i) limits any otherwise available author-
17 ity of an owner or manager to evict or the pub-
18 lic housing agency or assisted housing provider
19 to terminate voucher assistance to a tenant for
20 any violation of a lease not premised on the act
21 or acts of violence in question against the ten-
22 ant or a member of the tenant's household, pro-
23 vided that the owner or manager does not sub-
24 ject an individual who is or has been a victim
25 of domestic violence, dating violence, or stalking

1 to a more demanding standard than other ten-
2 ants in determining whether to evict or termi-
3 nate; (v) nothing in clause (i) may be construed
4 to limit the authority of an owner or manager
5 to evict, or the public housing agency or as-
6 sisted housing provider to terminate, voucher
7 assistance to any tenant if the owner, manager,
8 public housing agency, or assisted housing pro-
9 vider can demonstrate an actual and imminent
10 threat to other tenants or those employed at or
11 providing service to the property if that tenant
12 is not evicted or terminated from assistance;
13 and (vi) nothing in this section shall be con-
14 strued to supersede any provision of any Fed-
15 eral, State, or local law that provides greater
16 protection than this section for victims of do-
17 mestic violence, dating violence, or stalking.”;
18 and

19 (D) by adding at the end the following new
20 paragraph:

21 “(20) PROHIBITED BASIS FOR TERMINATION OF AS-
22 SISTANCE.—

23 “(A) IN GENERAL.—A public housing
24 agency may not terminate assistance to a par-
25 ticipant in the voucher program on the basis of

1 an incident or incidents of actual or threatened
2 domestic violence, dating violence, or stalking
3 against that participant.

4 “(B) CONSTRUAL OF LEASE PROVI-
5 SIONS.—Criminal activity directly relating to
6 domestic violence, dating violence, or stalking
7 shall not be considered a serious or repeated
8 violation of the lease by the victim or threat-
9 ened victim of that criminal activity justifying
10 termination of assistance to the victim or
11 threatened victim.

12 “(C) TERMINATION ON THE BASIS OF
13 CRIMINAL ACTIVITY.—Criminal activity directly
14 relating to domestic violence, dating violence, or
15 stalking shall not be considered cause for termi-
16 nation of assistance for any participant or im-
17 mediate member of a participant’s family who
18 is a victim of the domestic violence, dating vio-
19 lence, or stalking.

20 “(D) EXCEPTIONS.—

21 “(i) PUBLIC HOUSING AUTHORITY
22 RIGHT TO TERMINATE FOR CRIMINAL
23 ACTS.—Nothing in subparagraphs (A),
24 (B), or (C) may be construed to limit the
25 authority of the public housing agency to

1 terminate voucher assistance to individuals
2 who engage in criminal acts of physical vi-
3 olence against family members or others.

4 “(ii) PUBLIC HOUSING AUTHORITY
5 RIGHT TO TERMINATE ASSISTANCE FOR
6 IMMEDIATE THREAT.—Nothing in subpara-
7 graphs (A), (B), or (C) may be construed
8 to limit the authority of a public housing
9 agency to terminate assistance to any indi-
10 vidual who has been evicted from housing
11 assisted under the program based on a
12 showing that he or she presented an actual
13 and imminent threat to other tenants or to
14 staff of the owner or public housing agen-
15 cy.

16 “(iii) COMPLIANCE WITH COURT OR-
17 DERS.—Nothing in subparagraphs (A),
18 (B), or (C) may be construed to limit the
19 authority of a public housing agency, when
20 notified, to comply with court orders, in-
21 cluding civil protection orders issued to
22 protect the victim and issued to address
23 the distribution possession of property
24 among the household members in cases
25 where a family breaks up.

1 “(iv) PUBLIC HOUSING AUTHORITY RIGHT
2 TO TERMINATE VOUCHER ASSISTANCE FOR
3 ACTS OF VIOLENCE.—Nothing in subpara-
4 graphs (A), (B), or (C) limit any otherwise
5 available authority of the public housing agency
6 to terminate voucher assistance to a tenant for
7 any violation of a lease not premised on the act
8 or acts of violence in question against the ten-
9 ant or a member of the tenant’s household, pro-
10 vided that the owner or manager does not sub-
11 ject an individual who is or has been a victim
12 of domestic violence, dating violence, or stalking
13 to a more demanding standard than other ten-
14 ants in determining whether to evict or termi-
15 nate.

16 “(v) PUBLIC HOUSING AUTHORITY RIGHT
17 TO TERMINATE VOUCHER ASSISTANCE FOR IM-
18 MINENT THREAT.—Nothing in subparagraphs
19 (A), (B), (C) may be construed to limit the au-
20 thority of the public housing agency to termi-
21 nate voucher assistance to a tenant if the public
22 housing agency can demonstrate an actual and
23 imminent threat to other tenants or those em-
24 ployed at or providing service to the property or

1 public housing agency if that tenant is not
2 evicted or terminated from assistance.

3 “(vi) PREEMPTION.—Nothing in this sec-
4 tion shall be construed to supersede any provi-
5 sion of any Federal, State, or local law that
6 provides greater protection than this section for
7 victims of domestic violence, dating violence, or
8 stalking.”;

9 (5) in subsection (r)(5), by inserting after “vio-
10 lation of a lease” the following: “, except that a fam-
11 ily may receive a voucher from a public housing
12 agency and move to another jurisdiction under the
13 tenant-based assistance program if the family has
14 complied with all other obligations of the section 8
15 program and has moved out of the assisted dwelling
16 unit in order to protect the health or safety of an
17 individual who is or has been the victim of domestic
18 violence, dating violence, or stalking and who reason-
19 ably believed he or she was imminently threatened
20 by harm from further violence if he or she remained
21 in the assisted dwelling unit”; and

22 (6) by adding at the end the following new sub-
23 section:

24 “(ee) CERTIFICATION AND CONFIDENTIALITY.—

25 “(1) CERTIFICATION.—

1 “(A) IN GENERAL.—An owner, manager,
2 public housing agency, or assisted housing pro-
3 vider responding to subsections (c)(9),
4 (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D),
5 (o)(20), and (r)(5) may request that an indi-
6 vidual certify via a HUD approved certification
7 form that the individual is a victim of domestic
8 violence, dating violence, or stalking, and that
9 the incident or incidents in question are bona
10 fide incidents of such actual or threatened
11 abuse and meet the requirements set forth in
12 the aforementioned paragraphs. The individual
13 shall provide such certification within 14 busi-
14 ness days after the owner, manager, public
15 housing agency, or assisted housing provider re-
16 quests such certification.

17 “(B) FAILURE TO PROVIDE CERTIFI-
18 CATION.—If the individual does not provide the
19 certification within 14 business days after the
20 owner, manager, public housing agency, or as-
21 sisted housing provider has requested such cer-
22 tification in writing, nothing in this subsection
23 may be construed to limit the authority of an
24 owner or manager to evict, or the public hous-
25 ing agency or assisted housing provider to ter-

1 minate voucher assistance for, any tenant or
2 lawful occupant that commits violations of a
3 lease. The owner, manager, public housing
4 agency, or assisted housing provider may extend
5 the 14-day deadline at their discretion.

6 “(C) CONTENTS.—An individual may sat-
7 isfy the certification requirement of subpara-
8 graph (A) by—

9 “(i) providing the requesting owner,
10 manager, public housing agency, or as-
11 sisted housing provider with documentation
12 signed by an employee, agent, or volunteer
13 of a victim service provider, an attorney, a
14 member of the clergy, a medical profes-
15 sional, or any other professional, from
16 whom the victim has sought assistance in
17 addressing domestic violence, dating vio-
18 lence, sexual assault, or stalking, or the ef-
19 fects of the abuse, in which the profes-
20 sional attests under penalty of perjury (28
21 U.S.C. 1746) to the professional’s belief
22 that the incident or incidents in question
23 are bona fide incidents of abuse, and the
24 victim of domestic violence, dating violence,

1 or stalking has signed or attested to the
2 documentation; or

3 “(ii) producing a Federal, State, trib-
4 al, territorial, or local police or court
5 record.

6 “(D) LIMITATION.—Nothing in this sub-
7 section shall be construed to require an owner,
8 manager, public housing agency, or assisted
9 housing provider to demand that an individual
10 produce official documentation or physical proof
11 of the individual’s status as a victim of domes-
12 tic violence, dating violence, sexual assault, or
13 stalking in order to receive any of the benefits
14 provided in this section. At their discretion, the
15 owner, manager, public housing agency, or as-
16 sisted housing provider may provide benefits to
17 an individual based solely on the individual’s
18 statement or other corroborating evidence.

19 “(E) COMPLIANCE NOT SUFFICIENT TO
20 CONSTITUTE EVIDENCE OF UNREASONABLE
21 ACT.—Compliance with this statute by an
22 owner, manager, public housing agency, or as-
23 sisted housing provider based on the certifi-
24 cation specified in paragraph (1)(A) and (B) of
25 this subsection or based solely on the victim’s

1 statement or other corroborating evidence, as
2 permitted by paragraph (1)(C) of this sub-
3 section, shall not alone be sufficient to con-
4 stitute evidence of an unreasonable act or omis-
5 sion by an owner, manger, public housing agen-
6 cy, or assisted housing provider, or employee
7 thereof. Nothing in this subparagraph shall be
8 construed to limit liability for failure to comply
9 with the requirements of subsections (c)(9),
10 (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C),
11 (o)(7)(D), (o)(9), or (r)(5).

12 “(F) PREEMPTION.—Nothing in this sec-
13 tion shall be construed to supersede any provi-
14 sion of any Federal, State, or local law that
15 provides greater protection than this section for
16 victims of domestic violence, dating violence, or
17 stalking.

18 “(2) CONFIDENTIALITY.—

19 “(A) IN GENERAL.—All information pro-
20 vided to an owner, manager, public housing
21 agency, or assisted housing provider pursuant
22 to paragraph (1), including the fact that an in-
23 dividual is a victim of domestic violence, dating
24 violence, sexual assault, or stalking, shall be re-
25 tained in the strictest confidence by an owner,

1 manager, public housing agency, or assisted
2 housing provider, and shall neither be entered
3 into any shared database nor provided to any
4 related entity, except to the extent that disclo-
5 sure is—

6 “(i) requested or consented to by the
7 individual in writing; or

8 “(ii) otherwise required by applicable
9 law.

10 “(B) NOTIFICATION.—An individual must
11 be notified of the limits of such confidentiality
12 and informed in advance about circumstances
13 in which the person or entity will be compelled
14 to disclose the individual’s information.”.

