

109TH CONGRESS
1ST SESSION

S. 1197

To reauthorize the Violence Against Women Act of 1994.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2005

Mr. BIDEN (for himself, Mr. HATCH, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the Violence Against Women Act of 1994.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Universal definitions and grant provisions.

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

Sec. 101. Stop grants improvements.

- Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
- Sec. 103. Legal assistance for victims improvements.
- Sec. 104. Ensuring crime victim access to legal services.
- Sec. 105. The Violence Against Women Act court training and improvements.
- Sec. 106. Full faith and credit improvements.
- Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
- Sec. 108. Sex offender management.
- Sec. 109. Stalker database.
- Sec. 110. Federal victim assistants reauthorization.
- Sec. 111. Grants for law enforcement training programs.
- Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program.
- Sec. 113. Preventing cyberstalking.
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TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

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

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

- Sec. 301. Findings.
- Sec. 302. Rape prevention and education.
- Sec. 303. Services, education, protection, and justice for young victims of violence.
- Sec. 304. Grants to reduce violence against women on campus.
- Sec. 305. Juvenile justice.
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TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

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

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

- Sec. 501. Findings.
- Sec. 502. Purpose.
- Sec. 503. Training and education of health professionals in domestic and sexual violence.
- Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.

Sec. 505. Research on effective interventions in the healthcare setting.

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

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

Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.

Sec. 603. Public and Indian housing authority plans reporting requirement.

Sec. 604. Housing strategies.

Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.

Sec. 606. Amendments to the low-income housing assistance voucher program.

Sec. 607. Amendments to the public housing program.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF
VIOLENCE

Sec. 701. Emergency leave.

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TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED
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Sec. 815. Eliminating abusers' control over applications for adjustments of status.

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TITLE IX—SAFETY FOR INDIAN WOMEN

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

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:

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

6 “(a) DEFINITIONS.—In this title:

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

17 “(2) CHILD MALTREATMENT.—The term ‘child
 18 maltreatment’ means the physical or psychological
 19 abuse or neglect of a child or youth, including sexual
 20 assault and abuse.

1 “(3) COURT-BASED AND COURT-RELATED PER-
2 SONNEL.—The term ‘court-based’ and ‘court-related
3 personnel’ mean persons working in the court,
4 whether paid or volunteer, including—

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

12 “(B) court security personnel;

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

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

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

1 habitating with or has cohabitated with the victim as
 2 a spouse, by a person similarly situated to a spouse
 3 of the victim under the domestic or family violence
 4 laws of the jurisdiction receiving grant monies, or by
 5 any other person against an adult, youth, or child
 6 victim who is protected from that person’s acts
 7 under the domestic or family violence laws of the ju-
 8 risdiction receiving grant monies.

9 “(5) DATING PARTNER.—The term ‘dating
 10 partner’ refers to a person who is or has been in a
 11 social relationship of a romantic or intimate nature
 12 with the abuser, and existence of such a relationship
 13 based on a consideration of—

14 “(A) the length of the relationship;

15 “(B) the type of relationship; and

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

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

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

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

1 “(i) The length of the relationship.

2 “(ii) The type of relationship.

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

6 “(7) ELDER ABUSE.—The term ‘elder abuse’
7 means any action against a person who is 60 years
8 of age or older that constitutes the willful—

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

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

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

19 “(9) INDIAN HOUSING.—The term ‘Indian
20 housing’ means housing assistance described in the
21 Native American Assistance and Self-Determination
22 Act of (25 U.S.C. 4101 et seq., as amended).

23 “(10) INDIAN TRIBE.—The term ‘Indian tribe’
24 means a tribe, band, pueblo, nation, or other orga-
25 nized group or community of Indians, including any

1 Alaska Native village or regional or village corpora-
2 tion (as defined in, or established pursuant to, the
3 Alaska Native Claims Settlement Act (43 U.S.C.
4 1601 et seq.)), that is recognized as eligible for the
5 special programs and services provided by the
6 United States to Indians because of their status as
7 Indians.

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

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

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

23 “(A) family, tribal, territorial, immigra-
24 tion, employment, administrative agency, hous-
25 ing matters, campus administrative or protec-

1 tion or stay away order proceedings, and other
2 similar matters; and

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

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

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

23 “(A) a first and last name;

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

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

4 “(D) a social security number; and

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

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

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

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

1 independent action or as a pendente lite order
2 in another proceeding so long as any civil order
3 was issued in response to a complaint, petition,
4 or motion filed by or on behalf of a person seek-
5 ing protection; and

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

15 “(18) RURAL AREA AND RURAL COMMUNITY.—

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

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

21 “(B) any area or community, respectively,
22 that is—

23 “(i) within an area designated as a
24 metropolitan statistical area or considered

1 as part of a metropolitan statistical area;
2 and

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

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

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

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

22 “(A) fear for his or her safety or the safety
23 of others; or

24 “(B) suffer substantial emotional distress.

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

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

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

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

21 “(A) an established nonprofit, nongovern-
22 mental territorial coalition addressing domestic
23 violence or sexual assault within the territory;
24 or

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

6 “(26) TRIBAL COALITION.—The term ‘tribal co-
7 alition’ means—

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

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

17 “(27) TRIBAL GOVERNMENT.—The term ‘tribal
18 government’ means—

19 “(A) the governing body of an Indian
20 tribe; or

21 “(B) a tribe, band, pueblo, nation, or other
22 organized group or community of Indians, in-
23 cluding any Alaska Native village or regional or
24 village corporation (as defined in, or established
25 pursuant to, the Alaska Native Claims Settle-

1 ment Act (43 U.S.C. 1601 et seq.)), that is rec-
2 ognized as eligible for the special programs and
3 services provided by the United States to Indi-
4 ans because of their status as Indians.

5 “(28) TRIBAL ORGANIZATION.—The term ‘trib-
6 al organization’ means—

7 “(A) the governing body of any Indian
8 tribe;

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

17 “(C) any tribal nonprofit organization.

18 “(29) UNDERSERVED POPULATIONS.—The
19 term ‘underserved populations’ includes populations
20 underserved because of geographic location, under-
21 served racial and ethnic populations, populations un-
22 derserved because of special needs (such as language
23 barriers, disabilities, alienage status, or age), and
24 any other population determined to be underserved
25 by the Attorney General.

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

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

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

23 “(33) YOUTH.—The term ‘youth’ means teen
24 and young adult victims of domestic violence, dating
25 violence, sexual assault, or stalking.

1 “(b) GRANT CONDITIONS.—

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

6 “(2) NONDISCLOSURE OF CONFIDENTIAL OR
7 PRIVATE INFORMATION.—

8 “(A) IN GENERAL.—In order to ensure the
9 safety of adult, youth, and child victims of do-
10 mestic violence, dating violence, sexual assault,
11 or stalking, and their families, grantee and sub-
12 grantees under this title shall protect the con-
13 fidentiality and privacy of persons receiving
14 services.

15 “(B) NONDISCLOSURE.—Subject to sub-
16 paragraphs (C) and (D), grantees and sub-
17 grantees shall not—

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

23 “(ii) reveal individual client informa-
24 tion without the informed, written, reason-
25 ably time-limited consent of the person (or

1 in the case of an unemancipated minor, the
2 minor and the parent or guardian or in the
3 case of persons with disabilities, the guard-
4 ian) about whom information is sought,
5 whether for this program or any other
6 Federal, State, tribal, or territorial grant
7 program.

8 “(C) RELEASE.—If release of information
9 described in subparagraph (B) is compelled by
10 statutory or court mandate—

11 “(i) grantees and subgrantees shall
12 make reasonable attempts to provide notice
13 to victims affected by the disclosure of in-
14 formation;

15 “(ii) grantees and subgrantees shall
16 take steps necessary to protect the privacy
17 and safety of the persons affected by the
18 release of the information; and

19 “(iii) consent for release may not be
20 given by the abuser of the minor, person
21 with disabilities, or the abuser of the other
22 parent of the minor.

23 “(D) INFORMATION SHARING.—Grantees
24 and subgrantees may share—

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

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

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

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

23 “(4) NON-SUPPLANTATION.—Any Federal
24 funds received under this title shall be used to sup-

1 plement, not supplant, non-Federal funds that would
2 otherwise be available for activities under this title.

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

7 “(c) REPORTS.—An entity receiving a grant under
8 this title shall submit to the disbursing agency a report
9 detailing the activities undertaken with the grant funds,
10 including and providing additional information as the
11 agency shall require.

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

15 “(1) evaluations of specific programs or
16 projects funded by the disbursing agency under this
17 title or related research; or

18 “(2) evaluations of promising practices or prob-
19 lems emerging in the field or related research, in
20 order to inform the agency or agencies as to which
21 programs or projects are likely to be effective or re-
22 sponsive to needs in the field.”.

23 (b) DEFINITIONS IN CRIME CONTROL ACT.—Part T
24 of title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by
2 inserting before section 2001 the following:

3 **“SEC. 2000. DEFINITIONS.**

4 “In this title the definitions in section 40002 of the
5 Violence Against Women Act of 1994 shall apply.”.

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

9 **“SEC. 1002. DEFINITIONS.**

10 “In this division the definitions in section 40002 of
11 the Violence Against Women Act of 1994 shall apply.”.

12 **TITLE I—ENHANCING JUDICIAL**
13 **AND LAW ENFORCEMENT**
14 **TOOLS TO COMBAT VIOLENCE**
15 **AGAINST WOMEN**

16 **SEC. 101. STOP GRANTS IMPROVEMENTS.**

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

23 (b) PURPOSE AREA ENHANCEMENTS.—Section
24 2001(b) of title I of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

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

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

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

6 “(12) maintaining core victim services and
7 criminal justice initiatives, while supporting com-
8plementary new initiatives and emergency services
9 for victims and their families.”.

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

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

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

20 “(D) recognize and meaningfully respond
21 to the needs of underserved populations and en-
22 sure that monies set aside to fund linguistically
23 and culturally specific services and activities for
24 underserved populations are distributed equally
25 among those populations.”.

1 (d) TRIBAL AND TERRITORIAL SETASIDES.—Section
2 2007 of the Omnibus Crime Control and Safe Streets Act
3 of 1968 (42 U.S.C. 3796gg–1) is amended—

4 (1) in subsection (b)—

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

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

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

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

19 (E) in paragraph (5), by striking “and”
20 after the semicolon; and

21 (F) in paragraph (6), by striking the pe-
22 riod and inserting “; and”;

23 (2) in subsection (d)—

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

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

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

4 “(4) documentation showing that tribal, terri-
5 torial, State or local prosecution, law enforcement,
6 and court and victim service providers have con-
7 sulted with tribal, territorial, State, or local victim
8 services programs during the course of developing
9 their grant applications in order to ensure that pro-
10 posed services, activities and equipment acquisitions
11 are designed to promote the safety, confidentiality,
12 and economic independence of victims of domestic vi-
13 olence, sexual assault, stalking, and dating vio-
14 lence.”.

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

19 “(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA
20 COLLECTION.—

21 “(1) IN GENERAL.—Of the total amounts ap-
22 propriated under this part, not less than 3 percent
23 and up to 8 percent shall be available for providing
24 training and technical assistance relating to the pur-

1 pose areas of this part to improve the capacity of
2 grantees, subgrantees and other entities.

3 “(2) INDIAN TRAINING.—The Director of the
4 Office on Violence Against Women shall ensure that
5 training or technical assistance regarding violence
6 against Indian women will be developed and pro-
7 vided by entities having expertise in tribal law and
8 culture.”.

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

13 “(c) USE OF FUNDS.—A State or Indian tribal gov-
14 ernment may use Federal grant funds under this part to
15 pay for forensic medical exams performed by trained ex-
16 aminers for victims of sexual assault, except that such
17 funds may not be used to pay for forensic medical exams
18 by any State or Indian tribal government that requires
19 victims of sexual assault to seek reimbursement for such
20 exams from their insurance carriers.

21 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to permit a State, Indian tribal
23 government, or territorial government to require a victim
24 of sexual assault to participate in the criminal justice sys-
25 tem or cooperate with law enforcement in order to be pro-

1 vided with a forensic medical exam, reimbursement for
 2 charges incurred on account of such an exam, or both.

3 “(e) JUDICIAL NOTIFICATION.—

4 “(1) IN GENERAL.—A State, Indian tribal gov-
 5 ernment, or unit of local government shall not be en-
 6 titled to funds under this part unless the State, In-
 7 dian tribal government, or unit of local govern-
 8 ment—

9 “(A) certifies that its judicial administra-
 10 tive policies and practices include notification to
 11 domestic violence offenders of the requirements
 12 delineated in section 922(g)(8) and (g)(9) of
 13 title 18, United States Code, and any applicable
 14 related Federal, State, or local laws; or

15 “(B) gives the Attorney General assur-
 16 ances that its judicial administrative policies
 17 and practices will be in compliance with the re-
 18 quirements of subparagraph (A) within the
 19 later of—

20 “(i) the period ending on the date on
 21 which the next session of the State legisla-
 22 ture ends; or

23 “(ii) 2 years.

24 “(2) REDISTRIBUTION.—Funds withheld from a
 25 State, unit of local government, or Indian tribal gov-

1 ernment under subsection (a) shall be distributed to
2 other States, units of local government, and Indian
3 tribal governments, pro rata.”.

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

8 **“SEC. 2012. POLYGRAPH TESTING PROHIBITION.**

9 “(a) IN GENERAL.—In order to be eligible for grants
10 under this part, a State, Indian tribal government, terri-
11 torial government, or unit of local government must certify
12 within 3 years of the date of enactment of this section
13 that their laws, policies, or practices ensure that no law
14 enforcement officer, prosecuting officer or other govern-
15 ment official shall ask or require an adult, youth, or child
16 victim of an alleged sex offense as defined under Federal,
17 tribal, State, territorial, or local law to submit to a poly-
18 graph examination or other truth telling device as a condi-
19 tion for proceeding with the investigation of such an of-
20 fense.