15 **SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PRO-**
16 **GRAM.**

17 Section 6 of the United States Housing Act of 1937
18 (42 U.S.C. 1437d) is amended—

19 (1) in subsection (c), by redesignating para-
20 graph (3) and (4), as paragraphs (4) and (5), re-
21 spectively;

22 (2) by inserting after paragraph (2) the fol-
23 lowing:

24 “(3) the public housing agency shall not deny
25 admission to the project to any applicant on the

1 basis that the applicant is or has been a victim of
2 domestic violence, dating violence, or stalking and
3 that nothing in this section shall be construed to su-
4 persede any provision of any Federal, State, or local
5 law that provides greater protection than this section
6 for victims of domestic violence, dating violence, or
7 stalking”;

8 (3) in subsection (1)(5), by inserting after
9 “other good cause” the following: “, and that an in-
10 cident or incidents of actual or threatened domestic
11 violence, dating violence, or stalking will not be con-
12 strued as a serious or repeated violation of the lease
13 by the victim or threatened victim of that violence
14 and will not be good cause for terminating the ten-
15 ancy or occupancy rights of the victim of such vio-
16 lence”;

17 (4) in subsection (1)(6), by inserting after “ter-
18 mination of tenancy” the following: “; except that
19 (A) criminal activity directly relating to domestic vi-
20 olence, dating violence, or stalking, engaged in by a
21 member of a tenant’s household or any guest or
22 other person under the tenant’s control, shall not be
23 cause for termination of the tenancy or occupancy
24 rights, if the tenant or immediate member of the
25 tenant’s family is a victim of that domestic violence,

1 dating violence, or stalking; (B) a public housing
2 agency under this section may bifurcate a lease
3 under this section, in order to evict, remove, or ter-
4 minate assistance to any individual who is a tenant
5 or lawful occupant and who engages in criminal acts
6 of physical violence against family members or oth-
7 ers, without evicting, removing, terminating assist-
8 ance to, or otherwise penalizing the victim of such
9 violence who is also a tenant or lawful occupant; (C)
10 nothing in subparagraph (A) may be construed to
11 limit the authority of a public housing agency, when
12 notified, to comply with court orders, including civil
13 protection orders issued to protect the victim and
14 issued to address the distribution or possession of
15 property among the household members in cases
16 where a family breaks up; (D) nothing in subpara-
17 graph (A) limits any otherwise available authority of
18 a public housing agency to evict a tenant for any
19 violation of a lease not premised on the act or acts
20 of violence in question against the tenant or a mem-
21 ber of the tenant's household, provided that the
22 owner or manager does not subject an individual
23 who is or has been a victim of domestic violence,
24 dating violence, or stalking to a more demanding
25 standard than other tenants in determining whether

1 to evict or terminate; (E) nothing in subparagraph
2 (A) may be construed to limit the authority of a
3 public housing agency to terminate the tenancy of
4 any tenant if the public housing agency can dem-
5 onstrate an actual and imminent threat to other ten-
6 ants or those employed at or providing service to the
7 property if that tenant's tenancy is not terminated;
8 and (F) nothing in this section shall be construed to
9 supersede any provision of any Federal, State, or
10 local law that provides greater protection than this
11 section for victims of domestic violence, dating vio-
12 lence, or stalking.”; and

13 (5) by inserting at the end of subsection (t) the
14 following new subsection:

15 “(u) CERTIFICATION AND CONFIDENTIALITY.—

16 “(1) CERTIFICATION.—

17 “(A) IN GENERAL.—A public housing
18 agency responding to subsection (l) (5) and (6)
19 may request that an individual certify via a
20 HUD approved certification form that the indi-
21 vidual is a victim of domestic violence, dating
22 violence, or stalking, and that the incident or
23 incidents in question are bona fide incidents of
24 such actual or threatened abuse and meet the
25 requirements set forth in the aforementioned

1 paragraphs. The individual shall provide such
2 certification within 14 business days after the
3 public housing agency requests such certifi-
4 cation.

5 “(B) FAILURE TO PROVIDE CERTIFI-
6 CATION.—If the individual does not provide the
7 certification within 14 business days after the
8 public housing agency has requested such cer-
9 tification in writing, nothing in this subsection
10 may be construed to limit the authority of the
11 public housing agency to evict any tenant or
12 lawful occupant that commits violations of a
13 lease. The public housing agency may extend
14 the 14-day deadline at its discretion.

15 “(C) CONTENTS.—An individual may sat-
16 isfy the certification requirement of subpara-
17 graph (A) by—

18 “(i) providing the requesting public
19 housing agency with documentation signed
20 by an employee, agent, or volunteer of a
21 victim service provider, an attorney, a
22 member of the clergy, a medical profes-
23 sional, or any other professional from
24 whom the victim has sought assistance in
25 addressing domestic violence, dating vio-

1 lence, or stalking, or the effects of the
2 abuse, in which the professional attests
3 under penalty of perjury (28 U.S.C. 1746)
4 to the professional's belief that the incident
5 or incidents in question are bona fide inci-
6 dents of abuse, and the victim of domestic
7 violence, dating violence, or stalking has
8 signed or attested to the documentation; or

9 “(ii) producing a Federal, State, trib-
10 al, territorial, or local police or court
11 record.

12 “(D) LIMITATION.—Nothing in this sub-
13 section shall be construed to require any public
14 housing agency to demand that an individual
15 produce official documentation or physical proof
16 of the individual's status as a victim of domes-
17 tic violence, dating violence, or stalking in order
18 to receive any of the benefits provided in this
19 section. At the public housing agency's discre-
20 tion, a public housing agency may provide bene-
21 fits to an individual based solely on the individ-
22 ual's statement or other corroborating evidence.

23 “(E) PREEMPTION.—Nothing in this sec-
24 tion shall be construed to supersede any provi-
25 sion of any Federal, State, or local law that

1 provides greater protection than this section for
2 victims of domestic violence, dating violence, or
3 stalking.

4 “(F) COMPLIANCE NOT SUFFICIENT TO
5 CONSTITUTE EVIDENCE OF UNREASONABLE
6 ACT.—Compliance with this statute by a public
7 housing agency, or assisted housing provider
8 based on the certification specified in subpara-
9 graphs (A) and (B) of this subsection or based
10 solely on the victim’s statement or other cor-
11 roborating evidence, as permitted by subpara-
12 graph (D) of this subsection, shall not alone be
13 sufficient to constitute evidence of an unreason-
14 able act or omission by an owner, manager,
15 public housing agency, or assisted housing pro-
16 vider, or employee thereof. Nothing in this sub-
17 paragraph shall be construed to limit liability
18 for failure to comply with the requirements of
19 subsection 1(5) and (6).

20 “(2) CONFIDENTIALITY.—

21 “(A) IN GENERAL.—All information pro-
22 vided to any public housing agency pursuant to
23 paragraph (1), including the fact that an indi-
24 vidual is a victim of domestic violence, dating
25 violence, or stalking, shall be retained in the

1 strictest confidence by such public housing
2 agency, and shall neither be entered into any
3 shared database nor provided to any related en-
4 tity, except to the extent that disclosure is—

5 “(i) requested or consented to by the
6 individual in writing; or

7 “(ii) otherwise required by applicable
8 law.

9 “(B) NOTIFICATION.—An individual must
10 be notified of the limits of such confidentiality
11 and informed in advance about circumstances
12 in which the person or entity will be compelled
13 to disclose the individual’s information.

14 “(3) DEFINITIONS.—For purposes of this sub-
15 section, subsection (c)(3), and subsection (l)(5) and
16 (6)—

17 “(A) the term ‘domestic violence’ has the
18 same meaning given the term in section 40002
19 of the Violence Against Women Act of 1994;

20 “(B) the term ‘dating violence’ has the
21 same meaning given the term in section 40002
22 of the Violence Against Women Act of 1994;
23 and

1 “(C) the term ‘stalking’ means engaging in
2 a course of conduct directed at a specific person
3 that would cause a reasonable person to—

4 “(i) fear for his or her safety or the
5 safety of others; or

6 “(ii) suffer significant emotional dis-
7 tress.”.

8 **TITLE VII—PROVIDING ECO-**
9 **NOMIC SECURITY FOR VIC-**
10 **TIMS OF VIOLENCE**

11 **SEC. 701. GRANT FOR NATIONAL CLEARINGHOUSE AND RE-**
12 **SOURCE CENTER ON WORKPLACE RE-**
13 **SPONSES TO ASSIST VICTIMS OF DOMESTIC**
14 **AND SEXUAL VIOLENCE.**

15 Subtitle N of the Violence Against Women Act of
16 1994 (Public Law 103–322; 108 Stat. 1902) is amended
17 by adding at the end the following:

18 **“Subtitle O—National Clearing-**
19 **house and Resource Center**

20 **“SEC. 41501. GRANT FOR NATIONAL CLEARINGHOUSE AND**
21 **RESOURCE CENTER ON WORKPLACE RE-**
22 **SPONSES TO ASSIST VICTIMS OF DOMESTIC**
23 **AND SEXUAL VIOLENCE.**

24 “(a) **AUTHORITY.**—The Attorney General, acting
25 through the Director of the Office on Violence Against

1 Women, may award a grant to an eligible nonprofit non-
2 governmental entity or tribal organization, in order to pro-
3 vide for the establishment and operation of a national
4 clearinghouse and resource center on workplace responses
5 to assist victims of domestic and sexual violence. The
6 clearinghouse and resource center shall provide informa-
7 tion and assistance to employers, labor organizations, and
8 advocates on behalf of victims of domestic or sexual vio-
9 lence, to aid in their efforts to develop and implement ap-
10 propriate responses to such violence in order to assist
11 those victims.

12 “(b) APPLICATIONS.—To be eligible to receive a
13 grant under this section, an entity or organization shall
14 submit an application to the Attorney General at such
15 time, in such manner, and containing such information as
16 the Attorney General may require, including—

17 “(1) information that demonstrates that the en-
18 tity or organization has nationally recognized exper-
19 tise in the area of domestic or sexual violence, and
20 a record of commitment to reducing domestic or sex-
21 ual violence;

22 “(2) a plan to maximize, to the extent prac-
23 ticable, outreach to employers (including private
24 companies and public entities such as public institu-
25 tions of higher education and State and local govern-

1 ments), labor organizations, and advocates described
2 in subsection (a) concerning developing and imple-
3 menting appropriate workplace responses to assist
4 victims of domestic or sexual violence; and

5 “(3) a plan for developing materials and train-
6 ing for materials for employers that address the
7 needs of employees in cases of domestic violence,
8 dating violence, sexual assault, and stalking impact-
9 ing the workplace, including the needs of racial and
10 ethnic and other underserved communities.

11 “(c) USE OF GRANT AMOUNT.—

12 “(1) IN GENERAL.—An entity or organization
13 that receives a grant under this section may use the
14 funds made available through the grant for staff sal-
15 aries, travel expenses, equipment, printing, and
16 other reasonable expenses necessary to develop,
17 maintain, and disseminate to employers, labor orga-
18 nizations, and advocates described in subsection (a),
19 information and assistance concerning appropriate
20 workplace responses to assist victims of domestic or
21 sexual violence.

22 “(2) RESPONSES.—Responses referred to in
23 paragraph (1) may include—

24 “(A) providing training to promote a bet-
25 ter understanding of appropriate workplace as-

1 sistance to victims of domestic or sexual vio-
2 lence;

3 “(B) providing conferences and other edu-
4 cational opportunities;

5 “(C) developing protocols and model work-
6 place policies;

7 “(D) providing employer-sponsored and
8 labor organization-sponsored victim assistance
9 and outreach counseling; and

10 “(E) conducting assessments of the work-
11 place costs of domestic or sexual violence.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$1,000,000 for each of fiscal years 2006 through 2010.

15 “(e) AVAILABILITY OF GRANT FUNDS.—Funds ap-
16 propriated under this section shall remain available until
17 expended.”.

18 **TITLE VIII—PROTECTION OF**
19 **BATTERED AND TRAFFICKED**
20 **IMMIGRANTS**

21 **Subtitle A—Victims of Crime**

22 **SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VIC-**
23 **TIMS.**

24 (a) TREATMENT OF SPOUSE AND CHILDREN OF VIC-
25 TIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the

1 Immigration and Nationality Act (8 U.S.C.

2 1101(a)(15)(T)) is amended—

3 (1) in clause (i)—

4 (A) in the matter preceding subclause (I),
5 by striking “Attorney General” and inserting
6 “Secretary of Homeland Security”;

7 (B) in subclause (III)(aa)—

8 (i) by inserting “Federal, State, or
9 local” before “investigation”; and

10 (ii) by striking “, or” and inserting
11 “or crimes substantially connected to traf-
12 ficking; or”; and

13 (C) in subclause (IV), by striking “and” at
14 the end;

15 (2) by amending clause (ii) to read as follows:

16 “(ii) if accompanying, or following to join, the
17 alien described in clause (i)—

18 “(I) in the case of an alien described in
19 clause (i) who is under 21 years of age, the
20 spouse, children, unmarried siblings under 18
21 years of age on the date on which such alien
22 applied for status under such clause, and par-
23 ents of such alien; and

1 “(II) in the case of an alien described in
2 clause (i) who is 21 years of age or older, the
3 spouse and children of such alien; and”;

4 (3) by inserting after clause (ii) the following:

5 “(iii) if the Secretary of Homeland Security de-
6 termines that a trafficking victim, due to psycho-
7 logical or physical trauma, is unable to cooperate
8 with a request for assistance described in clause
9 (i)(III)(aa), the request is unreasonable.”.

10 (b) TREATMENT OF SPOUSES AND CHILDREN OF
11 VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is
13 amended—

14 (1) in clause (i), by striking “Attorney General”
15 and inserting “Secretary of Homeland Security”;

16 (2) by amending clause (ii) to read as follows:

17 “(ii) if accompanying, or following to join, the
18 alien described in clause (i)—

19 “(I) in the case of an alien described in
20 clause (i) who is under 21 years of age, the
21 spouse, children, unmarried siblings under 18
22 years of age on the date on which such alien
23 applied for status under such clause, and par-
24 ents of such alien; and

1 “(II) in the case of an alien described in
2 clause (i) who is 21 years of age or older, the
3 spouse and children of such alien; and”;

4 (3) in clause (iii), by inserting “child abuse;
5 stalking;” after “false imprisonment;”.

6 (c) TECHNICAL AMENDMENTS.—Section 101(i) of
7 the Immigration and Nationality Act (8 U.S.C. 1101(i))
8 is amended—

9 (1) in paragraph (1), by striking “Attorney
10 General” and inserting “Secretary of Homeland Se-
11 curity, the Attorney General,”; and

12 (2) in paragraph (2), by striking “Attorney
13 General” and inserting “Secretary of Homeland Se-
14 curity”.

15 **SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF**
16 **TRAFFICKING IN PERSONS.**

17 (a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1182(a)(9)(B)(iii)) is amended by adding at the end the
20 following:

21 “(V) VICTIMS OF A SEVERE FORM OF
22 TRAFFICKING IN PERSONS.—Clause (i) shall not
23 apply to an alien who demonstrates that there
24 was a substantial connection between the alien
25 being a victim of a severe form of trafficking

1 (as that term is defined in section 103 of the
2 Trafficking Victims Protection Act of 2000 (22
3 U.S.C. 7102)) and the alien’s unlawful presence
4 in the United States.”.

5 (b) TECHNICAL AMENDMENT.—Paragraphs (13) and
6 (14) of section 212(d) of the Immigration and Nationality
7 Act (8 U.S.C. 1182(d)) are amended by striking “Attor-
8 ney General” each place it appears and inserting “Sec-
9 retary of Homeland Security”.

10 **SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**
11 **FICKING.**

12 Section 245(l) of the Immigration and Nationality
13 Act (8 U.S.C. 1255(l)) is amended—

14 (1) in paragraph (1)—

15 (A) by striking “Attorney General” each
16 place it appears and inserting “Secretary of
17 Homeland Security”; and

18 (B) in subparagraph (A), by striking “3
19 years” and inserting “2 year”;

20 (2) in paragraph (2), by striking “Attorney
21 General” each place it appears and inserting “Sec-
22 retary of Homeland Security”; and

23 (3) in paragraph (5), by striking “Attorney
24 General” and inserting “Secretary of Homeland Se-
25 curity”.

1 **SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
2 **TRAFFICKING.**

3 (a) CLARIFICATION OF DEPARTMENT OF JUSTICE
4 AND DEPARTMENT OF HOMELAND SECURITY ROLES.—

5 (1) TRAFFICKING VICTIMS.—Section 107 of the
6 Trafficking Victims Protection Act of 2000 (22
7 U.S.C. 7105) is amended—

8 (A) in subsections (b)(1)(E), (e)(5), and
9 (g), by striking “Attorney General” each place
10 it appears and inserting “Secretary of Home-
11 land Security”; and

12 (B) in subsection (e), by inserting “, the
13 Secretary of Homeland Security” after “Attor-
14 ney General”.

15 (2) NONIMMIGRANT ALIENS.—Section 101 of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101) is amended—

18 (A) in subsection (a)(15)(T), by striking
19 “Attorney General” each place it appears and
20 inserting “Secretary of Homeland Security; and

21 (B) in subsection (i)—

22 (i) in paragraph (1), by striking “At-
23 torney General” and inserting “Secretary
24 of Homeland Security, the Attorney Gen-
25 eral,”; and

1 (ii) in paragraph (2), by striking “At-
2 torney General” and inserting “Secretary
3 of Homeland Security”.

4 (3) INADMISSIBLE ALIENS.—Section 212(d)(13)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1182(d)(13)) is amended—

7 (A) in subparagraph (A), by striking “At-
8 torney General” and inserting “Secretary of
9 Homeland Security”;

10 (B) in subparagraph (B)—

11 (i) by striking “Attorney General”
12 each place it appears and inserting “Sec-
13 retary of Homeland Security”; and

14 (ii) by striking “, in the Attorney
15 General’s discretion,”.

16 (4) ADJUSTMENT OF STATUS FOR VICTIMS OF
17 TRAFFICKING.—Section 245(l) of the Immigration
18 and Nationality Act (8 U.S.C. 1255(l)) is
19 amended—

20 (A) in paragraphs (1), (2), and (4), by
21 striking “Attorney General” the first place it
22 appears in each such paragraph and inserting
23 “Secretary of Homeland Security”;

24 (B) in paragraphs (1) and (2), by striking
25 “Attorney General” the second place it appears

1 in each such paragraph and inserting “Sec-
2 retary”; and

3 (C) in paragraph (2), by striking “, in the
4 Attorney General’s discretion,”.

5 (b) CERTIFICATION PROCESS.—Section 107(b)(1)(E)
6 of the Trafficking Victims Protection Act of 2000 (22
7 U.S.C. 7105(b)(1)(E)) is amended—

8 (1) in clause (i)—

9 (A) in the matter preceding subclause (I),
10 by inserting “or the Secretary of Homeland Se-
11 curity, as appropriate” after “Attorney Gen-
12 eral”; and

13 (B) in subclause (II)(bb), by inserting “or
14 the Secretary of Homeland Security” after “At-
15 torney General”.

16 (2) in clause (ii), by striking “Attorney Gen-
17 eral” and inserting “Secretary of Homeland Secu-
18 rity”;

19 (3) in clause (iii)—

20 (A) in subclause (II), by striking “and” at
21 the end;

22 (B) in subclause (III), by striking the pe-
23 riod at the end and inserting “; or”; and

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

1 “(IV) responding to and cooper-
2 ating with requests for evidence and
3 information.”.

4 (b) **TRAFFICKING VICTIM REGULATIONS.**—Section
5 107(e) of the Trafficking Victims Protection Act of 2000
6 (22 U.S.C. 7105(e)) is amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “, the Secretary of Homeland Security,”
9 after “Attorney General”; and

10 (2) in paragraph (3)—

11 (A) by striking “Federal law enforcement
12 officials” and inserting “The Department of
13 Homeland Security”; and

14 (B) by adding at the end the following:
15 “State or local law enforcement officials may
16 petition the Department of Homeland Security
17 for the continued presence for trafficking vic-
18 tims. If such a petition contains a certification
19 that a trafficking victim is a victim of a severe
20 form of trafficking, the presence of the traf-
21 ficking victim may be permitted in accordance
22 with this paragraph.”.

23 (c) **PROTECTION FROM REMOVAL FOR CERTAIN**
24 **CRIME VICTIMS.**—Section 107(e)(5) of the Trafficking
25 Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5))

1 is amended by striking “Attorney General” each place it
2 occurs and inserting “Secretary of Homeland Security”.

3 (d) ANNUAL REPORT.—Section 107(g) of the Traf-
4 ficking Victims Protection Act of 2000 (22 U.S.C.
5 7105(g)) is amended by inserting “or the Secretary of
6 Homeland Security” after “Attorney General”.

7 **SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.**

8 (a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1154(a)(1)(D)) is amended—

11 (1) in clause (i)—

12 (A) in subclause (I), by inserting “or sec-
13 tion 204(a)(1)(B)(iii)” after “204(a)(1)(A)”
14 each place it appears; and

15 (B) in subclause (III), by striking “a peti-
16 tioner for preference status under paragraph
17 (1), (2), or (3) of section 203(a), whichever
18 paragraph is applicable,” and inserting “a
19 VAWA self-petitioner”; and

20 (2) by adding at the end the following:

21 “(iv) Any alien who benefits from this subparagraph
22 may adjust status in accordance with subsections (a) and
23 (c) of section 245 as an alien having an approved petition
24 for classification under subparagraph (A)(iii), (A)(iv),
25 (B)(ii), or (B)(iii).”.

1 (b) APPLICATION OF CSPA PROTECTIONS.—

2 (1) IMMEDIATE RELATIVE RULES.—Section
3 201(f) of the Immigration and Nationality Act (8
4 U.S.C. 1151(f)) is amended by adding at the end
5 the following:

6 “(4) APPLICATION TO SELF-PETITIONS.—Para-
7 graphs (1) through (3) shall apply to self-petitioners
8 and derivatives of self-petitioners.”.

9 (2) CHILDREN RULES.—Section 203(h) of the
10 Immigration and Nationality Act (8 U.S.C. 1153(h))
11 is amended by adding at the end the following:

12 “(4) APPLICATION TO SELF-PETITIONS.—Para-
13 graphs (1) through (3) shall apply to self-petitioners
14 and derivatives of self-petitioners.”.

15 (c) LATE PETITION PERMITTED FOR IMMIGRANT
16 SONS AND DAUGHTERS BATTERED AS CHILDREN.—

17 (1) IN GENERAL.—Section 204(a)(1)(D) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1154(a)(1)(D)), as amended by subsection (a), is
20 further amended by adding at the end the following:

21 “(v) For purposes of this paragraph, an individual
22 who is not less than 21 years of age, who qualified to file
23 a petition under subparagraph (A)(iv) as of the day before
24 the date on which the individual attained 21 years of age,
25 and who did not file such a petition before such day, shall

1 be treated as having filed a petition under such subpara-
 2 graph as of such day if a petition is filed for the status
 3 described in such subparagraph before the individual at-
 4 tains 25 years of age and the individual shows a connec-
 5 tion between the abuse and the filing delay. Clauses (i)
 6 through (iv) of this subparagraph shall apply to an indi-
 7 vidual described in this clause in the same manner as an
 8 individual filing a petition under subparagraph (A)(iv).”.

9 (d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY
 10 REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—
 11 Section 101(b)(1)(E)(i) of the Immigration and Nation-
 12 ality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by in-
 13 serting before the colon the following: “or if the child has
 14 been battered or subject to extreme cruelty by the adopt-
 15 ing parent or by a family member of the adopting parent
 16 residing in the same household”.

17 **Subtitle B—VAWA Self-Petitioners**

18 **SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.**

19 Section 101(a) of the Immigration and Nationality
 20 Act (8 U.S.C. 1101(a)) is amended by adding at the end
 21 the following:

22 “(51) The term ‘VAWA self-petitioner’ means
 23 an alien, or a child of the alien, who qualifies for re-
 24 lief under—

1 “(A) clause (iii), (iv), or (vii) of section
2 204(a)(1)(A);

3 “(B) clause (ii) or (iii) of section
4 204(a)(1)(B);

5 “(C) section 216(c)(4)(C);

6 “(D) the first section of Public Law 89–
7 732 (8 U.S.C. 1255 note) (commonly known as
8 the Cuban Adjustment Act) as a child or spouse
9 who has been battered or subjected to extreme
10 cruelty;

11 “(E) section 902(d)(1)(B) of the Haitian
12 Refugee Immigration Fairness Act of 1998 (8
13 U.S.C. 1255 note);

14 “(F) section 202(d)(1) of the Nicaraguan
15 Adjustment and Central American Relief Act;

16 or

17 “(G) section 309 of the Illegal Immigra-
18 tion Reform and Immigrant Responsibility Act
19 of 1996 (division C of Public Law 104–208).”.

20 **SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY**
21 **WITHIN 90-DAY PERIOD.**

22 (a) IN GENERAL.—Section 214(d) of the Immigra-
23 tion and Nationality Act (8 U.S.C. 1184(d)) is amended
24 by inserting before the period at the end the following:
25 “, unless the alien is eligible for status as a VAWA self-

1 petitioner, for relief under section 240A(b)(2), or for relief
2 under section 244(a)(3) (as in effect prior to March 31,
3 1997), and the alien married the United States citizen
4 who filed the petition under section 101(a)(15)(K)(i)”.

5 (b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN
6 WHO ENTERED THE UNITED STATES ON FINANCE VISAS
7 FROM CONDITIONAL RESIDENCY STATUS REQUIRE-
8 MENT.—Section 245(d) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1255(d)) is amended—

10 (1) by inserting “(1)” after “(d)”; and

11 (2) by adding at the end the following:

12 “(2) The failure of a nonimmigrant described in sec-
13 tion 101(a)(15)(K) to marry within 3 months of being ad-
14 mitted in such status does not restrict the Secretary of
15 Homeland Security’s or the Attorney General’s authority
16 to adjust the status of the nonimmigrant, or grant relief
17 under section 240A(b)(2), or under section 244(a)(3) (as
18 in effect prior to March 31, 1997), provided that—

19 “(A) the alien married the United States citizen
20 who filed the petition under section
21 101(a)(15)(K)(i);

22 “(B) the United States citizen petitioner sub-
23 jected a VAWA self-petitioner to battery or extreme
24 cruelty; and

1 “(C) the alien shows a substantial connection
2 between the battery or extreme cruelty and the fail-
3 ure to marry within the 90-day period.”.