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

1 **SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE**
2 **PROTECTION ORDERS IMPROVEMENTS.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
4 1001(a)(19) of title I of the Omnibus Crime Control and
5 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is
6 amended by striking “\$65,000,000 for each of fiscal years
7 2001 through 2005” and inserting “\$75,000,000 for each
8 of fiscal years 2006 through 2010. Funds appropriated
9 under this paragraph shall remain available until ex-
10 pended.”.

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

14 (1) in subsection (a), by striking “to treat do-
15 mestic violence as a serious violation” and inserting
16 “to treat domestic violence, dating violence, sexual
17 assault, and stalking as serious violations”;

18 (2) in subsection (b)—

19 (A) in the matter before paragraph (1), by
20 inserting after “State” the following: “, tribal,
21 territorial,”;

22 (B) in paragraph (1), by—

23 (i) striking “mandatory arrest or”;

24 and

25 (ii) striking “mandatory arrest pro-
26 grams and”;

1 (C) in paragraph (2), by—

2 (i) inserting after “educational pro-
3 grams,” the following: “protection order
4 registries,”;

5 (ii) striking “domestic violence and
6 dating violence” and inserting “domestic
7 violence, dating violence, sexual assault,
8 and stalking. Policies, educational pro-
9 grams, registries, and training described in
10 this paragraph shall incorporate confiden-
11 tiality, and privacy protections for victims
12 of domestic violence, dating violence, sex-
13 ual assault, and stalking”;

14 (D) in paragraph (3), by—

15 (i) striking “domestic violence cases”
16 and inserting “domestic violence, dating vi-
17 olence, sexual assault, and stalking cases”;
18 and

19 (ii) striking “groups” and inserting
20 “teams”;

21 (E) in paragraph (5), by striking “domes-
22 tic violence and dating violence” and inserting
23 “domestic violence, dating violence, sexual as-
24 sault, and stalking”;

25 (F) in paragraph (6), by—

1 (i) striking “other” and inserting
2 “civil”; and

3 (ii) inserting after “domestic violence”
4 the following: “, dating violence, sexual as-
5 sault, and stalking”; and

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

7 “(9) To develop State, territorial, or local poli-
8 cies, procedures, and protocols, and to develop effec-
9 tive methods for identifying the pattern and history
10 of abuse that indicates which party is the actual per-
11 petrator of abuse.

12 “(10) To plan, develop and establish com-
13 prehensive victim service and support centers, such
14 as family justice centers, designed to bring together
15 victim advocates from non-profit, non-governmental
16 victim services organizations, law enforcement offi-
17 cers, prosecutors, probation officers, governmental
18 victim assistants, forensic medical professionals, civil
19 legal attorneys, chaplains, legal advocates, represent-
20 atives from community-based organizations and
21 other relevant public or private agencies or organiza-
22 tions into one centralized location, in order to im-
23 prove safety, access to services, and confidentiality
24 for victims and families.

1 “(11) To develop and implement policies and
2 training for police, prosecutors, and the judiciary in
3 recognizing, investigating, and prosecuting instances
4 of sexual assault, with an emphasis on recognizing
5 the threat to the community for repeat crime per-
6 petration by such individuals.”;

7 (3) in subsection (c)—

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

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

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

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

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

24 “(B) the refusal of a victim to submit to
25 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 to offer services and as-
24 sistance to victims of domestic violence and dating vio-
25 lence.”.

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)—

19 (A) by striking paragraph (2) and insert-
20 ing the following:

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

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

3 (B) in paragraph (4), by inserting “dating
 4 violence,” after “domestic violence,”;

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

7 (5) in subsection (f)—

8 (A) by striking paragraph (1) and insert-
 9 ing the following:

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

13 (B) in paragraph (2)(A), by—

14 (i) striking “5 percent” and inserting
 15 “10 percent”; and

16 (ii) inserting “adult and youth” after
 17 “that assist”.

18 **SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL**
 19 **SERVICES.**

20 (a) IN GENERAL.—Section 502 of the Department of
 21 Commerce, Justice, and State, the Judiciary, and Related
 22 Agencies Appropriations Act, 1998 (Public Law 105–119;
 23 111 Stat. 2510) is amended—

24 (1) in subsection (a)(2)(C)—

1 (A) in the matter preceding clause (i), by
2 striking “using funds derived from a source
3 other than the Corporation to provide” and in-
4 sserting “providing”;

5 (B) in clause (i), by striking “in the
6 United States” and all that follows and insert-
7 ing “or a victim of sexual assault or trafficking
8 in the United States, or qualifies for immigra-
9 tion relief under section 101(a)(15)(U) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1101(a)(15)(U)); or”; and

12 (C) in clause (ii), by striking “has been
13 battered” and all that follows and inserting “,
14 without the active participation of the alien, has
15 been battered or subjected to extreme cruelty or
16 a victim of sexual assault or trafficking in the
17 United States, or qualifies for immigration re-
18 lief under section 101(a)(15)(U) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1101(a)(15)(U)).”; and

21 (2) in subsection (b)(2), by striking “described
22 in such subsection” and inserting “, sexual assault
23 or trafficking, or the crimes listed in section
24 101(a)(15)(U)(iii) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1101(a)(15)(U)(iii))”.

1 (b) SAVINGS PROVISION.—Nothing in this Act, or the
 2 amendments made by this Act, shall be construed to re-
 3 strict the legal assistance provided to victims of trafficking
 4 and certain family members authorized under section
 5 107(b)(1) of the Trafficking Victims Protection Act of
 6 2000 (22 U.S.C. 7105(b)(1)).

7 **SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT**
 8 **TRAINING AND IMPROVEMENTS.**

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

13 **“Subtitle J—Violence Against**
 14 **Women Act Court Training and**
 15 **Improvements**

16 **“SEC. 41001. SHORT TITLE.**

17 “This subtitle may be cited as the ‘Violence Against
 18 Women Act Court Training and Improvements Act of
 19 2005’.

20 **“SEC. 41002. PURPOSE.**

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

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

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

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

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

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

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

23 “(C) offender management, monitoring,
24 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, or local pri-
23 vate, nonprofit organizations with demonstrated
24 expertise in developing and providing judicial

1 education about domestic violence, dating vio-
2 lence, 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 minor 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
25 percent shall be used for grants to tribes.”.

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

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

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

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

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

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

21 “(3) LIMITS ON INTERNET PUBLICATION OF
22 REGISTRATION INFORMATION.—A State, Indian
23 tribe, or territory shall not publish publicly on the
24 Internet any information regarding the registration
25 or filing of a protection order, restraining order, or
26 injunction in either the issuing or enforcing State,

1 tribal or territorial jurisdiction, if such publication
2 would be likely to publicly reveal the identity or loca-
3 tion of the party protected under such order. A
4 State, Indian tribe, or territory may share court-gen-
5 erated and law enforcement-generated information
6 contained in secure, governmental registries for pro-
7 tection order enforcement purposes.”.

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

10 (1) by striking paragraph (5) and inserting the
11 following:

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

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

1 plaint, petition, or motion filed by or on behalf
2 of a person seeking protection; and

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

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

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

24 “(II) a person who is or has been
25 in a social relationship of a romantic

1 or intimate nature with the victim, as
 2 determined by the length of the rela-
 3 tionship, the type of relationship, and
 4 the frequency of interaction between
 5 the persons involved in the relation-
 6 ship”.

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

10 The Violence Against Women Act of 1994 (108 Stat.
 11 1902 et seq.) is amended by adding at the end the fol-
 12 lowing:

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

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

21 “The Attorney General, through the Director of the
 22 Office on Violence Against Women, may award grants
 23 under this subtitle to States, tribes, territories, or local
 24 agencies or nonprofit, nongovernmental organizations to
 25 ensure that personally identifying information of adult,

1 youth, and child victims of domestic violence, sexual vio-
2 lence, stalking, and dating violence shall not be released
3 or disclosed to the detriment of such victimized persons.

4 **“SEC. 41102. PURPOSE AREAS.**

5 “Grants made under this subtitle may be used—

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

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

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

20 “(4) to develop safe uses of technology (such as
21 notice requirements regarding electronic surveillance
22 by government entities), to protect against abuses of
23 technology (such as electronic or GPS stalking), or
24 providing training for law enforcement on high tech

1 electronic crimes of domestic violence, dating vio-
2 lence, sexual assault, and stalking.

3 **“SEC. 41103. ELIGIBLE ENTITIES.**

4 “Entities eligible for grants under this subtitle in-
5 clude—

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

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

15 “(3) States or State agencies;

16 “(4) local governments or agencies;

17 “(5) tribal governments, agencies, or organiza-
18 tions;

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

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

1 **“SEC. 41104. GRANT CONDITIONS.**

2 “Applicants described in paragraphs (3) through (7)
3 shall demonstrate that they have entered into a significant
4 partnership with a State, tribal, territorial, or local victim
5 service or advocacy organization in order to develop safe,
6 confidential, and effective protocols, procedures, policies,
7 and systems for protecting personally identifying informa-
8 tion 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 for programs that assist victims
16 of domestic violence, dating violence, stalking, and sexual
17 assault on lands within the jurisdiction of an Indian tribe.

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 harm to that person, a member of
21 the immediate family (as defined in section 115) of
22 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 harm to a person in another State or
4 tribal jurisdiction or within the special maritime
5 and territorial jurisdiction of the United States;
6 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 harm to that person or
21 places that person in reasonable fear of the death of,
22 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 **SEC. 115. REPEAT OFFENDER PROVISION.**

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

6 **“§ 2265A. Repeat offender provision**

7 “The maximum term of imprisonment for a violation
8 of this chapter after a prior interstate domestic violence
9 offense (as defined in section 2261) or interstate violation
10 of protection order (as defined in section 2262) or inter-
11 state stalking (as defined in sections 2261A(a) and
12 2261A(b)) may be twice the term otherwise provided for
13 the violation.”.

14 **SEC. 116. PROHIBITING DATING VIOLENCE.**

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

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

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

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

1 “(10) DATING PARTNER.—The term ‘dating
2 partner’ refers to person who is or has been in a so-
3 cial relationship of a romantic or intimate nature
4 with the abuser and the existence of such a relation-
5 ship based on a consideration of—

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

7 “(B) the type of relationship; and

8 “(C) the frequency of interaction between
9 the persons involved in the relationship.”.

10 **SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME**
11 **AND TERRITORIAL JURISDICTION.**

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

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

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 compound 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. 2013. SEXUAL ASSAULT SERVICES.**

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

13 “(1) to assist States, tribes, and territories in
14 providing intervention, advocacy, accompaniment,
15 support services, and related assistance for—

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

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

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

23 “(2) to provide for technical assistance and
24 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 assure 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 0.50
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.

17 “(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS
18 ADDRESSING SEXUAL ASSAULT.—

19 “(1) GRANTS AUTHORIZED.—The Attorney
20 General shall award grants to eligible entities to
21 support the establishment, maintenance, and expan-
22 sion of culturally specific intervention and related
23 assistance for victims of sexual assault.

24 “(2) ELIGIBLE ENTITIES.—To be eligible to re-
25 ceive a grant under this section, an entity shall—

1 “(A) be a private nonprofit organization
2 that focuses primarily on racial and ethnic com-
3 munities;

4 “(B) must have documented organizational
5 experience in the area of sexual assault inter-
6 vention or have entered into a partnership with
7 an organization having such expertise;

8 “(C) have expertise in the development of
9 community-based, linguistically and culturally
10 specific outreach and intervention services rel-
11 evant for the specific racial and ethnic commu-
12 nities to whom assistance would be provided or
13 have the capacity to link to existing services in
14 the community tailored to the needs of racial
15 and ethnic populations; and

16 “(D) have an advisory board or steering
17 committee and staffing which is reflective of the
18 targeted racial and ethnic community.

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

22 “(4) DISTRIBUTION.—

23 “(A) The Attorney General shall not use
24 more than 2.5 percent of funds appropriated
25 under this subsection in any year for adminis-

1 tration, monitoring, and evaluation of grants
2 made available under this subsection.

3 “(B) Up to 5 percent of funds appro-
4 priated under this section in any year shall be
5 available for technical assistance by a national,
6 nonprofit, nongovernmental organization or or-
7 ganizations whose primary focus and expertise
8 is in addressing sexual assault within racial and
9 ethnic communities.

10 “(5) TERM.—The Attorney General shall make
11 grants under this section for a period of no less than
12 2 fiscal years.

13 “(6) REPORTING.—Each entity receiving a
14 grant under this subsection shall submit a report to
15 the Attorney General that describes the activities out
16 with such grant funds.

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

19 “(1) GRANTS AUTHORIZED.—

20 “(A) IN GENERAL.—The Attorney General
21 shall award grants to State, territorial, and
22 tribal sexual assault coalitions to assist in sup-
23 porting the establishment, maintenance, and ex-
24 pansion of such coalitions.

1 “(B) MINIMUM AMOUNT.—Not less than
2 10 percent of the total amount appropriated to
3 carry out this section shall be used for grants
4 under subparagraph (A).

5 “(C) ELIGIBLE APPLICANTS.—Each of the
6 State, territorial, and tribal sexual assault coali-
7 tions.

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

10 “(A) work with local sexual assault pro-
11 grams and other providers of direct services to
12 encourage appropriate responses to sexual as-
13 sault within the State, territory, or tribe;

14 “(B) work with judicial and law enforce-
15 ment agencies to encourage appropriate re-
16 sponses to sexual assault cases;

17 “(C) work with courts, child protective
18 services agencies, and children’s advocates to
19 develop appropriate responses to child custody
20 and visitation issues when sexual assault has
21 been determined to be a factor;

22 “(D) design and conduct public education
23 campaigns;

1 “(E) plan and monitor the distribution of
2 grants and grant funds to their State, territory,
3 or tribe; or

4 “(F) collaborate with and inform Federal,
5 State, or local public officials and agencies to
6 develop and implement policies to reduce or
7 eliminate sexual assault.

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

11 “(A) not less than 10 percent of the funds
12 shall be available for grants to tribal sexual as-
13 sault coalitions;

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

20 “(4) APPLICATION.—Each eligible entity desir-
21 ing a grant under this subsection shall submit an
22 application to the Attorney General at such time, in
23 such manner, and containing such information as
24 the Attorney General determines to be essential to
25 carry out the purposes of this section.