4 **SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPART-**
5 **TURE.**

6 Section 240B(d) of the Immigration and Nationality
7 Act (8 U.S.C. 1229c(d)) is amended to read as follows:

8 “(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 if an alien is permitted to depart voluntarily under
11 this section and voluntarily fails to depart the
12 United States within the time period specified, the
13 alien—

14 “(A) shall be subject to a civil penalty of
15 not less than \$1,000 and not more than
16 \$5,000; and

17 “(B) shall be ineligible, for a period of 10
18 years, to receive any further relief under this
19 section and sections 240A, 245, 248, and 249.

20 “(2) APPLICATION OF VAWA PROTECTIONS.—

21 The restrictions on relief under paragraph (1) shall
22 not apply to relief under section 240A or 245 on the
23 basis of a petition filed by a VAWA self-petitioner,
24 or a petition filed under section 240A(b)(2), or
25 under section 244(a)(3) (as in effect prior to March

1 31, 1997), if the extreme cruelty or battering is sub-
2 stantially connected to the alien's overstaying the
3 grant of voluntary departure.

4 “(3) NOTICE OF PENALTIES.—The order per-
5 mitting an alien to depart voluntarily shall inform
6 the alien of the penalties under this subsection.”.

7 **SEC. 814. REMOVAL PROCEEDINGS.**

8 (a) EXCEPTIONAL CIRCUMSTANCES.—

9 (1) IN GENERAL.—Section 240(e)(1) of the Im-
10 migration and Nationality Act (8 U.S.C.
11 1229a(e)(1)) is amended by striking “serious illness
12 of the alien” and inserting “battery or extreme cru-
13 elty to the alien or any child or parent of the alien,
14 serious illness of the alien,”.

15 (2) EFFECTIVE DATE.—The amendment made
16 by paragraph (1) shall apply to a failure to appear
17 that occurs before, on, or after the date of the enact-
18 ment of this Act.

19 (b) DISCRETION TO CONSENT TO AN ALIEN'S RE-
20 APPLICATION FOR ADMISSION.—

21 (1) IN GENERAL.—The Secretary of Homeland
22 Security, the Attorney General, and the Secretary of
23 State shall continue to have discretion to consent to
24 an alien's reapplication for admission after a pre-
25 vious order of removal, deportation, or exclusion.

1 (2) SENSE OF CONGRESS.—It is the sense of
2 Congress that the officials described in paragraph
3 (1) should particularly consider exercising this au-
4 thority in cases under the Violence Against Women
5 Act of 1994, cases involving nonimmigrants de-
6 scribed in subparagraph (T) or (U) of section
7 101(a)(15) of the Immigration and Nationality Act
8 (8 U.S.C. 1101(a)(15)), and relief under section
9 240A(b)(2) or 244(a)(3) of such Act (as in effect on
10 March 31, 1997) pursuant to regulations under sec-
11 tion 212.2 of title 8, Code of Federal Regulations.

12 (c) CLARIFYING APPLICATION OF DOMESTIC VIO-
13 LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-
14 MOVAL.—

15 (1) IN GENERAL.—Section 240A(b) of the Im-
16 migration and Nationality Act (8 U.S.C. 1229b(b))
17 is amended—

18 (A) in paragraph (1)(C), by striking “(ex-
19 cept in a case described in section 237(a)(7)
20 where the Attorney General exercises discretion
21 to grant a waiver)” and inserting “, subject to
22 paragraph (5)”;

23 (B) in paragraph (2)(A)(iv), by striking
24 “(except in a case described in section
25 237(a)(7) where the Attorney General exercises

1 discretion to grant a waiver)” and inserting “,
2 subject to paragraph (5)”; and

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

4 “(5) APPLICATION OF DOMESTIC VIOLENCE
5 WAIVER AUTHORITY.—The authority provided under
6 section 237(a)(7) may apply under paragraphs
7 (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of re-
8 moval and adjustment of status proceeding.”.

9 **SEC. 815. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**
10 **CATIONS FOR ADJUSTMENTS OF STATUS.**

11 (a) APPLICATION OF VAWA DEPORTATION PROTEC-
12 TIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN
13 ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION
14 FAIRNESS ACT.—Section 1506(c)(2) of the Violence
15 Against Women Act of 2000 (8 U.S.C. 1229a note; divi-
16 sion B of Public Law 106–386) is amended—

17 (1) in subparagraph (A)—

18 (A) by amending clause (i) to read as fol-
19 lows:

20 “(i) if the basis of the motion is to
21 apply for relief under—

22 “(I) clause (iii) or (iv) of section
23 204(a)(1)(A) of the Immigration and
24 Nationality Act (8 U.S.C.
25 1154(a)(1)(A));

1 “(II) clause (ii) or (iii) of section
2 204(a)(1)(B) of such Act (8 U.S.C.
3 1154(a)(1)(B));

4 “(III) section 244(a)(3) of such
5 Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

6 “(IV) the first section of Public
7 Law 89–732 (8 U.S.C. 1255 note)
8 (commonly known as the Cuban Ad-
9 justment Act) as a child or spouse
10 who has been battered or subjected to
11 extreme cruelty; or

12 “(V) section 902(d)(1)(B) of the
13 Haitian Refugee Immigration Fair-
14 ness Act of 1998 (8 U.S.C. 1255
15 note); and”;

16 (B) in clause (ii), by inserting “or adjust-
17 ment of status” after “suspension of deporta-
18 tion”; and

19 (2) in subparagraph (B)(ii), by striking “for re-
20 lief” and all that follows through “1101 note))” and
21 inserting “for relief described in subparagraph
22 (A)(i)”.

23 (b) EMPLOYMENT AUTHORIZATION FOR VAWA
24 SELF-PETITIONERS.—Section 204(a)(1) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
2 ed by adding at the end the following:

3 “(l) Upon the approval of a petition as a VAWA self-
4 petitioner, the alien—

5 “(i) is eligible for work authorization; and

6 “(ii) shall be provided an ‘employment author-
7 ized’ endorsement or appropriate work permit inci-
8 dental to such approval.”.

9 **SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.**

10 (a) **IN GENERAL.**—Section 202(d)(1) of the Nica-
11 ragan Adjustment and Central American Relief Act (8
12 U.S.C. 1255 note; Public Law 105–100) is amended—

13 (1) in subparagraph (B)(ii), by inserting “, or
14 was eligible for adjustment,” after “whose status is
15 adjusted”; and

16 (2) in subparagraph (E), by inserting “, or, in
17 the case of an alien who qualifies under subpara-
18 graph (B)(ii), applies for such adjustment during
19 the 18-month period beginning on the date of enact-
20 ment of the Violence Against Women Act of 2005”
21 after “April 1, 2000”.

22 (b) **TECHNICAL AMENDMENT.**—Section 202(d)(3) of
23 such Act (8 U.S.C. 1255 note; Public Law 105–100) is
24 amended by striking “204(a)(1)(H)” and inserting
25 “204(a)(1)(J)”.

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (b) shall take effect as if included in the enact-
3 ment of the Violence Against Women Act of 2000 (division
4 B of Public Law 106–386; 114 Stat. 1491).

5 **SEC. 817. SELF-PETITIONING PARENTS.**

6 Section 204(a)(1)(A) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
8 at the end the following:

9 “(vii) An alien may file a petition with the Secretary
10 of Homeland Security under this subparagraph for classi-
11 fication of the alien under section 201(b)(2)(A)(i) if the
12 alien—

13 “(I) is the parent of a citizen of the United
14 States or was a parent of a citizen of the United
15 States who, within the past 2 years, lost or re-
16 nounced citizenship status related to an incident of
17 domestic violence or died;

18 “(II) is a person of good moral character;

19 “(III) is eligible to be classified as an imme-
20 diate relative under section 201(b)(2)(A)(i);

21 “(IV) resides, or has resided, with the citizen
22 daughter or son; and

23 “(V) demonstrates that the alien has been bat-
24 tered or subject to extreme cruelty by the citizen
25 daughter or son.”.

1 **SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.**

2 Section 384 of the Illegal Immigration Reform and
3 Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a))
4 is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1),
7 by striking “(including any bureau or agency of
8 such Department)” and inserting “, the Sec-
9 retary of Homeland Security, the Secretary of
10 State, or any other official or employee of the
11 Department of Homeland Security or Depart-
12 ment of State (including any bureau or agency
13 of either of such Departments)”; and

14 (B) in paragraph (1)—

15 (i) in subparagraph (D), by striking
16 “or” at the end;

17 (ii) in subparagraph (E), by adding
18 “or” at the end; and

19 (iii) by inserting after subparagraph
20 (E) the following:

21 “(F) in the case of an alien applying for
22 status under section 101(a)(15)(T) of the Im-
23 migration and Nationality Act (8 U.S.C.
24 1101(a)(15)(T)), under section
25 107(b)(1)(E)(i)(II)(bb) of the Trafficking Vic-
26 tims Protection Act of 2000 (22 U.S.C. 7105),

1 under section 244(a)(3) of the Immigration and
2 Nationality Act (8 U.S.C. 1254a(a)(3)), as in
3 effect prior to March 31, 1999, or as a VAWA
4 self-petitioner (as defined in section 101(a)(51)
5 of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(51)), the trafficker or pepe-
7 trator.”.

8 (2) in subsection (b)(2), by inserting “or his
9 other designee” after “the discretion of the Attorney
10 General.”.

11 **Subtitle C—Miscellaneous**

12 **Amendments**

13 **SEC. 821. DURATION OF T AND U VISAS.**

14 (a) T VISAS.—Section 214(o) of the Immigration and
15 Nationality Act (8 U.S.C. 1184(o)) is amended by adding
16 at the end the following:

17 “(7)(A) Except as provided in subparagraph (B), an
18 alien who is issued a visa or otherwise provided non-
19 immigrant status under section 101(a)(15)(T) may be
20 granted such status for a period of not more than 4 years.

21 “(B) An alien who is issued a visa or otherwise pro-
22 vided nonimmigrant status under section 101(a)(15)(T)
23 may extend the period of such status beyond the period
24 described in subparagraph (A) if a Federal, State, or local
25 law enforcement official, prosecutor, judge, or other au-

1 thority investigating or prosecuting activity relating to
2 human trafficking or certifies that the presence of the
3 alien in the United States is necessary to assist in the
4 investigation or prosecution of such activity.”.

5 (b) U VISAS.—Section 214(p) of the Immigration
6 and Nationality Act (8 U.S.C. 1184(p)) is amended by
7 adding at the end the following:

8 “(6) DURATION OF STATUS.—The authorized
9 period of status of an alien as a nonimmigrant
10 under section 101(a)(15)(U) shall be 4 years, but
11 shall be extended upon certification from a Federal,
12 State, or local law enforcement official, prosecutor,
13 judge, or other Federal, State, or local authority in-
14 vestigating or prosecuting criminal activity described
15 in section 101(a)(15)(U)(iii) that the alien’s pres-
16 ence in the United States is required to assist in the
17 investigation or prosecution of such criminal activ-
18 ity.”.

19 (c) PERMITTING CHANGE OF NONIMMIGRANT STA-
20 TUS TO T AND U NONIMMIGRANT STATUS.—

21 (1) IN GENERAL.—Section 248 of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1258) is
23 amended—

1 (A) by striking “The Attorney General”
2 and inserting “(a) The Secretary of Homeland
3 Security”;

4 (B) by inserting “(subject to subsection
5 (b))” after “except”; and

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

7 “(b) The exceptions specified in paragraphs (1)
8 through (4) of subsection (a) shall not apply to a change
9 of nonimmigrant classification to that of a nonimmigrant
10 under subparagraph (T) or (U) of section 101(a)(15).”.

11 (2) CONFORMING AMENDMENT.—Section
12 214(l)(2)(A) of the Immigration and Nationality Act
13 (8 U.S.C. 1184(l)(2)(A)) is amended by striking
14 “248(2)” and inserting “248(a)(2)”.

15 **SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN AP-**
16 **PLICATION OF SPECIAL PHYSICAL PRESENCE**
17 **AND GOOD MORAL CHARACTER RULES.**

18 (a) PHYSICAL PRESENCE RULES.—Section
19 240A(b)(2)(B) of the Immigration and Nationality Act (8
20 U.S.C. 1229b(b)(2)(B)) is amended—

21 (1) in the first sentence, by striking
22 “(A)(i)(II)” and inserting “(A)(ii)”; and

23 (2) in the fourth sentence, by striking “sub-
24 section (b)(2)(B) of this section” and inserting “this
25 subparagraph, subparagraph (A)(ii),”.

1 (b) MORAL CHARACTER RULES.—Section
2 240A(b)(2)(C) of the Immigration and Nationality Act (8
3 U.S.C. 1229b(b)(2)(C)) is amended by striking
4 “(A)(i)(III)” and inserting “(A)(iii)”.

5 (c) CORRECTION OF CROSS-REFERENCE ERROR IN
6 APPLYING GOOD MORAL CHARACTER.—

7 (1) IN GENERAL.—Section 101(f)(3) of the Im-
8 migration and Nationality Act (8 U.S.C. 1101(f)(3))
9 is amended by striking “(9)(A)” and inserting
10 “(10)(A)”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall be effective as if included in
13 section 603(a)(1) of the Immigration Act of 1990
14 (Public Law 101–649; 104 Stat. 5082).

15 **SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER**
16 **SPOUSES UNDER CUBAN ADJUSTMENT.**

17 (a) IN GENERAL.—The first section of Public Law
18 89–732 (8 U.S.C. 1255 note) (commonly known as the
19 Cuban Adjustment Act) is amended—

20 (1) in the last sentence, by striking
21 “204(a)(1)(H)” and inserting “204(a)(1)(J)”; and

22 (2) by adding at the end the following: “An
23 alien who was the spouse of any Cuban alien de-
24 scribed in this section and has resided with such
25 spouse shall continue to be treated as such a spouse

1 for 2 years after the date on which the Cuban alien
2 dies (or, if later, 2 years after the date of enactment
3 of Violence Against Women Act of 2005), or for 2
4 years after the date of termination of the marriage
5 (or, if later, 2 years after the date of enactment of
6 Violence Against Women Act of 2005) if there is
7 demonstrated a connection between the termination
8 of the marriage and the battering or extreme cruelty
9 by the Cuban alien.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a)(1) shall take effect as if included in the en-
12 actment of the Violence Against Women Act of 2000 (divi-
13 sion B of Public Law 106–386; 114 Stat. 1491).

14 **SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLI-**
15 **CANTS.**

16 (a) IN GENERAL.—Section 902(d)(1)(B) of the Hai-
17 tian Refugee Immigration Fairness Act of 1998 (8 U.S.C.
18 1255 note) is amended—

19 (1) in clause (i), by striking “whose status is
20 adjusted to that of an alien lawfully admitted for
21 permanent residence” and inserting “who is or was
22 eligible for classification”;

23 (2) in clause (ii), by striking “whose status is
24 adjusted to that of an alien lawfully admitted for

1 permanent residence” and inserting “who is or was
2 eligible for classification”; and

3 (3) in clause (iii), by striking “204(a)(1)(H)”
4 and inserting “204(a)(1)(J)”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a)(3) shall take effect as if included in the en-
7 actment of the Violence Against Women Act of 2000 (divi-
8 sion B of Public Law 106–386; 114 Stat. 1491).

9 **SEC. 825. DEPORTATION PROCEEDINGS.**

10 (a) DEPORTATION OR REMOVAL PROCEEDINGS.—

11 (1) IN GENERAL.—Section 240(c)(6)(C) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1229a(c)(6)(C)) is amended—

14 (A) in clause (iv), by striking “The dead-
15 line specified in subsection (b)(5)(C) for filing
16 a motion to reopen does not apply—” and in-
17 serting “No limitation on number of motions or
18 on deadlines for filing motions under other pro-
19 visions of this section shall apply—”; and

20 (B) by adding at the end the following:

21 “(v) STAY OF REMOVAL.—The filing
22 of the motion described in clause (iv) shall
23 stay the removal of the alien pending a
24 final disposition of the motion, including
25 the exhaustion of all appeals. Only 1 spe-

1 cial motion under clause (iv) is per-
2 mitted.”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by paragraph (1) shall take effect as if included in
5 the enactment of section 442(a) of the Antiterrorism
6 and Effective Death Penalty Act of 1996 (Public
7 Law 104–132; 110 Stat. 1279).

8 (b) MOTIONS TO REOPEN DEPORTATION PRO-
9 CEEDINGS.—Section 1506(c)(2)(A) of the Violence
10 Against Women Act of 2000 (division B of Public Law
11 106–386; 8 U.S.C. 1229a note) is amended—

12 (1) by inserting “on number of motions or
13 deadlines for filing motions” after “Notwithstanding
14 any limitation”;

15 (2) by inserting “, deadline, or limit on number
16 of motions” after “there is no time limit”; and

17 (3) by striking “, and the” and inserting “. The
18 filing of a motion described in clauses (i) and (ii)
19 shall stay the removal of the aliens pending a final
20 disposition of the motion, including the exhaustion
21 of all appeals. Only 1 motion under clauses (i) and
22 (ii) is permitted. The”.

23 (c) CONFORMING AMENDMENTS.—Section 212(a) of
24 the Immigration and Nationality Act (8 U.S.C. 1182(a))
25 is amended—

1 (1) in paragraph (6)(A)(ii)(III), by striking
2 “substantial”; and

3 (2) in paragraph (9)(B)(iii)(IV), by striking
4 “who would be described in paragraph (6)(A)(ii)”
5 and inserting “who demonstrates that the alien is
6 described in subclauses (I) and (II) of paragraph
7 (b)(A)(ii)”.

8 **SEC. 826. PROTECTING ABUSED JUVENILES.**

9 Section 287 of the Immigration and Nationality Act
10 (8 U.S.C. 1357), as amended by section 726, is further
11 amended by adding at the end the following—

12 “(i) An alien described in section 101(a)(27)(J) of
13 the Immigration and Nationality Act who has been bat-
14 tered, abused, neglected, or abandoned, shall not be com-
15 pelled to contact the alleged abuser (or family member of
16 the alleged abuser) at any stage of applying for special
17 immigrant juvenile status, including after a request for
18 the consent of the Secretary of Homeland Security under
19 section 101(a)(27)(J)(iii)(I) of such Act.”.

20 **SEC. 827. EXCEPTION FOR THE PROTECTION OF DOMESTIC**
21 **VIOLENCE AND CRIME VICTIMS.**

22 (a) Section 202 of the Real ID Act of 2005 (49
23 U.S.C. 30301 note; 119 Stat. 312) is amended by adding
24 at the end the following:

1 “(e) EXCEPTION FOR THE PROTECTION OF VICTIMS
2 OF DOMESTIC VIOLENCE AND CRIME.—

3 “(1) ALTERNATIVE VALID ADDRESS AUTHOR-
4 IZED FOR VICTIM PROTECTION AND CONFIDEN-
5 TIALITY.—Victims who have been subjected to bat-
6 tery, extreme cruelty, domestic violence, dating vio-
7 lence, sexual assault or stalking may be exempt from
8 the requirements of section 202(b)(6) and permitted
9 to use an alternate address on their driver’s license
10 or identification card if the applicant—

11 “(A) is enrolled in a State address con-
12 fidentiality program;

13 “(B) has been permitted by a Federal,
14 State, tribal, territorial, or local court (as de-
15 fined in section 2266 of title 18, United States
16 Code) to keep the applicant’s address or loca-
17 tion confidential as part of a protection order
18 (as defined in such section 2266) or other in-
19 junctive relief to protect the applicant from do-
20 mestic violence, dating violence, sexual assault,
21 or stalking;

22 “(C) is determined by the Center for Secu-
23 rity and Integrity of the Social Security Admin-
24 istration, which is responsible for requests for
25 changes of information in social security ac-

1 counts as of May 1, 2005, to have been a victim
2 of battery, extreme cruelty, domestic violence,
3 dating violence, sexual assault or stalking under
4 section 422.110 of title 20, Code of Federal
5 Regulations; or

6 “(D) has received a prima facie determina-
7 tion or an approved petition as a VAWA self-
8 petitioner (as defined in section 101(a)(51) of
9 the Immigration and Nationality Act);

10 “(E) has received a bona fide determina-
11 tion or an approved application under subpara-
12 graph (T) of section 101(a)(15);

13 “(F) has received interim relief or an ap-
14 proved application under subparagraph (U) of
15 section 101(a)(15);

16 “(G) has received continued presence or
17 certification under section 107 of the Victims of
18 Trafficking and Violence Protection Act of
19 2000 (22 U.S.C. 7105);

20 “(H) meets the requirements of section
21 240A(b)(2) of the Immigration and Nationality
22 Act; or

23 “(I) qualifies for relief under section
24 244(a)(3) of such Act (as in effect on March
25 31, 1997).

1 “(2) ALTERNATIVE ADDRESS.—To meet the re-
2 quirements of this section, a State may issue drivers’
3 licenses by—

4 “(A) accepting any documentation from
5 the entities described in paragraph (1) that dis-
6 tinguishes the alternative address as a sub-
7 stitute to the principal residential address;

8 “(B) printing the alternative address on
9 the applicant’s driver’s license or identification
10 card; and

11 “(C) entering the alternative address into
12 the state’s driver license database.

13 “(3) FILING AND APPROVAL OF APPLICA-
14 TIONS.—

15 “(A) FILING.—Victims shall file applica-
16 tions requesting permission to use an alter-
17 native address with the Center for Security and
18 Integrity of the Social Security Administration.

19 “(B) APPROVAL.—The Social Security Ad-
20 ministration shall issue an approval notice con-
21 taining the alternative address authorized.

22 “(4) CONFIDENTIALITY OF INFORMATION.—
23 The Secretary of Health and Human Services and
24 any other official or employee of the Department of

1 Health and Human Services, or administration or
2 bureau thereof, may not—

3 “(A) use the information furnished by the
4 applicant pursuant to an application for alter-
5 native address filed under this section for any
6 purpose other than to make a determination on
7 the application;

8 “(B) make any publication whereby the in-
9 formation furnished by any particular individual
10 can be identified; or

11 “(C) permit any person other than the
12 sworn officers and employees of the Depart-
13 ment or administration or bureau to access
14 such information.

15 “(5) DEFINITIONS.—For the purposes of this
16 section—

17 “(A) the term ‘State address confiden-
18 tiality program’ means any State-authorized or
19 State-administered program that—

20 “(i) allows victims of domestic vio-
21 lence, dating violence, sexual assault, stalk-
22 ing, or a severe form of trafficking to keep,
23 obtain and use alternative addresses; or

1 “(ii) that provides confidential record-
2 keeping regarding the addresses of such
3 victims;

4 “(B) the term ‘battering or extreme cru-
5 elty’ has the meanings given the term in sec-
6 tions 204, 216, and 240 of the Immigration
7 and Nationality Act (8 U.S.C. 1154, 1186a,
8 and 1229a); and

9 “(C) the terms ‘domestic violence’, ‘dating
10 violence’, ‘sexual assault’, and ‘stalking’ have
11 the meanings given the terms in section 2008
12 of the Violence Against Women Act.”.

13 **SEC. 828. RULEMAKING.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Attorney General, the Secretary of Home-
16 land Security, and the Secretary of State shall promulgate
17 regulations to implement the provisions contained in the
18 Battered Immigrant Women Protection Act of 2000 (title
19 V of Public Law 106–386), this Act, and the amendments
20 made by this Act.

21 **Subtitle D—International Marriage**
22 **Broker Regulation**

23 **SEC. 831. SHORT TITLE.**

24 This subtitle may be cited as the “International Mar-
25 riage Broker Regulation Act of 2005”.

1 **SEC. 832. DEFINITIONS.**

2 In this subtitle:

3 (a) **CRIME OF VIOLENCE.**—The term “crime of vio-
4 lence” has the meaning given such term in section 16 of
5 title 18, United States Code.