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

7 “(e) GRANTS TO TRIBES.—

8 “(1) GRANTS AUTHORIZED.—The Attorney
9 General may award grants to Indian tribes, tribal
10 organizations, and nonprofit tribal organizations for
11 the operation of a sexual assault programs or
12 projects in Indian country and Alaskan native vil-
13 lages to support the establishment, maintenance,
14 and expansion of programs and projects to assist
15 those victimized by sexual assault.

16 “(2) ALLOCATION AND USE OF FUNDS.—

17 “(A) ADMINISTRATIVE COSTS.—Not more
18 than 5 percent of the grant funds received by
19 an Indian tribe, tribal organization, and non-
20 profit tribal organization under this subsection
21 for any fiscal year may be used for administra-
22 tive costs.

23 “(B) GRANT FUNDS.—Any funds received
24 under this subsection that are not used for ad-
25 ministrative costs shall be used to provide

1 grants to tribal organizations and nonprofit
2 tribal organizations for programs and activities
3 within Indian country and Alaskan native vil-
4 lages that provide direct intervention and re-
5 lated assistance.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—

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

11 “(2) ALLOCATIONS.—Of the total amounts ap-
12 propriated for each fiscal year to carry out this sec-
13 tion—

14 “(A) not more than 2.5 percent shall be
15 used by the Attorney General for evaluation,
16 monitoring, and other administrative costs
17 under this section;

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

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

24 “(D) not less than 7 percent shall be used
25 for making grants to State, territorial, and trib-

1 al sexual assault coalitions under subsection
2 (d);

3 “(E) not less than 7 percent shall be used
4 for grants to tribes under subsection (e); and

5 “(F) not less than 7 percent shall be used
6 for grants for culturally specific programs ad-
7 dressing sexual assault under subsection (c).”.

8 **SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIO-**
9 **LENCE AND CHILD ABUSE ENFORCEMENT AS-**
10 **SISTANCE PROGRAM.**

11 Section 40295 of the Safe Homes for Women Act of
12 1994 (42 U.S.C. 13971) is amended to read as follows:

13 **“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIO-**
14 **LENCE, SEXUAL ASSAULT, STALKING, AND**
15 **CHILD ABUSE ENFORCEMENT ASSISTANCE.**

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

17 “(1) to identify, assess, and appropriately re-
18 spond to child, youth, and adult victims of domestic
19 violence, sexual assault, dating violence, and stalking
20 in rural communities, by encouraging collaboration
21 among—

22 “(A) domestic violence, dating violence,
23 sexual assault, and stalking victim service pro-
24 viders;

25 “(B) law enforcement agencies;

1 “(C) prosecutors;

2 “(D) courts;

3 “(E) other criminal justice service pro-
4 viders;

5 “(F) human and community service pro-
6 viders;

7 “(G) educational institutions; and

8 “(H) health care providers;

9 “(2) to establish and expand nonprofit, non-
10 governmental, State, tribal, territorial, and local gov-
11 ernment victim services in rural communities to
12 child, youth, and adult victims; and

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

15 “(A) dealing directly and immediately with
16 domestic violence, sexual assault, dating vio-
17 lence, and stalking occurring in rural commu-
18 nities; and

19 “(B) creating and implementing strategies
20 to increase awareness and prevent domestic vio-
21 lence, sexual assault, dating violence, and stalk-
22 ing.

23 “(b) GRANTS AUTHORIZED.—The Attorney General,
24 acting through the Director of the Office on Violence
25 Against Women (referred to in this section as the ‘Direc-

1 tor'), may award grants to States, Indian tribes, local gov-
2 ernments, and nonprofit, public or private entities, includ-
3 ing tribal nonprofit organizations, to carry out programs
4 serving rural areas or rural communities that address do-
5 mestic violence, dating violence, sexual assault, and stalk-
6 ing by—

7 “(1) implementing, expanding, and establishing
8 cooperative efforts and projects among law enforce-
9 ment officers, prosecutors, victim advocacy groups,
10 and other related parties to investigate and pros-
11 ecute incidents of domestic violence, dating violence,
12 sexual assault, and stalking;

13 “(2) providing treatment, counseling, advocacy,
14 and other long- and short-term assistance to adult
15 and minor victims of domestic violence, dating vio-
16 lence, sexual assault, and stalking in rural commu-
17 nities; and

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

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

24 “(d) ALLOTMENTS AND PRIORITIES.—

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

6 “(2) ALLOTMENT FOR SEXUAL ASSAULT SERV-
7 ICES.—Not less than 25 percent of the total amount
8 made available for each fiscal year to carry out this
9 section shall be allocated for grants that meaning-
10 fully address sexual assault in rural communities.

11 “(3) ALLOTMENT FOR TECHNICAL ASSIST-
12 ANCE.—Of the amounts appropriated for each fiscal
13 year to carry out this section, not more than 8 per-
14 cent may be used by the Director for technical as-
15 sistance costs.

16 “(4) UNDERSERVED POPULATIONS.—In award-
17 ing grants under this section, the Director shall give
18 priority to racial, ethnic, and other underserved pop-
19 ulations.

20 “(5) ALLOCATION OF FUNDS FOR RURAL
21 STATES.—Not less than 75 percent of the total
22 amount made available for each fiscal year to carry
23 out this section shall be allocated to eligible entities
24 located in rural States.

25 “(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

11 **SEC. 204. TRAINING AND SERVICES TO END VIOLENCE**
12 **AGAINST WOMEN WITH DISABILITIES.**

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

16 **“SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERV-**
17 **ICES TO END VIOLENCE AGAINST AND ABUSE**
18 **OF WOMEN WITH DISABILITIES.**

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

22 “(1) to provide training, consultation, and in-
23 formation on domestic violence, dating violence,
24 stalking, and sexual assault against women and girls
25 who are individuals with disabilities (as defined in

1 section 3 of the Americans with Disabilities Act of
2 1990 (42 U.S.C. 12102)); and

3 “(2) to enhance direct services to such individ-
4 uals.

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

7 “(1) to provide personnel, training, technical
8 assistance, advocacy, intervention, risk reduction and
9 prevention of domestic violence, dating violence,
10 stalking, and sexual assault against disabled women
11 and girls;

12 “(2) to conduct outreach activities to ensure
13 that disabled women and girls who are victims of do-
14 mestic violence, dating violence, stalking, or sexual
15 assault receive appropriate assistance;

16 “(3) to conduct cross-training for victim service
17 organizations, governmental agencies, courts, law en-
18 forcement, and nonprofit, nongovernmental organi-
19 zations serving individuals with disabilities about
20 risk reduction, intervention, prevention and the na-
21 ture of domestic violence, dating violence, stalking,
22 and sexual assault for disabled women and girls;

23 “(4) to provide technical assistance to assist
24 with modifications to existing policies, protocols, and
25 procedures to ensure equal access to the services,

1 programs, and activities of victim service organiza-
2 tions for disabled women and girls;

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

7 “(A) the Americans with Disabilities Act of
8 1990; and

9 “(B) section 504 of the Rehabilitation Act
10 of 1973;

11 “(6) to rehabilitate facilities, purchase equip-
12 ment, and provide personnel so that shelters and vic-
13 tim service organizations can accommodate the
14 needs of disabled women and girls;

15 “(7) to provide advocacy and intervention serv-
16 ices for disabled women and girls who are victims of
17 domestic violence, dating violence, stalking, or sexual
18 assault; or

19 “(8) to develop model programs providing advo-
20 cacy and intervention services within organizations
21 serving disabled women and girls who are victims of
22 domestic violence, dating violence, sexual assault, or
23 stalking.

24 “(c) ELIGIBLE ENTITIES.—

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

4 “(A) a State;

5 “(B) a unit of local government;

6 “(C) an Indian tribal government or tribal
7 organization; or

8 “(D) a nonprofit and nongovernmental vic-
9 tim services organization, such as a State do-
10 mestic violence or sexual assault coalition or a
11 nonprofit, nongovernmental organization serv-
12 ing disabled women and girls.

13 “(2) LIMITATION.—A grant awarded for the
14 purpose described in subsection (b)(8) shall only be
15 awarded to an eligible agency (as defined in section
16 410 of the Rehabilitation Act of 1973 (29 U.S.C.
17 796f-5).

18 “(d) UNDERSERVED POPULATIONS.—In awarding
19 grants under this section, the Director shall ensure that
20 the needs of underserved populations are being addressed.

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

1 **SEC. 205. TRAINING AND SERVICES TO END VIOLENCE**
2 **AGAINST WOMEN IN LATER LIFE.**

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

6 **“SEC. 40802. ENHANCED TRAINING AND SERVICES TO END**
7 **VIOLENCE AGAINST AND ABUSE OF WOMEN**
8 **LATER IN LIFE.**

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

12 “(1) training programs to assist law enforce-
13 ment, prosecutors, governmental agencies, victim as-
14 sistants, and relevant officers of Federal, State, trib-
15 al, territorial, and local courts in recognizing, ad-
16 dressing, investigating, and prosecuting instances of
17 elder abuse, neglect and exploitation, including do-
18 mestic violence or sexual assault, against victims
19 who are 60 years of age or older;

20 “(2) providing or enhancing services for victims
21 of elder abuse, neglect, and exploitation, including
22 domestic and sexual violence, who are 60 years of
23 age or older;

24 “(3) increasing the physical accessibility of
25 buildings in which services are or will be rendered
26 for victims of elder abuse, neglect, and exploitation,

1 including domestic and sexual violence, who are 60
2 years of age or older;

3 “(4) creating or supporting multidisciplinary
4 collaborative community responses to victims of elder
5 abuse, neglect, and exploitation, including domestic
6 and sexual violence, who are 60 years of age or
7 older; and

8 “(5) conducting cross-training for victim service
9 organizations, governmental agencies, courts, law en-
10 forcement, and nonprofit, nongovernmental organi-
11 zations serving victims of domestic and sexual abuse
12 who are 60 years of age or older.

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

15 “(1) a State;

16 “(2) a unit of local government;

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

19 “(4) a nonprofit and nongovernmental victim
20 services organization with demonstrated experience
21 in assisting elderly women or demonstrated experi-
22 ence in addressing domestic violence or sexual as-
23 sault.”.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
25 40803 of the Violence Against Women Act of 1994 (42

1 U.S.C. 14041b) is amended by striking “\$5,000,000 for
2 each of fiscal years 2001 through 2005” and inserting
3 “\$10,000,000 for each of the fiscal years 2006 through
4 2010”.

5 **SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIO-**
6 **LENCE HOTLINE.**

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

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

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

17 (2) in subsection (g)—

18 (A) in paragraph (1), by striking
19 “\$3,500,000” and all that follows and inserting
20 “\$5,000,000 for each of fiscal years 2006
21 through 2010.”;

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

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

1 **TITLE III—SERVICES, PROTEC-**
2 **TION, AND JUSTICE FOR**
3 **YOUNG VICTIMS OF VIO-**
4 **LENCE**

5 **SEC. 301. FINDINGS.**

6 Congress finds the following:

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

10 (2) The Department of Justice consistently
11 finds that young women between the ages of 16 and
12 24 experience the highest rate of non-fatal intimate
13 partner violence.

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

17 (4) Young people experience particular obsta-
18 cles to seeking help. They often do not have access
19 to money, transportation, or shelter services. They
20 must overcome issues such as distrust of adults, lack
21 of knowledge about available resources, or pressure
22 from peers and parents.

23 (5) A needs assessment on teen relationship
24 abuse for the State of California, funded by the Cali-
25 fornia Department of Health Services, identified a

1 desire for confidentiality and confusion about the
2 law as 2 of the most significant barriers to young
3 victims of domestic and dating violence seeking help.

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

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

12 (8) 40 percent of girls ages 14 to 17 report
13 knowing someone their age who has been hit or
14 beaten by a boyfriend, and 13 percent of college
15 women report being stalked.

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

23 (10) According to a 3-year study of student-
24 athletes at 10 Division I universities, male athletes
25 made up only 3.3 percent of the general male uni-

1 iversity population, but they accounted for 19 percent
2 of the students reported for sexual assault and 35
3 percent of domestic violence perpetrators.

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

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

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

1 **“Subtitle L—Services, Education,**
2 **Protection and Justice for**
3 **Young Victims of Violence**

4 **“SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND**
5 **TO TEENS.**

6 “(a) GRANTS AUTHORIZED.—The Secretary of the
7 Department of Health and Human Services (in this sec-
8 tion referred to as the ‘Secretary’), acting through the
9 Family and Youth Services Bureau, in consultation with
10 the Department of Justice, shall award grants to eligible
11 entities to conduct programs to serve victims of domestic
12 violence, dating violence, sexual assault, and stalking who
13 are between the ages of 12 and 24. Amounts appropriated
14 under this section may only be used for programs and ac-
15 tivities described under subsection (c).

16 “(b) ELIGIBLE GRANTEEES.—To be eligible to receive
17 a grant under this section, an entity shall be—

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

22 “(2) a community-based organization special-
23 izing in intervention or violence prevention services
24 for youth;

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

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

8 “(c) USE OF FUNDS.—

9 “(1) IN GENERAL.—An entity that receives a
10 grant under this section shall use amounts provided
11 under the grant to design or replicate, and imple-
12 ment, programs and services, using domestic vio-
13 lence, dating violence, sexual assault, and stalking
14 intervention models to respond to the needs of youth
15 who are victims of domestic violence, dating violence,
16 sexual assault or stalking.