6 (b) **DOMESTIC VIOLENCE.**—The term “domestic vio-
7 lence” means any crime of violence, or other act forming
8 the basis for a past or outstanding protective order, re-
9 straining order, no-contact order, conviction, arrest, or po-
10 lice report, committed against a person by—

11 (1) a current or former spouse of the person;

12 (2) an individual with whom the person shares
13 a child in common;

14 (3) an individual with whom the person is co-
15 habiting or has cohabited;

16 (4) an individual similarly situated to a spouse
17 of the person under the domestic or family violence
18 laws of the jurisdiction in which the offense occurs;
19 or

20 (5) any other individual if the person is pro-
21 tected from that individual’s acts pursuant to a
22 court order issued under the domestic or family vio-
23 lence laws of the United States or any State, Indian
24 tribal government, or unit of local government.

25 (c) **FOREIGN NATIONAL CLIENT.**—The term “foreign
26 national client” means an individual who is not a United

1 States citizen, a national of the United States, or an alien
2 lawfully admitted to the United States for permanent resi-
3 dence and who utilizes the services of an international
4 marriage broker, and includes an alien residing in the
5 United States who is in the United States as a result of
6 utilizing the services of an international marriage broker.

7 (d) INTERNATIONAL MARRIAGE BROKER.—

8 (1) IN GENERAL.—The term “international
9 marriage broker” means a corporation, partnership,
10 business, individual, or other legal entity, whether or
11 not organized under any law of the United States,
12 that charges fees for providing dating, matrimonial,
13 matchmaking services, or social referrals between
14 United States clients and foreign national clients by
15 providing personal contact information or otherwise
16 facilitating communication between individuals from
17 these respective groups.

18 (2) EXCEPTIONS.—Such term does not
19 include—

20 (A) a traditional matchmaking organiza-
21 tion of a cultural or religious nature that oper-
22 ates on a nonprofit basis and in compliance
23 with the laws of the countries in which it oper-
24 ates, including the laws of the United States; or

1 (B) an entity that provides dating services
2 between United States citizens or residents and
3 other individuals who may be aliens, but does
4 not do so as its principal business, and charges
5 comparable rates to all individuals it serves re-
6 gardless of the gender, country of citizenship,
7 or residence of the individual.

8 (e) K NONIMMIGRANT VISA.—The term “K non-
9 immigrant visa” means a nonimmigrant visa issued pursu-
10 ant to clause (i) or (ii) of section 101(a)(15)(K) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1101(a)(15)(K)).

13 (f) PERSONAL CONTACT INFORMATION.—

14 (1) IN GENERAL.—The term “personal contact
15 information” means information or a forum that
16 would permit individuals to contact each other and
17 includes—

18 (A) the name, telephone number, postal
19 address, electronic mail address, and voice mes-
20 sage mailbox of an individual; and

21 (B) the provision of an opportunity for an
22 in-person meeting.

23 (2) EXCEPTION.—Such term does not include a
24 photograph or general information about the back-
25 ground or interests of a person.

1 (g) STATE.—The term “State” includes the District
 2 of Columbia, Puerto Rico, the Virgin Islands, Guam, and
 3 American Samoa.

4 (h) UNITED STATES CLIENT.—The term “United
 5 States client” means a United States citizen or other indi-
 6 vidual who resides in the United States and who makes
 7 a payment or incurs a debt in order to utilize the services
 8 of an international marriage broker.

9 **SEC. 833. REGULATION OF INTERNATIONAL MARRIAGE**
 10 **BROKERS.**

11 (a) PROHIBITION ON MARKETING CHILDREN.—An
 12 international marriage broker shall not provide any United
 13 States client or other person with the personal contact in-
 14 formation, photograph, or general information about the
 15 background or interests of any individual under the age
 16 of 18.

17 (b) LIMITATIONS ON SHARING INFORMATION RE-
 18 GARDING FOREIGN NATIONAL CLIENTS.—

19 (1) IN GENERAL.—An international marriage
 20 broker shall not provide any United States client or
 21 other person with the personal contact information
 22 of any foreign national client or other individual 18
 23 years of age or older unless and until the inter-
 24 national marriage broker has—

1 (A) collected certain background informa-
2 tion from the United States client or other per-
3 son to whom the personal contact information
4 would be provided, as specified in subsection
5 (e);

6 (B) provided a copy of that background in-
7 formation to the foreign national client or other
8 individual in the primary language of that client
9 or individual;

10 (C) provided to the foreign national client
11 or other individual in such primary language
12 the information about legal rights and resources
13 available to immigrant victims of domestic vio-
14 lence and other crimes in the United States de-
15 veloped under section 834;

16 (D) received from the foreign national cli-
17 ent or other individual in such primary lan-
18 guage a written consent that is signed (includ-
19 ing using an electronic signature) to release
20 such personal contact information to the spe-
21 cific United States client or other person to
22 whom the personal contact information would
23 be provided; and

24 (E) informed the United States client or
25 other person from whom background informa-

1 tion has been collected that, after filing a peti-
2 tion for a K nonimmigrant visa, the United
3 States client or other person will be subject to
4 a criminal background check.

5 (2) CONFIDENTIALITY AFTER ORDER OF PRO-
6 TECTION OR CRIME.—

7 (A) NONDISCLOSURE OF INFORMATION RE-
8 GARDING INDIVIDUALS WITH PROTECTION OR-
9 DERS AND VICTIMS OF CRIMES.—In fulfilling its
10 obligations under this subsection, an inter-
11 national marriage broker shall not disclose the
12 name or location of an individual who obtained
13 a restraining or protection order as described in
14 subsection (c)(2)(A), or of any other victim of
15 a crime as described in subparagraphs (B)
16 through (D) of subsection (c)(2).

17 (B) DISCLOSURE OF INFORMATION RE-
18 GARDING UNITED STATES CLIENTS.—An inter-
19 national marriage broker shall disclose the rela-
20 tionship of the United States client or other
21 person to an individual or victim described in
22 paragraph (A).

23 (c) OBLIGATIONS OF INTERNATIONAL MARRIAGE
24 BROKER WITH RESPECT TO MANDATORY COLLECTION
25 OF INFORMATION.—

1 (1) IN GENERAL.—Each international marriage
2 broker shall collect the background information list-
3 ed in paragraph (2) from each United States client
4 or other person to whom the personal contact infor-
5 mation of a foreign national client or any other indi-
6 vidual would be provided. The background informa-
7 tion must be in writing and signed (including using
8 an electronic signature) by the United States client
9 or other person to whom the personal contact infor-
10 mation of a foreign national client or any other indi-
11 vidual would be provided.

12 (2) REQUIRED BACKGROUND INFORMATION.—
13 An international marriage broker shall collect from
14 a United States client or other person under para-
15 graph (1) background information about each of the
16 following:

17 (A) Any court order restricting the client’s
18 or person’s physical contact or communication
19 with or behavior towards another person, in-
20 cluding any temporary or permanent civil re-
21 straining order or protection order.

22 (B) Any arrest or conviction of the client
23 or person for homicide, murder, manslaughter,
24 assault, battery, domestic violence, rape, sexual
25 assault, abusive sexual contact, sexual exploi-

1 tation, incest, child abuse or neglect, torture,
2 trafficking, peonage, holding hostage, involun-
3 tary servitude, slave trade, kidnapping, abduc-
4 tion, unlawful criminal restraint, false imprison-
5 ment, stalking, or any similar activity in viola-
6 tion of Federal, State or local criminal law.

7 (C) Any arrest or conviction of the client
8 or person for—

9 (i) solely or principally engaging in, or
10 facilitating, prostitution;

11 (ii) any direct or indirect attempts to
12 procure prostitutes or persons for the pur-
13 pose of prostitution; or

14 (iii) any receipt, in whole or in part,
15 of the proceeds of prostitution.

16 (D) Any arrest or conviction of the client
17 or person for offenses related to controlled sub-
18 stances or alcohol.

19 (E) Marital history of the client or person,
20 including—

21 (i) whether the client or individual is
22 currently married;

23 (ii) whether the client or person has
24 previously been married and how many
25 times;

1 (iii) how previous marriages of the cli-
2 ent or person were terminated and the
3 date of termination; and

4 (iv) whether the client or person has
5 previously sponsored the immigration of an
6 alien to whom the client or person was en-
7 gaged or married.

8 (F) The ages of any children of the client
9 or person under the age of 18.

10 (G) All States in which the client or person
11 has resided since the age of 18.

12 (d) PENALTIES.—

13 (1) FEDERAL CIVIL PENALTY.—

14 (A) VIOLATION.—An international mar-
15 riage broker that violates subsection (a), (b), or
16 (c) is subject to a civil penalty of not less than
17 \$20,000 for each such violation.

18 (B) PROCEDURES FOR IMPOSITION OF
19 PENALTY.—The Secretary of Homeland Secu-
20 rity may impose a penalty under paragraph (A)
21 only after notice and an opportunity for an
22 agency hearing on the record in accordance
23 with subchapter II of chapter 5 of title 5,
24 United States Code.

1 (2) FEDERAL CRIMINAL PENALTY.—An inter-
2 national marriage broker that violates subsection
3 (a), (b), or (c) within the special maritime and terri-
4 torial jurisdiction of the United States shall be fined
5 in accordance with subchapter B of chapter 229 of
6 title 18, United States Code, or imprisoned for not
7 less than 1 year and not more than 5 years, or both.

8 (3) STATE ENFORCEMENT.—In any case in
9 which the Attorney General of a State has reason to
10 believe that an interest of the residents of that State
11 has been, or is threatened to be, adversely affected
12 by a violation of subsection (a), (b), or (c) by an
13 international marriage broker, the State, as *parens*
14 *patriae*, may bring a civil action on behalf of the
15 residents of the State in a district court of the
16 United States with appropriate jurisdiction to—

17 (A) enjoin that practice;

18 (B) enforce compliance with this section;

19 or

20 (C) obtain damages.

21 (4) ADDITIONAL REMEDIES.—The penalties and
22 remedies under this subsection are in addition to
23 any other penalties or remedies available under law.

24 (e) NONPREEMPTION.—Nothing in this section shall
25 preempt—

1 (B) beneficiaries of petitions filed by
2 United States citizens for K nonimmigrant
3 visas.

4 (2) CONSULTATION WITH EXPERT ORGANIZA-
5 TIONS.—The Secretary of Homeland Security, in
6 consultation with the Secretary of State, shall de-
7 velop such information pamphlet by working in con-
8 sultation with non-profit, non-governmental immi-
9 grant victim advocacy organizations.

10 (b) CONTENTS OF INFORMATION PAMPHLET.—The
11 information pamphlet required under subsection (a) shall
12 include information on the following:

13 (1) The K nonimmigrant visa application proc-
14 ess and the marriage-based immigration process, in-
15 cluding conditional residence and adjustment of sta-
16 tus.

17 (2) The requirement that international mar-
18 riage brokers provide foreign national clients with
19 background information collected from United
20 States clients regarding their marital history and do-
21 mestic violence or other violent criminal history, but
22 that such information may not be complete or accu-
23 rate.

24 (3) The illegality of domestic violence, sexual
25 assault, and child abuse in the United States.

1 (4) Information on the dynamics of domestic vi-
2 olence.

3 (5) Domestic violence and sexual assault serv-
4 ices in the United States, including the National Do-
5 mestic Violence Hotline, a project of the Texas
6 Council on Family Violence, a nonprofit organization
7 dedicated to fighting domestic violence, and the Na-
8 tional Sexual Assault Hotline, operated by the Rape,
9 Abuse and Incest National Network, and inde-
10 pendent anti-sexual assault organization.

11 (6) A description of immigration relief available
12 to an immigrant victim of domestic violence, sexual
13 assault, trafficking, and other crimes under the Vio-
14 lence Against Women Act, including the amend-
15 ments made by that Act, section 101(a)(15)(U) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(15)(U)), and section 101(a)(15)(T) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1101(a)(15)(T)).

20 (7) The legal rights of immigrant victims of
21 abuse and other crimes in immigration, criminal jus-
22 tice, family law, and other matters.

23 (8) The obligations of parents to provide child
24 support for children.

1 (9) The illegality of and penalties for knowingly
2 entering into marriage for the purpose of evading
3 the immigration laws of the United States.