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

18 “(A) shall provide direct counseling and
19 advocacy for teens and young adults, who have
20 experienced domestic violence, dating violence,
21 sexual assault or stalking;

22 “(B) shall include linguistically, culturally,
23 and community relevant services for racial, eth-
24 nic, and other underserved populations or link-

1 ages to existing services in the community tai-
2 lored to the needs of underserved populations;

3 “(C) may include mental health services
4 for teens and young adults who have experi-
5 enced domestic violence, dating violence, sexual
6 assault, or stalking;

7 “(D) may include legal advocacy efforts on
8 behalf of minors and young adults with respect
9 to domestic violence, dating violence, sexual as-
10 sault or stalking;

11 “(E) may work with public officials and
12 agencies to develop and implement policies,
13 rules, and procedures in order to reduce or
14 eliminate domestic violence, dating violence,
15 sexual assault, and stalking against youth and
16 young adults; and

17 “(F) may use not more than 25 percent of
18 the grant funds to provide additional services
19 and resources for youth, including childcare,
20 transportation, educational support, and respite
21 care.

22 “(d) AWARDS BASIS.—

23 “(1) GRANTS TO INDIAN TRIBES.—Not less
24 than 7 percent of funds appropriated under this sec-

1 tion in any year shall be available for grants to In-
2 dian Tribes or tribal organizations.

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

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

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

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section,
16 \$15,000,000 for each of fiscal years 2006 through 2010.

17 **“SEC. 41202. ACCESS TO JUSTICE FOR TEENS.**

18 “(a) PURPOSE.—It is the purpose of this section to
19 encourage cross training and collaboration between the
20 courts, domestic violence and sexual assault service pro-
21 viders, youth organizations and service providers, violence
22 prevention programs, and law enforcement agencies, so
23 that communities can establish and implement policies,
24 procedures, and practices to protect and more comprehen-
25 sively and effectively serve young victims of dating vio-

1 lence, domestic violence, sexual assault, and stalking who
2 are between the ages of 12 and 24, and to engage, where
3 necessary, other entities addressing the safety, health,
4 mental health, social service, housing, and economic needs
5 of young victims of domestic violence, dating violence, sex-
6 ual assault, and stalking, including community-based sup-
7 ports such as schools, local health centers, community ac-
8 tion groups, and neighborhood coalitions.

9 “(b) GRANT AUTHORITY.—

10 “(1) IN GENERAL.—The Attorney General,
11 through the Director of the Office on Violence
12 Against Women (in this section referred to as the
13 ‘Director’), shall make grants to eligible entities to
14 carry out the purposes of this section.

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

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

20 “(A) shall include a victim service provider
21 that has a documented history of effective work
22 concerning domestic violence, dating violence,
23 sexual assault, or stalking and the effect that
24 those forms of abuse have on young people;

25 “(B) shall include a court; and

1 “(C) may include—

2 “(i) batterer intervention programs or
3 sex offender treatment programs with spe-
4 cialized knowledge and experience working
5 with youth offenders;

6 “(ii) community-based youth organiza-
7 tions that deal specifically with the con-
8 cerns and problems faced by youth, includ-
9 ing programs that target teen parents and
10 racial, ethnic, and other underserved com-
11 munities;

12 “(iii) schools or school-based pro-
13 grams designed to provide prevention or
14 intervention services to youth experiencing
15 problems;

16 “(iv) faith-based entities that deal
17 with the concerns and problems faced by
18 youth;

19 “(v) healthcare entities eligible for re-
20 imbursement under title XVIII of the So-
21 cial Security Act, including providers that
22 target the special needs of youth;

23 “(vi) education programs on HIV and
24 other sexually transmitted diseases that
25 are designed to target teens; or

1 “(vii) Indian Health Services, Indian
2 Child Welfare, the Bureau of Indian Af-
3 fairs, or the Federal Bureau of Investiga-
4 tions.

5 “(c) USES OF FUNDS.—An entity that receives a
6 grant under this section shall use the funds made available
7 through the grant for cross-training and collaborative ef-
8 forts—

9 “(1) addressing domestic violence, dating vio-
10 lence, sexual assault, and stalking, assessing and
11 analyzing currently available services for youth and
12 young adult victims, determining relevant barriers to
13 such services in a particular locality, and developing
14 a community protocol to address such problems col-
15 laboratively;

16 “(2) to establish and enhance linkages and col-
17 laboration between—

18 “(A) domestic violence and sexual assault
19 service providers; and

20 “(B) where applicable, law enforcement
21 agencies, courts, Federal agencies, and other
22 entities addressing the safety, health, mental
23 health, social service, housing, and economic
24 needs of young victims of abuse, including com-
25 munity-based supports such as schools, local

1 health centers, community action groups, and
2 neighborhood coalitions—

3 “(i) to respond effectively and com-
4 prehensively to the varying needs of young
5 victims of abuse;

6 “(ii) to include linguistically, cul-
7 turally, and community relevant services
8 for racial, ethnic, and other underserved
9 populations or linkages to existing services
10 in the community tailored to the needs of
11 underserved populations; and

12 “(iii) to include where appropriate
13 legal assistance, referral services, and pa-
14 rental support;

15 “(3) to educate the staff of courts, domestic vi-
16 olence and sexual assault service providers, and, as
17 applicable, the staff of law enforcement agencies, In-
18 dian child welfare agencies, youth organizations,
19 schools, healthcare providers, and other community
20 prevention and intervention programs to responsibly
21 address minor victims and perpetrators of domestic
22 violence, dating violence, sexual assault, and stalk-
23 ing;

24 “(4) to identify, assess, and respond appro-
25 priately to dating violence, domestic violence, sexual

1 assault, or stalking against minors and young adults
2 and meet the needs of young victims of violence; and

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

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

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

23 “(f) DISTRIBUTION.—In awarding grants under this
24 section—

1 “(1) not less than 7 percent of funds appro-
2 priated under this section in any year shall be avail-
3 able for grants to collaborations involving tribal
4 courts, tribal coalitions, tribal organizations, or do-
5 mestic violence or sexual assault service providers
6 the primary purpose of which is to provide culturally
7 relevant services to American Indian or Alaska Na-
8 tive women or youth;

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

13 “(3) the Attorney General of the United States
14 shall not use more than 2.5 percent of funds appro-
15 priated under this section in any year for adminis-
16 tration of grants made available under this section;
17 and

18 “(4) up to 8 percent of funds appropriated
19 under this section in any year shall be available to
20 provide technical assistance for programs funded
21 under this section.

22 “(g) DISSEMINATION OF INFORMATION.—Not later
23 than 12 months after the end of the grant period under
24 this section, the Director shall prepare, submit to Con-

1 gress, and make widely available, including through elec-
 2 tronic means, summaries that contain information on—

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

5 “(2) related initiatives undertaken by the Direc-
 6 tor to promote attention to dating violence, domestic
 7 violence, sexual assault, and stalking and their im-
 8 pact on young victims by—

9 “(A) the staffs of courts;

10 “(B) domestic violence, dating violence,
 11 sexual assault, and stalking service providers;
 12 and

13 “(C) law enforcement agencies and com-
 14 munity organizations.

15 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated to carry out this section,
 17 \$5,000,000 in each of fiscal years 2006 through 2010.

18 **“SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION**
 19 **ON THE INTERSECTION BETWEEN DOMESTIC**
 20 **VIOLENCE AND CHILD MALTREATMENT.**

21 “(a) PURPOSE.—The purpose of this section is to
 22 support efforts by child welfare agencies, domestic violence
 23 or dating violence victim services providers, courts, law en-
 24 forcement, and other related professionals and community
 25 organizations to develop collaborative responses and serv-

1 ices and provide cross-training to enhance community re-
2 sponses to families where there is both child maltreatment
3 and domestic violence.

4 “(b) GRANTS AUTHORIZED.—The Secretary of the
5 Department of Health and Human Services (in this sec-
6 tion referred to as the ‘Secretary’), through the Family
7 and Youth Services Bureau, and in consultation with the
8 Office on Violence Against Women, shall award grants on
9 a competitive basis to eligible entities for the purposes and
10 in the manner described in this section.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$5,000,000 for each of fiscal years 2006 through 2010.
14 Funds appropriated under this section shall remain avail-
15 able until expended. Of the amounts appropriated to carry
16 out this section for each fiscal year, the Secretary shall—

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

21 “(2) set aside not more than 7 percent for
22 grants to programs addressing child maltreatment
23 and domestic violence or dating violence that are op-
24 erated by, or in partnership with, a tribal organiza-
25 tion; and

1 “(3) set aside up to 8 percent for technical as-
2 sistance and training to be provided by organizations
3 having demonstrated expertise in developing collabora-
4 tive community and system responses to families
5 in which there is both child maltreatment and do-
6 mestic violence or dating violence, which technical
7 assistance and training may be offered to jurisdic-
8 tions in the process of developing community re-
9 sponses to families in which children are exposed to
10 child maltreatment and domestic violence or dating
11 violence, whether or not they are receiving funds
12 under this section.

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

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

19 “(f) USES OF FUNDS.—Entities receiving grants
20 under this section shall use amounts provided to develop
21 collaborative responses and services and provide cross-
22 training to enhance community responses to families
23 where there is both child maltreatment and domestic vio-
24 lence or dating violence. Amounts distributed under this

1 section may only be used for programs and activities de-
2 scribed in subsection (g).

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

5 “(1) encourage cross training, education, serv-
6 ice development, and collaboration among child wel-
7 fare agencies, domestic violence victim service pro-
8 viders, and courts, law enforcement agencies, com-
9 munity-based programs, and other entities, in order
10 to ensure that such entities have the capacity to and
11 will identify, assess, and respond appropriately to—

12 “(A) domestic violence or dating violence
13 in homes where children are present and may
14 be exposed to the violence;

15 “(B) domestic violence or dating violence
16 in child protection cases; and

17 “(C) the needs of both the child and non-
18 abusing parent;

19 “(2) establish and implement policies, proce-
20 dures, programs, and practices for child welfare
21 agencies, domestic violence victim service providers,
22 courts, law enforcement agencies, and other entities,
23 that are consistent with the principles of protecting
24 and increasing the immediate and long-term safety

1 and well being of children and non-abusing parents
2 and caretakers;

3 “(3) increase cooperation and enhance linkages
4 between child welfare agencies, domestic violence vic-
5 tim service providers, courts, law enforcement agen-
6 cies, and other entities to provide more comprehen-
7 sive community-based services (including health,
8 mental health, social service, housing, and neighbor-
9 hood resources) to protect and to serve both child
10 and adult victims;

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

15 “(5) analyze and change policies, procedures,
16 and protocols that contribute to overrepresentation
17 of racial and ethnic minorities in the court and child
18 welfare system; and

19 “(6) provide appropriate referrals to commu-
20 nity-based programs and resources, such as health
21 and mental health services, shelter and housing as-
22 sistance for adult and youth victims and their chil-
23 dren, legal assistance and advocacy for adult and
24 youth victims, assistance for parents to help their
25 children cope with the impact of exposure to domes-

1 tic violence or dating violence and child maltreat-
2 ment, appropriate intervention and treatment for
3 adult perpetrators of domestic violence or dating vio-
4 lence whose children are the subjects of child protec-
5 tion cases, programs providing support and assist-
6 ance to racial and ethnic populations, and other nec-
7 essary supportive services.

8 “(i) GRANTEE REQUIREMENTS.—

9 “(1) APPLICATIONS.—Under this section, an
10 entity shall prepare and submit to the Secretary an
11 application at such time, in such manner, and con-
12 taining such information as the Secretary may re-
13 quire, consistent with the requirements described
14 herein. The application shall—

15 “(A) ensure that communities impacted by
16 these systems or organizations are adequately
17 represented in the development of the applica-
18 tion, the programs and activities to be under-
19 taken, and that they have a significant role in
20 evaluating the success of the project;

21 “(B) describe how the training and col-
22 laboration activities will enhance or ensure the
23 safety and economic security of families where
24 both child maltreatment and domestic violence
25 or dating violence occurs by providing appro-

1 appropriate resources, protection, and support to the
2 victimized parents of such children and to the
3 children themselves; and

4 “(C) outline methods and means partici-
5 pating entities will use to ensure that all serv-
6 ices are provided in a developmentally, linguis-
7 tically and culturally competent manner and
8 will utilize community-based supports and re-
9 sources.

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

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

15 “(B) shall include a domestic violence or
16 dating violence victim service provider;

17 “(C) shall include a law enforcement agen-
18 cy or Bureau of Indian Affairs providing tribal
19 law enforcement;

20 “(D) may include a court; and

21 “(E) may include any other such agencies
22 or private nonprofit organizations and faith-
23 based organizations, including community-based
24 organizations, with the capacity to provide ef-

1 fective help to the child and adult victims
2 served by the collaboration.”.

3 **SEC. 304. GRANTS TO REDUCE VIOLENCE AGAINST WOMEN**
4 **ON CAMPUS.**

5 Section 826 of the Higher Education Amendments of
6 1998 (20 U.S.C. 1152) is amended—

7 (1) in subsection (a)(2), by adding at the end
8 the following: “The Attorney General, through the
9 Director of the Office on Violence Against Women,
10 shall award the grants in amounts of not more than
11 \$500,000 for individual institutions of higher edu-
12 cation and not more than \$1,000,000 for consortia
13 of such institutions.”;

14 (2) in subsection (b)—

15 (A) in paragraph (2)—

16 (i) by inserting “develop and imple-
17 ment campus policies, protocols, and serv-
18 ices that” after “boards to”; and

19 (ii) by adding at the end the fol-
20 lowing: “Within 90 days after the date of
21 enactment of the Violence Against Women
22 Act of 2005, the Attorney General shall
23 issue and make available minimum stand-
24 ards of training relating to violent crimes
25 against women on campus, for all campus

1 security personnel and personnel serving
2 on campus disciplinary or judicial
3 boards.”;

4 (B) in paragraph (4), by striking all that
5 follows “strengthen” and inserting: “victim
6 services programs on the campuses of the insti-
7 tutions involved, including programs providing
8 legal, medical, or psychological counseling, for
9 victims of domestic violence, dating violence, or
10 sexual assault, and to improve delivery of victim
11 assistance on campus. To the extent prac-
12 ticable, such an institution shall collaborate
13 with any entities carrying out nonprofit and
14 other victim services programs, including sexual
15 assault, domestic violence, and dating violence
16 victim services programs in the community in
17 which the institution is located. If appropriate
18 victim services programs are not available in
19 the community or are not accessible to stu-
20 dents, the institution shall, to the extent prac-
21 ticable, provide a victim services program on
22 campus or create a victim services program in
23 collaboration with a community-based organiza-
24 tion. The institution shall use not less than 20
25 percent of the funds made available through the

1 grant for a victim services program provided in
2 accordance with this paragraph.”;

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

4 (D) by redesignating paragraphs (7), (9),
5 and (10) as paragraphs (6), (7), and (8), re-
6 spectively;

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

9 “(B) include proof that the institution of
10 higher education collaborated with any non-
11 profit, nongovernmental entities carrying out
12 other victim services programs, including sexual
13 assault, domestic violence, and dating violence
14 victim services programs in the community in
15 which the institution is located;”;

16 (4) in subsection (d)—

17 (A) by striking paragraph (4);

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

20 (C) by inserting after paragraph (1) the
21 following:

22 “(2) NONDISCLOSURE OF CONFIDENTIAL OR
23 PRIVATE INFORMATION.—

24 “(A) IN GENERAL.—In order to ensure the
25 safety of adult, youth, and child victims of do-

1 domestic violence, dating violence, sexual assault,
2 or stalking, and their families, grantee and sub-
3 grantees under this title shall protect the con-
4 fidentiality and privacy of persons receiving
5 services.

6 “(B) NONDISCLOSURE.—Subject to sub-
7 paragraph (C), grantees and subgrantees shall
8 not—

9 “(i) disclose any personally identifying
10 information or individual information col-
11 lected in connection with services re-
12 quested, utilized, or denied through grant-
13 ees’ and subgrantees’ programs; or

14 “(ii) reveal individual client informa-
15 tion without the informed, written, reason-
16 ably time-limited consent of the person (or
17 in the case of an unemancipated minor, the
18 minor and the parent or guardian or in the
19 case of persons with disabilities, the guard-
20 ian) about whom information is sought,
21 whether for this program or any other
22 Federal, State, tribal, or territorial grant
23 program.

1 “(C) RELEASE.—If release of information
2 described in subparagraph (B) is compelled by
3 statutory or court mandate—

4 “(i) grantees and subgrantees shall
5 make reasonable attempts to provide notice
6 to victims affected by the disclosure of in-
7 formation; and

8 “(ii) grantees and subgrantees shall
9 take steps necessary to protect the privacy
10 and safety of the persons affected by the
11 release of the information.

12 “(D) INFORMATION SHARING.—Grantees
13 and subgrantees may share—

14 “(i) nonpersonally identifying data in
15 the aggregate regarding services to their
16 clients and nonpersonally identifying demo-
17 graphic information in order to comply
18 with Federal, State, tribal, or territorial
19 reporting, evaluation, or data collection re-
20 quirements;

21 “(ii) court-generated information and
22 law-enforcement generated information
23 contained in secure, governmental reg-
24 istries for protection order enforcement
25 purposes; and

1 “(iii) law-enforcement and prosecu-
2 tion-generated information for law enforce-
3 ment and prosecution purposes.

4 “(E) PERSONALLY IDENTIFYING INFORMA-
5 TION OR PERSONAL INFORMATION.—The term
6 ‘personally identifying information’ or ‘personal
7 information’ means individually identifying in-
8 formation for or about an individual including
9 information likely to disclose the location of a
10 victim of domestic violence, dating violence, sex-
11 ual assault, or stalking, including—

12 “(i) a first and last name;

13 “(ii) a home or other physical address;

14 “(iii) contact information (including a
15 postal, e-mail or Internet protocol address, or
16 telephone or facsimile number);

17 “(iv) a social security number; and

18 “(v) any other information, including, date
19 of birth, racial or ethnic background, or reli-
20 gious affiliation, that, in combination with any
21 of clauses (i) through (iv), would serve to iden-
22 tify any individual.”; and

23 (5) in subsection (g), by—

24 (A) striking “\$10,000,000” and inserting
25 “\$15,000,000”;

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

2 and

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

4 **SEC. 305. JUVENILE JUSTICE.**

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

8 (1) in paragraph (7)(B)—

9 (A) by redesignating clauses (i), (ii) and
10 (iii), as clauses (ii), (iii), and (iv), respectively;

11 and

12 (B) by inserting before clause (ii) the fol-
13 lowing:

14 “(i) an analysis of gender-specific services
15 for the prevention and treatment of juvenile de-
16 linquency, including the types of such services
17 available and the need for such services for fe-
18 males;”.

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

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

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

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

2 “(T) developing and adopting policies to
3 prohibit disparate treatment of female juveniles
4 in placement and treatment, and establishing
5 gender-specific services to ensure that female
6 juveniles have access to the full range of health
7 and mental health services, treatment for phys-
8 ical or sexual assault and abuse, education in
9 parenting, education in general, and other
10 training and vocational services.”.

11 **SEC. 306. SAFE HAVENS.**

12 Section 1301 of the Victims of Trafficking and Vio-
13 lence Protection Act of 2000 (42 U.S.C. 10420) is amend-
14 ed—

15 (1) by striking the section heading and insert-
16 ing the following:

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

18 (2) in subsection (a)—

19 (A) by inserting “, through the Director of
20 the Office on Violence Against Women,” after
21 “Attorney General”;

22 (B) by inserting “dating violence,” after
23 “domestic violence,”;

24 (C) by striking “to provide” and inserting
25 the following:

1 “(1) to provide”;

2 (D) by striking the period at the end and
3 inserting a semicolon; and

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

5 “(2) to protect children from the trauma of wit-
6 nessing domestic or dating violence or experiencing
7 abduction, injury, or death during parent and child
8 visitation exchanges;

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

13 “(4) to protect children from the trauma of ex-
14periencing sexual assault or other forms of physical
15 assault or abuse during parent and child visitation
16 and visitation exchanges.”; and

17 (3) by striking subsection (e) and inserting the
18 following:

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

7 “(B) use not more than 3 percent for eval-
8 uation, monitoring, site visits, grantee con-
9 ferences, and other administrative costs associ-
10 ated with conducting activities under this sec-
11 tion; and

12 “(C) set aside not more than 8 percent for
13 technical assistance and training to be provided
14 by organizations having nationally recognized
15 expertise in the design of safe and secure super-
16 vised visitation programs and visitation ex-
17 change of children in situations involving do-
18 mestic violence, dating violence, sexual assault,
19 or stalking.”.

1 **TITLE IV—STRENGTHENING**
2 **AMERICA’S FAMILIES BY PRE-**
3 **VENTING VIOLENCE**

4 **SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND**
5 **CHILDREN.**

6 The Violence Against Women Act of 1994 (108 Stat.
7 1902 et seq.) is amended by adding at the end the fol-
8 lowing:

9 **“Subtitle M—Strengthening Amer-**
10 **ica’s Families by Preventing Vi-**
11 **olence Against Women and Chil-**
12 **dren**

13 **“SEC. 41301. FINDINGS.**

14 “Congress finds that—

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

19 “(2) studies suggest that as many as
20 10,000,000 children witness domestic violence every
21 year;

22 “(3) studies suggest that among children and
23 teenagers, recent exposure to violence in the home
24 was a significant factor in predicting a child’s violent
25 behavior;

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

7 “(5) a child’s exposure to domestic violence
8 seems to pose the greatest independent risk for
9 being the victim of any act of partner violence as an
10 adult;

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

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

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

22 **“SEC. 41302. PURPOSE.**

23 “The purpose of this subtitle is to—

24 “(1) prevent crimes involving violence against
25 women, children, and youth;

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

4 “(3) reduce the impact of exposure to violence
5 in the lives of children and youth so that the
6 intergenerational cycle of violence is interrupted;

7 “(4) develop and implement education and serv-
8 ices programs to prevent children in vulnerable fami-
9 lies from becoming victims or perpetrators of domes-
10 tic violence, dating violence, sexual assault, or stalk-
11 ing;

12 “(5) promote programs to ensure that children
13 and youth receive the assistance they need to end
14 the cycle of violence and develop mutually respectful,
15 nonviolent relationships; and

16 “(6) encourage collaboration among community-
17 based organizations and governmental agencies serv-
18 ing children and youth, providers of health and men-
19 tal health services and providers of domestic vio-
20 lence, dating violence, sexual assault, and stalking
21 victim services to prevent violence against women
22 and children.

23 **“SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EX-**
24 **POSED TO VIOLENCE.**

25 “(a) GRANTS AUTHORIZED.—

1 “(1) IN GENERAL.—The Attorney General, act-
2 ing through the Director of the Office on Violence
3 Against Women, and in collaboration with the Ad-
4 ministration for Children, Youth, and Families of
5 the Department of Health and Human Services, is
6 authorized to award grants on a competitive basis to
7 eligible entities for the purpose of mitigating the ef-
8 fects of domestic violence, dating violence, sexual as-
9 sault, and stalking on children exposed to such vio-
10 lence, and reducing the risk of future victimization
11 or perpetration of domestic violence, dating violence,
12 sexual assault, and stalking.

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

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

17 “(A) considering the needs of underserved
18 populations;

19 “(B) awarding not less than 7 percent of
20 such amounts for the funding of tribal projects
21 from the amounts made available under this
22 section for a fiscal year;

23 “(C) awarding up to 8 percent for the
24 funding of technical assistance programs from

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

3 “(D) awarding not less than 66 percent to
4 programs described in subsection (c)(1) from
5 the amounts made available under this section
6 for a fiscal year.

7 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out this section
9 \$20,000,000 for each of fiscal years 2006 through 2010.

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

12 “(1) programs that provide services for children
13 exposed to domestic violence, dating violence, sexual
14 assault, or stalking, which may include direct coun-
15 seling, advocacy, or mentoring, and must include
16 support for the nonabusing parent or the child’s
17 caretaker; or

18 “(2) training, coordination, and advocacy for
19 programs that serve children and youth (such as
20 Head Start, child care, and after-school programs)
21 on how to safely and confidentially identify children
22 and families experiencing domestic violence and
23 properly refer them to programs that can provide di-
24 rect services to the family and children, and coordi-
25 nation with other domestic violence or other pro-

1 grams serving children exposed to domestic violence,
2 dating violence, sexual assault, or stalking that can
3 provide the training and direct services referenced in
4 this subsection.

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

7 “(1) a victim service provider, tribal nonprofit
8 organization or community-based organization that
9 has a documented history of effective work con-
10 cerning children or youth exposed to domestic vio-
11 lence, dating violence, sexual assault, or stalking, in-
12 cluding programs that provide culturally specific
13 services, Head Start, childcare, faith-based organiza-
14 tions, after school programs, and health and mental
15 health providers; or

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

19 “(e) GRANTEE REQUIREMENTS.—Under this section,
20 an entity shall—

21 “(1) prepare and submit to the Director an ap-
22 plication at such time, in such manner, and con-
23 taining such information as the Director may re-
24 quire; and

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

4 “(A) enhance or ensure the safety and se-
5 curity of children who have been or are being
6 exposed to violence and their nonabusing par-
7 ent, enhance or ensure the safety and security
8 of children and their nonabusing parent in
9 homes already experiencing domestic violence,
10 dating violence, sexual assault, or stalking; and

11 “(B) ensure linguistically, culturally, and
12 community relevant services for racial, ethnic,
13 and other underserved communities.

14 **“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT**
15 **PROGRAMS FOR HOME VISITATION**
16 **PROJECTS.**

17 “(a) GRANTS AUTHORIZED.—

18 “(1) IN GENERAL.—The Attorney General, act-
19 ing through the Director of the Office on Violence
20 Against Women, and in collaboration with the Ad-
21 ministration for Children, Youth, and Families of
22 the Department of Health and Human Services,
23 shall award grants on a competitive basis to home
24 visitation programs, in collaboration with victim
25 service providers, for the purposes of developing and

1 implementing model policies and procedures to train
2 home visitation service providers on addressing do-
3 mestic violence, dating violence, sexual assault, and
4 stalking in families experiencing violence, or at risk
5 of violence, to reduce the impact of that violence on
6 children, maintain safety, improve parenting skills,
7 and break intergenerational cycles of violence.

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

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

12 “(A) consider the needs of underserved
13 populations;

14 “(B) award not less than 7 percent of such
15 amounts for the funding of tribal projects from
16 the amounts made available under this section
17 for a fiscal year; and

18 “(C) award up to 8 percent for the funding
19 of technical assistance programs from the
20 amounts made available under this section for
21 a fiscal year.

22 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$7,000,000 for each of fiscal years 2006 through 2010.

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

4 “(1) home visitation program that provides
5 services to pregnant women and to young children
6 and their parent or primary caregiver that are pro-
7 vided in the permanent or temporary residence or in
8 other familiar surroundings of the individual or fam-
9 ily receiving such services; or

10 “(2) victim services organization or agency in
11 collaboration with an organization or organizations
12 listed in paragraph (1).

13 “(d) GRANTEE REQUIREMENTS.—Under this section,
14 an entity shall—

15 “(1) prepare and submit to the Director an ap-
16 plication at such time, in such manner, and con-
17 taining such information as the Director may re-
18 quire; and

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

21 “(A) enhance or ensure the safety and se-
22 curity of children and their nonabusing parent
23 in homes already experiencing domestic vio-
24 lence, dating violence, sexual assault, or stalk-
25 ing;

1 “(B) ensure linguistically, culturally, and
2 community relevant services for racial ethnic
3 and other underserved communities;

4 “(C) ensure the adequate training by do-
5 mestic violence, dating violence, sexual assault
6 or stalking victim service providers of home visi-
7 tation grantee program staff to—

8 “(i) safely screen for and/or recognize
9 domestic violence, dating violence, sexual
10 assault, and stalking;

11 “(ii) understand the impact of domes-
12 tic violence or sexual assault on children
13 and protective actions taken by a non-
14 abusing parent or caretaker in response to
15 violence against anyone in the household;
16 and

17 “(iii) link new parents with existing
18 community resources in communities where
19 resources exist; and

20 “(D) ensure that relevant State and local
21 domestic violence, dating violence, sexual as-
22 sault, and stalking victim service providers and
23 coalitions are aware of the efforts of organiza-
24 tions receiving grants under this section, and

1 are included as training partners, where pos-
2 sible.