4 (c) TRANSLATION.—

5 (1) LANGUAGES.—In order to best serve the
6 language groups most recruited by international
7 marriage brokers and having the greatest concentra-
8 tion of K nonimmigrant visa applicants, the Sec-
9 retary of Homeland Security, in consultation with
10 the Secretary of State, shall translate the informa-
11 tion pamphlet developed under this section, subject
12 to paragraph (2), into the following languages:

13 (A) Arabic.

14 (B) Chinese.

15 (C) French.

16 (D) Hindi.

17 (E) Japanese.

18 (F) Korean.

19 (G) Polish.

20 (H) Portuguese.

21 (I) Russian.

22 (J) Spanish.

23 (K) Tagalog.

24 (L) Thai.

25 (M) Ukrainian.

1 (N) Vietnamese.

2 (2) MODIFICATION OF LANGUAGE.—The Sec-
3 retary of Homeland Security may modify the trans-
4 lation requirements of paragraph (1) if the report
5 submitted under section 836(b) includes rec-
6 ommendations for such modification.

7 (d) AVAILABILITY AND DISTRIBUTION.—The infor-
8 mation pamphlet under this subsection shall be made
9 available and distributed as follows:

10 (1) INTERNATIONAL MARRIAGE BROKERS AND
11 VICTIM ADVOCACY ORGANIZATIONS.—The informa-
12 tion pamphlet shall be made available to each inter-
13 national marriage broker and to each governmental
14 or non-governmental victim advocacy organization.

15 (2) K NONIMMIGRANT VISA APPLICANTS.—

16 (A) MAILING WITH IMMIGRATION
17 FORMS.—The information pamphlet shall be
18 mailed by the National Visa Center, of the Sec-
19 retary of State, to each applicant for a K non-
20 immigrant visa at the same time that Form
21 DS-3032 is mailed to such applicant. The pam-
22 phlet so mailed shall be in the primary lan-
23 guage of the applicant, or in English if no
24 translation into the applicant's primary lan-
25 guage is available.

1 (B) POSTING ON NVC WEB SITE.—The
2 Secretary of State shall post the content of the
3 pamphlet on the web site of the National Visa
4 Center, as well as on the web sites of all con-
5 sular posts processing K nonimmigrant visa ap-
6 plications.

7 (C) CONSULAR INTERVIEWS.—The Sec-
8 retary of State shall require that the pamphlet
9 be distributed directly to such applicants at all
10 consular interviews for K nonimmigrant visas.
11 If no written translation into the applicant’s
12 primary language is available, the consular offi-
13 cer conducting the visa interview shall review
14 the pamphlet with the applicant orally in the
15 applicant’s primary language, in addition to dis-
16 tributing the pamphlet to the applicant in
17 English.

18 **SEC. 835. CHANGES IN PROCESSING K NONIMMIGRANT**
19 **VISAS; CONSULAR CONFIDENTIALITY.**

20 (a) K NONIMMIGRANT VISA PROCESSING.—Section
21 214(d) of the Immigration and Nationality Act (8 U.S.C.
22 1184(d)) is amended—

23 (1) by striking “Attorney General” and insert-
24 ing “Secretary of Homeland Security” each place it
25 appears;

1 (2) by inserting “(1)” before “A visa”; and

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

3 “(2) A United States citizen may not file a petition
4 under paragraph (1) if such a petition filed by that peti-
5 tioner for another alien fiancée or fiancé is pending or has
6 been approved and is still valid.

7 “(3) The Secretary of Homeland Security shall pro-
8 vide to the Secretary of State the criminal background in-
9 formation on a petitioner for a visa under clause (i) or
10 (ii) of section 101(a)(15)(K) to which it has access under
11 existing authority in the course of adjudicating the peti-
12 tion.

13 “(4) Each petitioner for a visa under clause (i) or
14 (ii) of section 101(a)(15)(K) shall provide, as part of the
15 petition, in writing and signed under penalty of perjury,
16 information described in section 833(c)(2) of the Inter-
17 national Marriage Broker Regulation Act of 2005.

18 “(5) The Secretary of State shall ensure that an ap-
19 plicant for a visa under clause (i) or (ii) of section
20 101(a)(15)(K)—

21 “(A) shall be provided, by mail or
22 electronically—

23 “(i) a copy of the petition for such visa
24 submitted by the United States citizen peti-
25 tioner; and

1 “(ii) any information that is contained in
2 the background check described in paragraph
3 (3) relating to any court orders, arrests, or con-
4 victions described in subparagraphs (A) through
5 (D) of section 833(c)(2) of the International
6 Marriage Broker Regulation Act of 2005;

7 “(B) shall be informed that petitioner informa-
8 tion described in subparagraph (A) is based on avail-
9 able records and may not be complete; and

10 “(C) shall be asked in the primary language of
11 the visa applicant whether an international marriage
12 broker has facilitated the relationship between the
13 visa applicant and the United States petitioner and
14 whether that international marriage broker complied
15 with the requirements of section 833 of such Act.

16 “(6) The Secretary shall provide for the disclosure
17 of information described in paragraph (5) to the visa ap-
18 plicant at the consular interview in the primary language
19 of the visa applicant.

20 “(7) The fact that an alien described in clause (i)
21 or (ii) of section 101(a)(15)(K) is aware of any informa-
22 tion disclosed under paragraph (5) shall not be used
23 against the alien in any determination of eligibility for re-
24 lief under this Act or the Violence Against Women Act

1 (Public Law 103–322; 108 Stat. 1902), and the amend-
2 ments made by that Act.

3 “(8) In fulfilling the requirements of paragraph
4 (5)(A)(ii), a consular officer shall not disclose the name
5 or location of any person who obtained a restraining or
6 protective order against the petitioner, but shall disclose
7 the relationship of the person to the petitioner.”.

8 (b) SHARING OF CERTAIN INFORMATION.—Section
9 222(f) of the Immigration and Nationality Act (8 U.S.C.
10 1202(f)) shall not be construed to prevent the sharing of
11 information under section 214(d) of such Act (8 U.S.C.
12 1184(d)).

13 (c) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall apply to petitions filed after the date
15 of enactment of this Act.

16 **SEC. 836. STUDY AND REPORT.**

17 (a) STUDY.—The Secretary of Homeland Security,
18 through the Director of the Bureau of Citizenship and Im-
19 migration Services, shall conduct a study of the inter-
20 national marriage broker industry in the United States
21 that—

22 (1) estimates, for the years 1995 through 2005,
23 the number of international marriage brokers doing
24 business in the United States, the number of mar-
25 riages resulting from the services provided by such

1 brokers, and the extent of compliance with the appli-
2 cable requirements of this subtitle;

3 (2) assess the information gathered under this
4 subtitle from clients by international marriage bro-
5 kers and from petitioners by the Bureau of Citizen-
6 ship and Immigration Services;

7 (3) examine, based on the information gathered,
8 the extent to which persons with a history of vio-
9 lence are using the services of international marriage
10 brokers and the extent to which such persons are
11 providing accurate information to international mar-
12 riage brokers in accordance with section 833;

13 (4) assess the accuracy of the criminal back-
14 ground check at identifying past instances of domes-
15 tic violence; and

16 (5) assess the extent to which the languages of
17 translation required under section 834(c)(1) con-
18 tinue to accurately reflect the highest markets for
19 recruitment by international marriage brokers and
20 the greatest concentrations of K nonimmigrant visa
21 applicants.

22 (b) REPORT.—Not later than 3 years after the date
23 of enactment of this Act, the Secretary of Homeland Secu-
24 rity shall submit a report to the Committee on the Judici-
25 ary of the Senate and the Committee on the Judiciary of

1 the House of Representatives setting forth the results of
2 the study conducted under subsection (a).

3 **SEC. 837. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), section 834, and the amendments made by section
6 835, this subtitle shall take effect on the date which is
7 60 days after the date of enactment of this Act.

8 (b) ADDITIONAL TIME ALLOWED FOR INFORMATION
9 PAMPHLET.—Section 834(b) shall take effect on the date
10 which is 120 days after the date of enactment of this Act.

11 **TITLE IX—SAFETY FOR INDIAN**
12 **WOMEN**

13 **SEC. 901. FINDINGS.**

14 Congress finds that—

15 (1) 1 out of every 3 Indian (including Alaska
16 Native) women are raped in their lifetimes;

17 (2) Indian women experience 7 sexual assaults
18 per 1,000, compared with 4 per 1,000 among Black
19 Americans, 3 per 1,000 among Caucasians, 2 per
20 1,000 among Hispanic women, and 1 per 1,000
21 among Asian women;

22 (3) Indian women experience the violent crime
23 of battering at a rate of 23.2 per 1,000, compared
24 with 8 per 1,000 among Caucasian women;

1 (4) during the period 1979 through 1992,
2 homicide was the third leading cause of death of In-
3 dian females aged 15 to 34, and 75 percent were
4 killed by family members or acquaintances;

5 (5) Indian tribes require additional criminal
6 justice and victim services resources to respond to
7 violent assaults against women; and

8 (6) the unique legal relationship of the United
9 States to Indian tribes creates a Federal trust re-
10 sponsibility to assist tribal governments in safe-
11 guarding the lives of Indian women.

12 **SEC. 902. PURPOSES.**

13 The purposes of this title are—

14 (1) to decrease the incidence of violent crimes
15 against Indian women;

16 (2) to strengthen the capacity of Indian tribes
17 to exercise their sovereign authority to respond to
18 violent crimes committed against Indian women; and

19 (3) to ensure that perpetrators of violent crimes
20 committed against Indian women are held account-
21 able for their criminal behavior.

22 **SEC. 903. CONSULTATION.**

23 (a) IN GENERAL.—The Attorney General shall con-
24 duct annual consultations with Indian tribal governments
25 concerning the Federal administration of tribal funds and

1 programs established under this Act, the Violence Against
2 Women Act of 1994 (title IV of Public Law 103–322; 108
3 Stat. 1902) and the Violence Against Women Act of 2000
4 (division B of Public Law 106–386; 114 Stat. 1491).

5 (b) RECOMMENDATIONS.—During consultations
6 under subsection (a), the Secretary of the Department of
7 Health and Human Services and the Attorney General
8 shall solicit recommendations from Indian tribes
9 concerning—

10 (1) administering tribal funds and programs;

11 (2) enhancing the safety of Indian women from
12 domestic violence, dating violence, sexual assault,
13 and stalking; and

14 (3) strengthening the Federal response to such
15 violent crimes.

16 **SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
17 **INDIAN WOMEN.**

18 (a) NATIONAL BASELINE STUDY.—

19 (1) IN GENERAL.—The National Institute of
20 Justice, in consultation with the Office on Violence
21 Against Women, shall conduct a national baseline
22 study to examine violence against Indian women in
23 Indian country.

24 (2) SCOPE.—

1 (A) IN GENERAL.—The study shall exam-
2 ine violence committed against Indian women,
3 including—

- 4 (i) domestic violence;
5 (ii) dating violence;
6 (iii) sexual assault;
7 (iv) stalking; and
8 (v) murder.

9 (B) EVALUATION.—The study shall evalu-
10 ate the effectiveness of Federal, State, tribal,
11 and local responses to the violations described
12 in subparagraph (A) committed against Indian
13 women.

14 (C) RECOMMENDATIONS.—The study shall
15 propose recommendations to improve the effec-
16 tiveness of Federal, State, tribal, and local re-
17 sponses to the violation described in subpara-
18 graph (A) committed against Indian women.

19 (3) TASK FORCE.—

20 (A) IN GENERAL.—The Attorney General,
21 acting through the Director of the Office on Vi-
22 olence Against Women, shall establish a task
23 force to assist in the development and imple-
24 mentation of the study under paragraph (1)

1 and guide implementation of the recommenda-
2 tion in paragraph (2)(C).

3 (B) MEMBERS.—The Director shall ap-
4 point to the task force representatives from—

5 (i) national tribal domestic violence
6 and sexual assault nonprofit organizations;

7 (ii) tribal governments; and

8 (iii) the national tribal organizations.

9 (4) REPORT.—Not later than 2 years after the
10 date of enactment of this Act, the Attorney General
11 shall submit to the Committee on Indian Affairs of
12 the Senate, the Committee on the Judiciary of the
13 Senate, and the Committee on the Judiciary of the
14 House of Representatives a report that describes the
15 study.

16 (5) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to carry out
18 this section \$1,000,000 for each of fiscal years 2006
19 and 2007, to remain available until expended.