3 **“SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING**
4 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
5 **SEXUAL ASSAULT, AND STALKING.**

6 “(a) GRANTS AUTHORIZED.—

7 “(1) IN GENERAL.—The Attorney General, act-
8 ing through the Director of the Office on Violence
9 Against Women, and in collaboration with the Ad-
10 ministration for Children, Youth, and Families of
11 the Department of Health and Human Services,
12 shall award grants on a competitive basis to eligible
13 entities for the purpose of developing or enhancing
14 programs related to engaging men and youth in pre-
15 venting domestic violence, dating violence, sexual as-
16 sault, and stalking by helping them to develop mutu-
17 ally respectful, nonviolent relationships.

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

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

22 “(A) considering the needs of underserved
23 populations;

24 “(B) awarding not less than 7 percent of
25 such amounts for the funding of tribal projects

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

3 “(C) awarding up to 8 percent for the
4 funding of technical assistance for grantees and
5 non-grantees working in this area from the
6 amounts made available under this section for
7 a fiscal year.

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

11 “(c) USE OF FUNDS.—

12 “(1) PROGRAMS.—The funds appropriated
13 under this section shall be used by eligible entities
14 for—

15 “(A) to develop or enhance community-
16 based programs, including gender-specific pro-
17 grams in accordance with applicable laws
18 that—

19 “(i) encourage children and youth to
20 pursue nonviolent relationships and reduce
21 their risk of becoming victims or perpetra-
22 tors of domestic violence, dating violence,
23 sexual assault, or stalking; and

24 “(ii) that include at a minimum—

1 “(I) information on domestic vio-
2 lence, dating violence, sexual assault,
3 stalking, or child sexual abuse and
4 how they affect children and youth;
5 and

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

8 “(B) create public education campaigns
9 and community organizing to encourage men
10 and boys to work as allies with women and girls
11 to prevent violence against women and girls
12 conducted by entities that have experience in
13 conducting public education campaigns that ad-
14 dress domestic violence, dating violence, sexual
15 assault, or stalking.

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

20 “(d) ELIGIBLE ENTITIES.—

21 “(1) RELATIONSHIPS.—Eligible entities under
22 subsection (c)(1)(A) are—

23 “(A) nonprofit, nongovernmental domestic
24 violence, dating violence, sexual assault, or
25 stalking victim service providers or coalitions;

1 “(B) community-based child or youth serv-
2 ices organizations with demonstrated experience
3 and expertise in addressing the needs and con-
4 cerns of young people;

5 “(C) a State, territorial, tribal, or unit of
6 local governmental entity that is partnered with
7 an organization described in subparagraph (A)
8 or (B); or

9 “(D) a program that provides culturally
10 specific services.

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

13 “(A) nonprofit, nongovernmental organiza-
14 tions or coalitions that have a documented his-
15 tory of creating and administering effective
16 public education campaigns addressing the pre-
17 vention of domestic violence, dating violence,
18 sexual assault or stalking; or

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

22 “(e) 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 youth already experi-
 7 encing domestic violence, dating violence, sexual
 8 assault, or stalking in their lives;

9 “(B) ensure linguistically, culturally, and
 10 community relevant services for racial, ethnic,
 11 and other underserved communities;

12 “(C) inform participants about laws, serv-
 13 ices, and resources in the community, and make
 14 referrals as appropriate; and

15 “(D) ensure that State and local domestic
 16 violence, dating violence, sexual assault, and
 17 stalking victim service providers and coalitions
 18 are aware of the efforts of organizations receiv-
 19 ing grants under this section.”.

20 **SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DIS-**
 21 **EASE CONTROL AND PREVENTION.**

22 (a) **PURPOSES.**—The Secretary of Health and
 23 Human Services acting through the National Center for
 24 Injury Prevention and Control at the Centers for Disease
 25 Control Prevention shall make grants to entities, including

1 sexual assault coalitions and programs, research organiza-
2 tions, tribal organizations, and academic institutions to
3 support research to examine prevention and intervention
4 programs to further the understanding of sexual and do-
5 mestic violence by and against adults, youth, and children.

6 (b) USE OF FUNDS.—The research conducted under
7 this section shall include the following areas:

8 (1) Evaluation and study of best practices for
9 reducing and preventing violence against women and
10 children addressed by the strategies included in this
11 title, including strategies addressing racial, ethnic,
12 and other underserved communities.

13 (2) An evaluation of the efficacy and effective-
14 ness of interventions and policies targeting offenders
15 and potential offenders to prevent perpetration of
16 sexual and domestic violence.

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

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 shall be authorized to be appropriated to carry out this
22 title \$2,000,000 for each of the fiscal years 2006 through
23 2010.

1 **TITLE V—STRENGTHENING THE**
2 **HEALTHCARE SYSTEM’S RE-**
3 **SPONSE TO DOMESTIC VIO-**
4 **LENCE, DATING VIOLENCE,**
5 **SEXUAL ASSAULT, AND**
6 **STALKING**

7 **SEC. 501. FINDINGS.**

8 Congress makes the following findings:

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

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

16 (3) In addition to injuries sustained during vio-
17 lent episodes, physical and psychological abuse is
18 linked to a number of adverse physical and mental
19 health effects. Women who have been abused are
20 much more likely to suffer from chronic pain, diabe-
21 tes, depression, unintended pregnancies, substance
22 abuse and sexually transmitted infections, including
23 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 oral 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. 399P. 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 and dating
12 violence and childhood exposure to domestic
13 and dating violence; and

14 “(B) research on effective interventions
15 within primary care and emergency health care
16 settings and with health care settings that in-
17 clude clinical partnerships within community
18 domestic violence providers for adults and chil-
19 dren exposed to domestic or dating violence.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section,
22 \$5,000,000 for each of fiscal years 2006 through 2010.”.

1 **TITLE VI—HOUSING OPPORTU-**
2 **NITIES AND SAFETY FOR BAT-**
3 **TERED WOMEN AND CHIL-**
4 **DREN**

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

8 The Violence Against Women Act of 1994 (42 U.S.C.
9 13701 et seq.) is amended by adding at the end the fol-
10 lowing:

11 **“Subtitle N—Addressing the Hous-**
12 **ing Needs of Victims of Domes-**
13 **tic Violence, Dating Violence,**
14 **Sexual Assault, and Stalking**

15 **“SEC. 41401. FINDINGS.**

16 “Congress finds that:

17 “(1) There is a strong link between domestic vi-
18 olence and homelessness. Among cities surveyed, 44
19 percent identified domestic violence as a primary
20 cause of homelessness.

21 “(2) 92 percent of homeless women have experi-
22 enced severe physical or sexual abuse at some point
23 in their lives. Of all homeless women and children,
24 60 percent had been abused by age 12, and 63 per-

1 cent have been victims of intimate partner violence
2 as adults.

3 “(3) Women and families across the country
4 are being discriminated against, denied access to,
5 and even evicted from public and subsidized housing
6 because of their status as victims of domestic vio-
7 lence.

8 “(4) A recent survey of legal service providers
9 around the country found that these providers have
10 responded to almost 150 documented eviction cases
11 in the last year alone where the tenant was evicted
12 because of the domestic violence crimes committed
13 against her. In addition, nearly 100 clients were de-
14 nied housing because of their status as victims of
15 domestic violence.

16 “(5) Women who leave their abusers frequently
17 lack adequate emergency shelter options. The lack of
18 adequate emergency options for victims presents a
19 serious threat to their safety and the safety of their
20 children. Requests for emergency shelter by home-
21 less women with children increased by 78 percent of
22 United States cities surveyed in 2004. In the same
23 year, 32 percent of the requests for shelter by home-
24 less families went unmet due to the lack of available
25 emergency shelter beds.

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

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

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

13 “(9) Transitional housing resources and serv-
14 ices provide an essential continuum between emer-
15 gency shelter provision and independent living. A
16 majority of women in transitional housing programs
17 stated that had these programs not existed, they
18 would have likely gone back to abusive partners.

19 “(10) Because abusers frequently manipulate fi-
20 nances in an effort to control their partners, victims
21 often lack steady income, credit history, landlord ref-
22 erences, and a current address, all of which are nec-
23 essary to obtain long-term permanent housing.

24 “(11) Victims of domestic violence in rural
25 areas face additional barriers, challenges, and

1 unique circumstances, such as geographical isolation,
2 poverty, lack of public transportation systems, short-
3 ages of health care providers, under-insurance or
4 lack of health insurance, difficulty ensuring con-
5 fidentiality in small communities, and decreased ac-
6 cess to many resources (such as advanced education,
7 job opportunities, and adequate childcare).

8 “(12) Congress and the Secretary of Housing
9 and Urban Development have recognized in recent
10 years that families experiencing domestic violence
11 have unique needs that should be addressed by those
12 administering the Federal housing programs.

13 **“SEC. 41402. PURPOSE.**

14 “The purpose of this subtitle is to reduce domestic
15 violence, dating violence, sexual assault, and stalking, and
16 to prevent homelessness by—

17 “(1) protecting the safety of victims of domestic
18 violence, dating violence, sexual assault, and stalking
19 who reside in homeless shelters, public housing, as-
20 sisted housing, Indian housing, or other emergency,
21 transitional, permanent, or affordable housing, and
22 ensuring that such victims have meaningful access to
23 the criminal justice system without jeopardizing such
24 housing;

1 “(2) creating long-term housing solutions that
2 develop communities and provide sustainable living
3 solutions for victims of domestic violence, dating vio-
4 lence, sexual assault, and stalking;

5 “(3) building collaborations between victim
6 service providers, homeless service providers, housing
7 providers, and housing agencies to provide appro-
8 priate services, interventions, and training to ad-
9 dress the housing needs of victims of domestic vio-
10 lence, dating violence, sexual assault, and stalking;
11 and

12 “(4) enabling public and assisted housing agen-
13 cies, Indian housing authorities, private landlords,
14 property management companies, and other housing
15 providers and agencies to respond appropriately to
16 domestic violence, dating violence, sexual assault,
17 and stalking, while maintaining a safe environment
18 for all housing residents.

19 **“SEC. 41403. DEFINITIONS.**

20 “For purposes of this subtitle—

21 “(1) the term ‘assisted housing’ means housing
22 assisted—

23 “(A) under section 221(d)(3), section
24 221(d)(4), or section 236 of the National Hous-

1 ing Act (12 U.S.C. 1715l(d)(3), (d)(4), or
2 1715z-1);

3 “(B) under section 101 of the Housing
4 and Urban Development Act of 1965 (12
5 U.S.C. 1701s); or

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

8 “(2) the term ‘continuum of care’ means a com-
9 munity plan developed to organize and deliver hous-
10 ing and services to meet the specific needs of people
11 who are homeless as they move to stable housing
12 and achieve maximum self-sufficiency;

13 “(3) the term ‘Indian housing’ means housing
14 assistance described in the Native American Hous-
15 ing Assistance and Self-Determination Act of 1996
16 (25 U.S.C. 4101 et seq.);

17 “(4) the term ‘low-income housing assistance
18 voucher’ means housing assistance described in sec-
19 tion 8 of the United States Housing Act of 1937 (42
20 U.S.C. 1437f);

21 “(5) the term ‘public housing’ means housing
22 described in section 3(b)(1) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

24 “(6) the term ‘public housing agency’ means an
25 agency described in section 3(b)(6) of the United

1 States Housing Act of 1937 (42 U.S.C.
2 1437a(b)(6));

3 “(7) the terms ‘homeless’, ‘homeless individual’,
4 and ‘homeless person’—

5 “(A) mean an individual who lacks a fixed,
6 regular, and adequate nighttime residence; and

7 “(B) includes—

8 “(i) an individual who—

9 “(I) is sharing the housing of
10 other persons due to loss of housing,
11 economic hardship, or a similar rea-
12 son;

13 “(II) is living in a motel, hotel,
14 trailer park, or campground due to
15 the lack of alternative adequate ac-
16 commodations;

17 “(III) is living in an emergency
18 or transitional shelter;

19 “(IV) is abandoned in a hospital;
20 or

21 “(V) is awaiting foster care
22 placement;

23 “(ii) an individual who has a primary
24 nighttime residence that is a public or pri-
25 vate place not designed for or ordinarily

1 used as a regular sleeping accommodation
2 for human beings; or

3 “(iii) migratory children (as defined in
4 section 1309 of the Elementary and Sec-
5 ondary Education Act of 1965; 20 U.S.C.
6 6399) who qualify as homeless under this
7 section because the children are living in
8 circumstances described in this paragraph;
9 and

10 “(8) the term ‘homeless service provider’ means
11 a nonprofit, nongovernmental homeless service pro-
12 vider, such as a homeless shelter, a homeless service
13 or advocacy program, a tribal organization serving
14 homeless individuals, or coalition or other nonprofit,
15 nongovernmental organization carrying out a com-
16 munity-based homeless or housing program that has
17 a documented history of effective work concerning
18 homelessness.

19 **“SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-**
20 **TERM HOUSING FOR VICTIMS.**

21 “(a) GRANTS AUTHORIZED.—

22 “(1) IN GENERAL.—The Secretary of Health
23 and Human Services, acting through the Adminis-
24 tration on Children, Youth and Families (‘ACYF’),
25 and in consultation with the Secretary of Housing

1 and Urban Development, shall award grants and
2 contracts for a period of not less than 2 years to eli-
3 gible entities to develop long-term housing options
4 for adult and youth victims of domestic violence,
5 dating violence, sexual assault, and stalking who are
6 currently homeless or at risk for becoming homeless.

7 “(2) AMOUNT.—The Secretary of Health and
8 Human Services shall award—

9 “(A) grants for projects that do not in-
10 clude the cost of construction in amounts—

11 “(i) not less than \$25,000 per year;

12 and

13 “(ii) not more than \$350,000 per
14 year; and

15 “(B) grants for projects that do include
16 the cost of construction in amounts—

17 “(i) not less than \$75,000 per year;

18 and

19 “(ii) not more than \$1,000,000 per
20 year.

21 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
22 a grant under this section, an entity shall demonstrate
23 that it is a coalition or partnership, applying jointly,
24 that—

1 “(1) shall include a domestic violence victim
2 service provider;

3 “(2) shall include—

4 “(A) a homeless service provider;

5 “(B) a nonprofit, nongovernmental com-
6 munity housing development organization or a
7 Department of Agriculture rural housing service
8 program; or

9 “(C) in the absence of a homeless service
10 provider on tribal lands or nonprofit, non-
11 governmental community housing development
12 organization on tribal lands, an Indian housing
13 authority or tribal housing consortium;

14 “(3) may include a dating violence, sexual as-
15 sault, or stalking victim service provider;

16 “(4) may include housing developers, housing
17 corporations, State housing finance agencies, other
18 housing agencies, and associations representing
19 landlords;

20 “(5) may include a public housing agency or In-
21 dian housing authority;

22 “(6) may include tenant organizations in public
23 or Indian housing, as well as nonprofit, nongovern-
24 mental tenant organizations;

1 “(7) may include other nonprofit, nongovern-
2 mental organizations participating in the Depart-
3 ment of Housing and Urban Development’s Con-
4 tinuum of Care process;

5 “(8) may include a State, tribal, territorial, or
6 local government or government agency; and

7 “(9) may include any other such agencies or
8 nonprofit, nongovernmental organizations with the
9 capacity to provide effective help to adult and youth
10 victims of domestic violence, dating violence, sexual
11 assault, or stalking.

12 “(c) APPLICATION.—

13 “(1) IN GENERAL.—Each eligible entity seeking
14 a grant under this section shall submit an applica-
15 tion to the Secretary of Health and Human Services
16 at such time, in such manner, and containing such
17 information as the Secretary of Health and Human
18 Services may require.

19 “(2) CONTENTS.—Each application shall be
20 submitted to the Secretary at such time, in such
21 manner, and containing such information as the Sec-
22 retary may require.

23 “(d) USE OF FUNDS.—Grants and contracts awarded
24 to eligible entities pursuant to subsection (a) shall be used
25 to design or replicate and implement new activities, serv-

1 ices, and programs to develop long-term housing options
2 for adult and youth victims of domestic violence, dating
3 violence, sexual assault, or stalking, and their dependents,
4 who are currently homeless or at risk of becoming home-
5 less. Such activities, services, or programs—

6 “(1) shall participate in the Department of
7 Housing and Urban Development’s Continuum of
8 Care process, unless such a process does not exist in
9 the community to be served;

10 “(2) shall develop sustainable long-term housing
11 in the community by—

12 “(A) coordinating efforts and resources
13 among the various groups and organizations
14 comprised in the entity to access existing pri-
15 vate and public funding;

16 “(B) placing individuals and families in
17 long-term housing; and

18 “(C) providing services to help individuals
19 or families find and maintain long-term hous-
20 ing, including financial and support assistance;

21 “(3) may provide capital costs for the purchase,
22 preconstruction, construction, renovation, repair, or
23 conversion of affordable housing units;

1 “(4) may use funds for the continuing oper-
2 ation, upkeep, maintenance, and use of housing de-
3 scribed in paragraph (3); and

4 “(5) may provide to the community information
5 about housing and housing programs, and the proc-
6 ess to locate and obtain long-term housing.

7 “(e) UNDERSERVED POPULATIONS AND PRIOR-
8 ITIES.—In awarding grants under this section, the Sec-
9 retary of Health and Human Services, acting through the
10 ACYF, shall—

11 “(1) give priority to linguistically and culturally
12 specific services;

13 “(2) give priority to applications from entities
14 that include a sexual assault service provider as de-
15 scribed in subsection (b)(3);

16 “(3) award a minimum of 15 percent of the
17 funds appropriated under this section in any fiscal
18 year to tribal organizations; and

19 “(4) ensure that at least 2 of the grants award-
20 ed must fund projects that include construction con-
21 sistent with the purposes in subsection (a)(i).

22 “(f) DEFINITIONS.—For purposes of this section—

23 “(1) the term ‘long-term housing’ means hous-
24 ing that is sustainable, accessible, affordable, and
25 safe for the foreseeable future and is—

1 “(A) rented or owned by the individual;

2 “(B) subsidized by a voucher or other pro-
3 gram which is not time-limited and is available
4 for as long as the individual meets the eligibility
5 requirements for the voucher or program; or

6 “(C) provided directly by a program, agen-
7 cy, or organization and is not time-limited and
8 is available for as long as the individual meets
9 the eligibility requirements for the program,
10 agency, or organization; and

11 “(2) the term ‘affordable housing’ means hous-
12 ing that complies with the conditions set forth in
13 section 215 of the Cranston-Gonzalez National Af-
14 fordable Housing Act (42 U.S.C. 12745).

15 “(g) EVALUATION, MONITORING, ADMINISTRATION,
16 AND TECHNICAL ASSISTANCE.—For purposes of this sec-
17 tion—

18 “(1) up to 3 percent of the funds appropriated
19 under subsection (h) for each fiscal year may be
20 used by the Secretary of Health and Human Serv-
21 ices for evaluation, monitoring, and administration
22 costs under this section; and

23 “(2) up to 8 percent of the funds appropriated
24 under subsection (h) for each fiscal year may be

1 used to provide technical assistance to grantees
2 under this section.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$10,000,000 for each
5 of fiscal years 2006 through 2010 to carry out the provi-
6 sions of this section.

7 **“SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST**
8 **WOMEN IN PUBLIC AND ASSISTED HOUSING.**

9 “(a) PURPOSE.—It is the purpose of this section to
10 assist eligible grantees in responding appropriately to do-
11 mestic violence, dating violence, sexual assault, and stalk-
12 ing so that the status of being a victim of such a crime
13 is not a reason for the denial or loss of housing. Such
14 assistance shall be accomplished through—

15 “(1) education and training of eligible entities;

16 “(2) development and implementation of appro-
17 priate housing policies and practices;

18 “(3) enhancement of collaboration with victim
19 service providers and tenant organizations; and

20 “(4) reduction of the number of victims of such
21 crimes who are evicted or denied housing because of
22 crimes and lease violations committed or directly
23 caused by the perpetrators of such crimes.

24 “(b) GRANTS AUTHORIZED.—

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

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

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

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

22 “(c) ELIGIBLE GRANTEEES.—

23 “(1) IN GENERAL.—Eligible grantees are—

24 “(A) public housing agencies;

1 “(B) principally managed public housing
2 resident management corporations, as deter-
3 mined by the Secretary;

4 “(C) public housing projects owned by
5 public housing agencies;

6 “(D) agencies and authorities receiving as-
7 sistance under the Native American Housing
8 Assistance and Self-Determination Act of 1996
9 (25 U.S.C. 4101 et seq.); and

10 “(E) private, for-profit, and nonprofit own-
11 ers or managers of assisted housing.

12 “(2) SUBMISSION REQUIRED FOR ALL GRANT-
13 EES.—To receive assistance under this section, an
14 eligible grantee shall certify that—

15 “(A) its policies and practices do not pro-
16 hibit or limit a resident’s right to summon po-
17 lice or other emergency assistance in response
18 to domestic violence, dating violence, sexual as-
19 sault, or stalking;

20 “(B) programs and services are developed
21 that give a preference in admission to adult and
22 youth victims of such violence, consistent with
23 local housing needs, and applicable law and the
24 Secretary’s instructions;

1 “(C) it does not discriminate against any
2 person—

3 “(i) because that person is or is per-
4 ceived to be, or has a family or household
5 member who is or is perceived to be, a vic-
6 tim of such violence; or

7 “(ii) because of the actions or threat-
8 ened actions of the individual who the vic-
9 tim, as certified in subsection (e), states
10 has committed or threatened to commit
11 acts of such violence against the victim, or
12 against the victim’s family or household
13 member;

14 “(D) plans are developed that establish
15 meaningful consultation and coordination with
16 local victim service providers, tenant organiza-
17 tions, linguistically and culturally specific serv-
18 ice providers, State domestic violence and sex-
19 ual assault coalitions, and, where they exist,
20 tribal domestic violence and sexual assault coa-
21 litions; and

22 “(E) its policies and practices will be in
23 compliance with those described in this para-
24 graph within the later of 1 year or a period se-

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

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

8 “(e) CERTIFICATION.—

9 “(1) IN GENERAL.—A public housing agency,
10 Indian housing authority, or assisted housing pro-
11 vider receiving funds under this section may request
12 that an individual claiming relief under this section
13 certify that the individual is a victim of domestic vio-
14 lence, dating violence, sexual assault, or stalking.
15 The individual shall provide a copy of such certifi-
16 cation to the public housing agency, Indian housing
17 authority, or assisted housing provider within a rea-
18 sonable period of time after the agency or authority
19 requests such certification.

20 “(2) CONTENTS.—An individual may satisfy the
21 certification requirement of paragraph (1) by—

22 “(A) providing the public housing agency,
23 Indian housing authority, or assisted housing
24 provider with documentation, signed by an em-
25 ployee, agent, or volunteer of a victim service

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

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

9 “(3) LIMITATION.—Nothing in this subsection
10 shall be construed to require any housing agency, as-
11 sisted housing provider, Indian housing authority,
12 owner, or manager to demand that an individual
13 produce official documentation or physical proof of
14 the individual’s status as a victim of domestic vio-
15 lence, dating violence, sexual assault, or stalking, in
16 order to receive any of the benefits provided in this
17 section. A housing authority may provide benefits to
18 an individual based solely on the individual’s state-
19 ment or other corroborating evidence.

20 “(4) CONFIDENTIALITY.—

21 “(A) IN GENERAL.—All information pro-
22 vided to any housing agency, assisted housing
23 provider, Indian housing authority, owner, or
24 manager pursuant to paragraph (1), including
25 the fact that an individual is a victim of domes-

1 tic violence, dating violence, sexual assault, or
2 stalking, shall be retained in the strictest con-
3 fidence by such housing authority, and shall
4 neither be entered into any shared database,
5 nor provided to any related housing agency, as-
6 sisted housing provider, Indian housing author-
7 ity, owner, or manager, except to the extent
8 that disclosure is—

9 “(i) requested or consented to by the
10 individual in writing; or

11 “(ii) otherwise required by applicable
12 law.

13 “(B) NOTIFICATION.—An individual shall
14 be notified of the limits of such confidentiality
15 and informed in advance about circumstances
16 in which the housing agency, assisted housing
17 provider, Indian housing authority, owner, or
18 manager will be compelled to disclose the indi-
19 vidual’s information.

20 “(f) USE OF FUNDS.—Grants and contracts awarded
21 pursuant to subsection (a) shall provide to eligible entities
22 personnel, training, and technical assistance to develop
23 and implement policies, practices, and procedures, making
24 physical improvements or changes, and developing or en-
25 hancing collaborations for the purposes of—

1 “(1) enabling victims of domestic violence, dat-
2 ing violence, sexual assault, and stalking with other-
3 wise disqualifying rental, credit, or criminal histories
4 to be eligible to obtain housing or housing assist-
5 ance, if such victims would otherwise qualify for
6 housing or housing assistance and can provide docu-
7 mented evidence that demonstrates the causal con-
8 nection between such violence or abuse and the vic-
9 tims’ negative histories;

10 “(2) permitting applicants for housing or hous-
11 ing assistance to provide incomplete rental and em-
12 ployment histories, otherwise required as a condition
13 of admission or assistance, if the victim believes that
14 providing such rental and employment history would
15 endanger the victim’s or the victim children’s safety;

16 “(3) protecting victims’ confidentiality, includ-
17 ing protection of victims’ personally identifying in-
18 formation, address, or rental history;

19 “(4) assisting victims who need to leave a pub-
20 lic housing, Indian housing, or assisted housing unit
21 quickly to protect their safety, including those who
22 are seeking transfer to a new public housing unit,
23 Indian housing unit, or assisted housing unit, wheth-
24 er in the same or a different neighborhood or juris-
25 diction;

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

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

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

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

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

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

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

5 “(h) TECHNICAL ASSISTANCE.—Up to 12 percent of
6 the amount appropriated under subsection (g) for each fis-
7 cal year shall be used by the Attorney General for tech-
8 nical assistance costs under this section.”.

9 **SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS**
10 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
11 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**
12 **ING.**

13 (a) IN GENERAL.—Section 40299 of the Violence
14 Against Women Act of 1994 (42 U.S.C. 13975) is amend-
15 ed—

16 (1) in subsection (a)—

17 (A) by inserting “the Department of Hous-
18 ing and Urban Development, and the Depart-
19 ment of Health and Human Services,” after
20 “Department of Justice,”;

21 (B) by inserting “, including domestic vio-
22 lence victim service providers, domestic violence
23 coalitions, other nonprofit, nongovernmental or-
24 ganizations, or community-based and culturally
25 specific organizations, that have a documented

1 history of effective work concerning domestic vi-
2 olence, dating violence, sexual assault, or stalk-
3 ing” after “other organizations”; and

4 (C) in paragraph (1), by inserting “, dat-
5 ing violence, sexual assault, or stalking” after
6 “domestic violence”;

7 (2) in subsection (b)—

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

10 (B) in paragraph (3), as redesignated, by
11 inserting “, dating violence, sexual assault, or
12 stalking” after “violence”;

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

15 “(1) transitional housing, or acquire land or
16 buildings, or rehabilitate or construct buildings for
17 the purpose of providing transitional housing to per-
18 sons described in subsection (a), including funding
19 for—

20 “(A) the predevelopment cost and capital
21 expenses involved in the development of transi-
22 tional housing; and

23 “(B) the operating expenses of newly de-
24 veloped or existing transitional housing.”; and

1 (D) in paragraph (3)(B) as redesignated,
2 by inserting “Participation in the support serv-
3 ices shall be voluntary. Receipt of the benefits
4 of the housing assistance described in para-
5 graph (2) shall not be conditioned upon the
6 participation of the youth, adults, or their de-
7 pendants in any or all of the support services
8 offered them.” after “assistance.”;

9 (3) in paragraph (1) of subsection (c), by strik-
10 ing “18 months” and inserting “24 months”;

11 (4) in subsection (d)(2)—

12 (A) by striking “and” at the end of sub-
13 paragraph (A);

14 (B) by redesignating subparagraph (B) as
15 subparagraph (C); and

16 (C) by inserting after subparagraph (A)
17 the following:

18 “(B) provide assurances that any sup-
19 portive services offered to participants in pro-
20 grams developed under subsection (b)(3) are
21 voluntary and that refusal to receive such serv-
22 ices shall not be grounds for termination from
23 the program or eviction from the victim’s hous-
24 ing; and”;

25 (5) in subsection (e)(2)—

1 (A) in subparagraph (A), by inserting
2 “purpose and” before “amount”;

3 (B) in clause (ii) of subparagraph (C), by
4 striking “and”;

5 (C) in subparagraph (D), by striking the
6 period and inserting “; and”; and

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

9 “(E) the client population served and the
10 number of individuals requesting services that
11 the transitional housing program is unable to
12 serve as a result of a lack of resources.”; and
13 (6) in subsection (g)—

14 (A) in paragraph (1), by striking
15 “\$30,000,000” and inserting “\$40,000,000”;

16 (B) in paragraph (1), by striking “2004”
17 and inserting “2006”;

18 (C) in paragraph (1), by striking “2008.”
19 and inserting “2010”;

20 (D) in paragraph (2), by striking “not
21 more than 3 percent” and inserting “up to 5
22 percent”;

23 (E) in paragraph (2), by inserting “evalua-
24 tion, monitoring, technical assistance,” before
25 “salaries”; and

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

3 “(C) UNDERSERVED POPULATIONS.—

4 “(i) A minimum of 7 percent of the
 5 total amount appropriated in any fiscal
 6 year shall be allocated to tribal organiza-
 7 tions serving adult and youth victims of
 8 domestic violence, dating violence, sexual
 9 assault, or stalking, and their dependents.