20 (b) INJURY STUDY.—

21 (1) IN GENERAL.—The Secretary of Health and
22 Human Services, acting through the Indian Health
23 Service and the Centers for Disease Control and
24 Prevention, shall conduct a study to obtain a na-
25 tional projection of—

1 (A) the incidence of injuries and homicides
2 resulting from domestic violence, dating vio-
3 lence, sexual assault, or stalking committed
4 against American Indian and Alaska Native
5 women; and

6 (B) the cost of providing health care for
7 the injuries described in subparagraph (A).

8 (2) REPORT.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary of
10 Health and Human Services shall submit to the
11 Committee on Indian Affairs of the Senate, the
12 Committee on the Judiciary of the Senate, and the
13 Committee on the Judiciary of the House of Rep-
14 resentatives a report that describes the findings
15 made in the study and recommends health care
16 strategies for reducing the incidence and cost of the
17 injuries described in paragraph (1).

18 (3) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this section \$500,000 for each of fiscal years 2006
21 and 2007, to remain available until expended.

1 **SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN**
2 **WOMEN.**

3 (a) ACCESS TO FEDERAL CRIMINAL INFORMATION
4 DATABASES.—Section 534 of title 28, United States Code,
5 is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing:

10 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The
11 Attorney General shall permit Indian law enforcement
12 agencies, in cases of domestic violence, dating violence,
13 sexual assault, and stalking, to enter information into
14 Federal criminal information databases and to obtain in-
15 formation from the databases.”.

16 (b) TRIBAL REGISTRY.—

17 (1) ESTABLISHMENT.—The Attorney General
18 shall contract with any interested Indian tribe, tribal
19 organization, or tribal nonprofit organization to de-
20 velop and maintain—

21 (A) a national tribal sex offender registry;
22 and

23 (B) a tribal protection order registry con-
24 taining civil and criminal orders of protection
25 issued by Indian tribes and participating juris-
26 dictions.

1 lence and Child Abuse Enforcement Assistance (42
2 U.S.C. 1397(c)(3)), to create a single formula grant
3 program to enhance the response of Indian tribal
4 governments to address the safety of American In-
5 dian and Alaska Native Women.

6 (3) ADMINISTRATION.—Grants made under the
7 program established under this section shall be ad-
8 ministered by the Tribal Division of the Office on
9 Violence Against Women.

10 (b) GRANTS.—The purpose of the program author-
11 ized by this section is to assist Indian tribal governments
12 to—

13 (1) develop and enhance effective governmental
14 strategies to curtail violent crimes against and in-
15 crease the safety of Indian women consistent with
16 tribal law and custom;

17 (2) increase tribal capacity to respond to do-
18 mestic violence, dating violence, sexual assault, and
19 stalking crimes against Indian women;

20 (3) strengthen tribal justice interventions in-
21 cluding tribal law enforcement, prosecution, courts,
22 probation, correctional facilities; and

23 (4) enhance services to Indian women victim-
24 ized by domestic violence, dating violence, sexual as-
25 sault, and stalking.

1 **SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE**
2 **AGAINST WOMEN.**

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

6 **“SEC. 2007. TRIBAL DEPUTY.**

7 “(a) **ESTABLISHMENT.**—There is established in the
8 Office on Violence Against Women a Deputy Director for
9 Tribal Affairs.

10 “(b) **DUTIES.**—

11 “(1) **IN GENERAL.**—The Deputy Director shall
12 under the guidance and authority of the Director of
13 the Office on Violence Against Women—

14 “(A) oversee and manage the administra-
15 tion of grants to and contracts with Indian
16 tribes, tribal courts, tribal organizations, or
17 tribal nonprofit organizations;

18 “(B) ensure that, if a grant under this Act
19 or a contract pursuant to such a grant is made
20 to an organization to perform services that ben-
21 efit more than 1 Indian tribe, the approval of
22 each Indian tribe to be benefited shall be a pre-
23 requisite to the making of the grant or letting
24 of the contract;

1 “(C) coordinate development of Federal
2 policy, protocols, and guidelines on matters re-
3 lating to violence against Indian women;

4 “(D) advise the Director of the Office on
5 Violence Against Women concerning policies,
6 legislation, implementation of laws, and other
7 issues relating to violence against Indian
8 women;

9 “(E) represent the Office on Violence
10 Against Women in the annual consultations
11 under section 903;

12 “(F) provide technical assistance, coordina-
13 tion, and support to other offices and bureaus
14 in the Department of Justice to develop policy
15 and to enforce Federal laws relating to violence
16 against Indian women, including through litiga-
17 tion of civil and criminal actions relating to
18 those laws;

19 “(G) maintain a liaison with the judicial
20 branches of Federal, State, and tribal govern-
21 ments on matters relating to violence against
22 Indian women;

23 “(H) support enforcement of tribal protec-
24 tion orders and implementation of full faith and

1 credit educational projects and comity agree-
2 ments between Indian tribes and States; and

3 “(I) ensure that adequate tribal technical
4 assistance is made available to Indian tribes,
5 tribal courts, tribal organizations, and tribal
6 nonprofit organizations for all programs relat-
7 ing to violence against Indian women.

8 “(c) AUTHORITY.—

9 “(1) IN GENERAL.—The Deputy Director shall
10 ensure that a portion of the tribal set-aside funds
11 from any grant awarded under this Act, the Violence
12 Against Women Act of 1994 (title IV of Public Law
13 103–322; 108 Stat. 1902), or the Violence Against
14 Women Act of 2000 (division B of Public Law 106–
15 386; 114 Stat. 1491) is used to enhance the capac-
16 ity of Indian tribes to address the safety of Indian
17 women.

18 “(2) ACCOUNTABILITY.—The Deputy Director
19 shall ensure that some portion of the tribal set-aside
20 funds from any grant made under this part is used
21 to hold offenders accountable through—

22 “(A) enhancement of the response of In-
23 dian tribes to crimes of domestic violence, dat-
24 ing violence, sexual assault, and stalking
25 against Indian women, including legal services

1 for victims and Indian-specific offender pro-
2 grams;

3 “(B) development and maintenance of trib-
4 al domestic violence shelters or programs for
5 battered Indian women, including sexual assault
6 services, that are based upon the unique cir-
7 cumstances of the Indian women to be served;

8 “(C) development of tribal educational
9 awareness programs and materials;

10 “(D) support for customary tribal activities
11 to strengthen the intolerance of an Indian tribe
12 to violence against Indian women; and

13 “(E) development, implementation, and
14 maintenance of tribal electronic databases for
15 tribal protection order registries.”.

16 **SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.**

17 (a) FIREARMS POSSESSION PROHIBITIONS.—Section
18 921(33)(A)(i) of title 18, United States Code, is amended
19 to read: “(i) is a misdemeanor under Federal, State, or
20 Tribal law; and”.

21 (b) LAW ENFORCEMENT AUTHORITY.—Section 4(3)
22 of the Indian Law Enforcement Reform Act (25 U.S.C.
23 2803(3) is amended—

24 (1) in subparagraph (A), by striking “or”;

1 (2) in subparagraph (B), by striking the semi-
2 colon and inserting “, or”;

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

4 “(C) the offense is a misdemeanor crime of
5 domestic violence, dating violence, stalking, or
6 violation of a protection order and has, as an
7 element, the use or attempted use of physical
8 force, or the threatened use of a deadly weapon,
9 committed by a current or former spouse, par-
10 ent, or guardian of the victim, by a person with
11 whom the victim shares a child in common, by
12 a person who is cohabitating with or has
13 cohabited with the victim as a spouse, parent,
14 or guardian, or by a person similarly situated to
15 a spouse, parent or guardian of the victim, and
16 the employee has reasonable grounds to believe
17 that the person to be arrested has committed,
18 or is committing the crime;”.

19 **SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.**

20 Chapter 7 of title 18, United States Code, is amended
21 by adding at the end the following:

22 **“§ 117. DOMESTIC ASSAULT BY AN HABITUAL OF-**
23 **FENDER.**

24 “Any person who commits a domestic assault within
25 the special maritime and territorial jurisdiction of the

1 United States or Indian country and who has a final con-
 2 viction on at least 2 separate prior occasions in Federal,
 3 State, or Indian tribal court proceedings for offenses that
 4 would be, if subject to Federal jurisdiction—

5 “(1) any assault, sexual abuse, or serious vio-
 6 lent felony against a spouse or intimate partner; or

7 “(2) an offense under chapter 110A,
 8 shall be fined under this title, imprisoned for a term of
 9 not more than 5 years, or both, except that if substantial
 10 bodily injury results from violation under this section, the
 11 offender shall be imprisoned for a term of not more than
 12 10 years.”.

13 **TITLE X—DNA FINGERPRINTING**

14 **SEC. 1001. SHORT TITLE.**

15 This title may be cited as the “DNA Fingerprint Act
 16 of 2005”.

17 **SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAM- 18 PLES FROM NATIONAL DNA INDEX.**

19 Section 210304 of the DNA Identification Act of
 20 1994 (42 U.S.C. 14132) is amended—

21 (1) in subsection (a)(1)(C), by striking “DNA
 22 profiles” and all that follows through “, and”;

23 (2) in subsection (d)(1), by striking subpara-
 24 graph (A), and inserting the following:

1 “(A) The Director of the Federal Bureau
2 of Investigation shall promptly expunge from
3 the index described in subsection (a) the DNA
4 analysis of a person included in the index—

5 “(i) on the basis of conviction for a
6 qualifying Federal offense or a qualifying
7 District of Columbia offense (as deter-
8 mined under sections 3 and 4 of the DNA
9 Analysis Backlog Elimination Act of 2000
10 (42 U.S.C. 14135a, 14135b), respectively),
11 if the Director receives, for each conviction
12 of the person of a qualifying offense, a cer-
13 tified copy of a final court order estab-
14 lishing that such conviction has been over-
15 turned; or

16 “(ii) on the basis of an arrest under
17 the authority of the United States, if the
18 Attorney General receives, for each charge
19 against the person on the basis of which
20 the analysis was, or could have been, in-
21 cluded in the index, a certified copy of a
22 final court order establishing that such
23 charge has been dismissed, has resulted in
24 an acquittal, or that no charge was filed
25 within the applicable time period.”;

1 (3) in subsection (d)(2)(A)(ii), by striking “all
2 charges for” and all that follows, and inserting the
3 following: “the responsible agency or official of that
4 State receives, for each charge against the person on
5 the basis of which the analysis was or could have
6 been included in the index, a certified copy of a final
7 court order establishing that such charge has been
8 dismissed, or has resulted in an acquittal or that no
9 charge was filed within the applicable time period.”;
10 and

11 (4) by striking subsection (e).

12 **SEC. 1003. EXPANDED USE OF CODIS GRANTS.**

13 Section 2(a)(1) of the DNA Analysis Backlog Elimini-
14 nation Act of 2000 (42 U.S.C. 14135(a)(1)) is amended
15 by striking “taken from individuals convicted of a quali-
16 fying State offense (as determined under subsection
17 (b)(3))” and inserting “collected under applicable legal au-
18 thority”.

19 **SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE**
20 **COLLECTION FROM PERSONS ARRESTED OR**
21 **DETAINED UNDER FEDERAL AUTHORITY.**

22 (a) IN GENERAL.—Section 3 of the DNA Analysis
23 Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is
24 amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “The Di-
2 rector” and inserting the following:

3 “(A) The Attorney General may, as pre-
4 scribed by the Attorney General in regulation,
5 collect DNA samples from individuals who are
6 arrested or from non-United States persons
7 who are detained under the authority of the
8 United States. The Attorney General may dele-
9 gate this function within the Department of
10 Justice as provided in section 510 of title 28,
11 United States Code, and may also authorize
12 and direct any other agency of the United
13 States that arrests or detains individuals or su-
14 pervises individuals facing charges to carry out
15 any function and exercise any power of the At-
16 torney General under this section.

17 “(B) The Director”; and

18 (B) in paragraphs (3) and (4), by striking
19 “Director of the Bureau of Prisons” each place
20 it appears and inserting “Attorney General, the
21 Director of the Bureau of Prisons,”; and

22 (2) in subsection (b), by striking “Director of
23 the Bureau of Prisons” and inserting “Attorney
24 General, the Director of the Bureau of Prisons,”.

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1ST SESSION

S. 1197

AN ACT

To reauthorize the Violence Against Women Act of
1994.