10 “(ii) Priority shall be given to projects
 11 developed under subsection (b) that pri-
 12 marily serve racial, ethnic, or other under-
 13 served populations.”.

14 **SEC. 603. PUBLIC AND INDIAN HOUSING AUTHORITY PLANS**
 15 **REPORTING REQUIREMENT.**

16 Section 5A of the United States Housing Act of 1937
 17 (42 U.S.C. 1437c–1) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “para-
 20 graph (2)” and inserting “paragraph (3)”;

21 (B) by redesignating paragraph (2) as
 22 paragraph (3); and

23 (C) by inserting after paragraph (1) the
 24 following:

1 “(2) STATEMENT OF GOALS.—The 5-year plan
2 shall include a statement by any public housing
3 agency or Indian housing authority of the goals, ob-
4 jectives, policies, or programs that will enable the
5 housing authority to serve the needs of child and
6 adult victims of domestic violence, dating violence,
7 sexual assault, or stalking.”;

8 (2) in subsection (d), by redesignating para-
9 graphs (13), (14), (15), (16), (17), and (18), as
10 paragraphs (14), (15), (16), (17), (18), and (19), re-
11 spectively; and

12 (3) by inserting after paragraph (12) the fol-
13 lowing:

14 “(13) DOMESTIC VIOLENCE, DATING VIOLENCE,
15 SEXUAL ASSAULT, OR STALKING PROGRAMS.—A de-
16 scription of—

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

22 “(B) any activities, services, or programs
23 provided or offered by a public housing agency
24 or Indian housing authority that helps child
25 and adult victims of domestic violence, dating

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

3 “(C) any activities, services, or programs
4 provided or offered by a public housing agency
5 or Indian housing authority to prevent domestic
6 violence, dating violence, sexual assault, and
7 stalking, or to enhance victim safety in assisted
8 families.”.

9 **SEC. 604. HOUSING STRATEGIES.**

10 Section 105(b)(1) of the Cranston-Gonzalez National
11 Affordable Housing Act (42 U.S.C. 12705(b)(1)) is
12 amended by inserting after “immunodeficiency syn-
13 drome,” the following: “victims of domestic violence, dat-
14 ing violence, sexual assault, and stalking”.

15 **SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOME-**
16 **LESS ASSISTANCE ACT.**

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

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

21 “(8) CONFIDENTIALITY.—

22 “(A) IN GENERAL.—In the course of
23 awarding grants or implementing programs
24 under this subsection, the Secretary shall in-
25 struct any recipient or subgrantee not to dis-

1 close to any person, agency, or entity any per-
2 sonally identifying information about any client
3 where the Secretary, recipient, or subgrantee
4 believes based upon reasonable evidence that
5 the client is either a child or an adult victim of
6 domestic violence, dating violence, sexual as-
7 sault, or stalking, or is the parent or guardian
8 of a child victim of domestic violence, dating vi-
9 olence, sexual assault, or stalking. The Sec-
10 retary shall not require or ask a recipient or
11 subgrantee of any other Federal or State pro-
12 gram to disclose personally identifying informa-
13 tion about any clients where the persons, agen-
14 cies, or entities implementing those programs
15 believe, based upon reasonable evidence, that
16 those clients either are child or adult victims of
17 domestic violence, dating violence, sexual as-
18 sault, or stalking or are the parents or guard-
19 ians of child victims of domestic violence, dating
20 violence, sexual assault, or stalking. The Sec-
21 retary shall instruct any recipient or subgrantee
22 under this subsection or any recipient or sub-
23 grantee of any other Federal or State program
24 participating in the Homeless Management In-
25 formation System that personally identifying in-

1 formation about any client may only be dis-
2 closed if the program seeking to disclose such
3 information has obtained informed, reasonably
4 time-limited, written consent from the client to
5 whom the information relates. The Secretary
6 may require or ask any recipient or subgrantee
7 to share nonpersonally identifying data in the
8 aggregate regarding services to clients and non-
9 personally identifying demographic information
10 in order to comply with the data collection re-
11 quirements of the Homeless Management Infor-
12 mation System.

13 “(B) PERSONALLY IDENTIFYING INFORMA-
14 TION OR PERSONAL INFORMATION.—The term
15 ‘personally identifying information’ or ‘personal
16 information’ means individually identifying in-
17 formation for or about an individual including
18 information likely to disclose the location of a
19 victim of domestic violence, dating violence, sex-
20 ual assault, or stalking, including—

21 “(i) a first and last name;

22 “(ii) a home or other physical address;

23 “(iii) contact information (including a
24 postal, e-mail or Internet protocol address,
25 or telephone or facsimile number);

1 “(iv) a social security number; and
2 “(v) any other information, including
3 date of birth, racial or ethnic background,
4 or religious affiliation, that, in combination
5 with any of clauses (i) through (iv), would
6 serve to identify any individual.”.

7 **SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING AS-**
8 **SISTANCE VOUCHER PROGRAM.**

9 Section 8 of the United States Housing Act of 1937
10 (42 U.S.C. 1437f) is amended—

11 (1) in subsection (d)—

12 (A) in paragraph (1)(B)(ii), by inserting
13 after “other good cause” the following: “, and
14 that an incident or incidents of actual or
15 threatened domestic violence, dating violence, or
16 stalking will not be construed as a serious or
17 repeated violation of the lease by the victim or
18 threatened victim of that violence and will not
19 be good cause for terminating a lease held by
20 the victim of such violence”; and

21 (B) in paragraph (1)(B)(iii), by inserting
22 after “termination of tenancy” the following: “,
23 except that (I) criminal activity directly relating
24 to domestic violence, dating violence, or stalk-
25 ing, engaged in by a member of a tenant’s

1 household or any guest or other person under
2 the tenant's control, shall not be cause for ter-
3 mination of the tenancy, if the tenant or imme-
4 diate member of the tenant's family is a victim
5 of domestic violence, dating violence, or stalking
6 and, as a result, could not control or prevent
7 the criminal activity; (II) nothing in subclause
8 (I) may be construed to limit the authority of
9 an owner or manager consistent with applicable
10 State law to evict or the public housing agency
11 or assisted housing provider to terminate vouch-
12 er assistance to individuals who engage in
13 criminal acts of physical violence against family
14 members or others; and (III) nothing in sub-
15 clause (I) may be construed to limit the author-
16 ity of an owner or manager to evict, or the pub-
17 lic housing agency or assisted housing provider
18 to terminate, voucher assistance to any tenant
19 if the owner, manager, public housing agency,
20 or assisted housing provider can demonstrate
21 an actual and imminent threat to the larger
22 community if that tenant is not evicted or ter-
23 minated from assistance.”;

24 (2) in subsection (f)—

25 (A) in paragraph (6), by striking “and”;

1 (B) in paragraph (7), by striking the pe-
2 riod at the end and inserting a semicolon; and

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

5 “(8) the term ‘domestic violence’ has the same
6 meaning given the term in section 2003 of title I of
7 the Omnibus Crime Control and Safe Streets Act of
8 1968 (42 U.S.C. 3796gg-2);

9 “(9) the term ‘dating violence’ has the same
10 meaning given the term in section 2003 of title I of
11 the Omnibus Crime Control and Safe Streets Act of
12 1968 (42 U.S.C. 3796gg-2); and

13 “(10) the term ‘stalking’ means engaging in a
14 course of conduct directed at a specific person that
15 would cause a reasonable person to—

16 “(A) fear for his or her safety or the safety
17 of others; or

18 “(B) suffer significant emotional or phys-
19 ical distress; and

20 “(11) the term ‘sexual assault’ has the same
21 meaning given the term in section 2003 of title I of
22 the Omnibus Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3796gg-2).”;

24 (3) in subsection (o)—

1 (A) by inserting at the end of paragraph
2 (6)(B) the following new sentence: “That an
3 applicant is or is perceived to be, or has been
4 or has been perceived to be, a victim of domes-
5 tic violence, dating violence, or stalking is not
6 an appropriate basis for denial of program as-
7 sistance by a public housing authority.”;

8 (B) in paragraph (7)(C), by inserting after
9 “other good cause” the following: “, and that
10 an incident or incidents of actual or threatened
11 domestic violence, dating violence, or stalking
12 shall not be construed as a serious or repeated
13 violation of the lease by the victim or threat-
14 ened victim of that violence and shall not be
15 good cause for terminating a lease held by the
16 victim of such violence”; and

17 (C) in paragraph (7)(D), by inserting after
18 “termination of tenancy” the following: “; ex-
19 cept that (i) criminal activity relating directly
20 to domestic violence, dating violence, or stalk-
21 ing, engaged in by a member of a tenant’s
22 household or any guest or other person under
23 the tenant’s control shall not be cause for ter-
24 mination of the tenancy, if the tenant or imme-
25 diate member of the tenant’s family is a victim

1 of domestic violence, dating violence, or stalking
2 and, as a result, could not control or prevent
3 the criminal activity; (ii) nothing in clause (i)
4 may be construed to limit the authority of an
5 owner or manager consistent with applicable
6 State law to evict or the public housing agency
7 or assisted housing provider to terminate vouch-
8 er assistance to individuals who engage in
9 criminal acts of physical violence against family
10 members or others; and (iii) nothing in clause
11 (i) may be construed to limit the authority of
12 an owner or manager to evict, or the public
13 housing agency or assisted housing provider to
14 terminate, voucher assistance to any tenant if
15 the owner, manager, public housing agency, or
16 assisted housing provider can demonstrate an
17 actual and imminent threat to the larger com-
18 munity if that tenant is not evicted or termi-
19 nated from assistance.”;

20 (4) in subsection (r)(5), by inserting after “vio-
21 lation of a lease” the following: “, except that a fam-
22 ily may receive a voucher from a public housing
23 agency and move to another jurisdiction under the
24 tenant-based assistance program if the family has
25 moved out of the assisted dwelling unit in order to

1 protect the health or safety of an individual who is
2 or has been the victim of domestic violence, dating
3 violence, or stalking and who reasonably believed he
4 or she was imminently threatened by harm from fur-
5 ther violence if he or she remained in the assisted
6 dwelling unit”; and

7 (5) by adding at the end the following new sub-
8 section:

9 “(ee) CERTIFICATION AND CONFIDENTIALITY.—

10 “(1) CERTIFICATION.—

11 “(A) IN GENERAL.—An owner, manager,
12 public housing agency, or assisted housing pro-
13 vider responding to subsections (d)(1)(B)(ii),
14 (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), and (r)(5)
15 may request that an individual certify that the
16 individual is a victim of domestic violence, dat-
17 ing violence, or stalking, and that the incident
18 or incidents in question are bona fide incidents
19 of such actual or threatened abuse and meet
20 the requirements set forth in the aforemen-
21 tioned paragraphs. The individual shall provide
22 a copy of such certification within a reasonable
23 period of time after the owner, manager, public
24 housing agency, or assisted housing provider re-
25 quests such certification.

1 “(B) CONTENTS.—An individual may sat-
2 isfy the certification requirement of subpara-
3 graph (A) by—

4 “(i) providing the requesting owner,
5 manager, public housing agency, or as-
6 sisted housing provider with documentation
7 signed by an employee, agent, or volunteer
8 of a victim service provider, an attorney, a
9 member of the clergy, a medical profes-
10 sional, or any other professional, from
11 whom the victim has sought assistance in
12 addressing domestic violence, dating vio-
13 lence, sexual assault, or stalking, or the ef-
14 fects of the abuse; or

15 “(ii) producing a Federal, State, trib-
16 al, territorial, or local police or court
17 record.

18 “(C) LIMITATION.—Nothing in this sub-
19 section shall be construed to require an owner,
20 manager, public housing agency, or assisted
21 housing provider to demand that an individual
22 produce official documentation or physical proof
23 of the individual’s status as a victim of domes-
24 tic violence, dating violence, sexual assault, or
25 stalking in order to receive any of the benefits

1 provided in this section. At their discretion, the
2 owner, manager, public housing agency, or as-
3 sisted housing provider may provide benefits to
4 an individual based solely on the individual's
5 statement or other corroborating evidence.

6 “(2) CONFIDENTIALITY.—

7 “(A) IN GENERAL.—All information pro-
8 vided to an owner, manager, public housing
9 agency, or assisted housing provider pursuant
10 to paragraph (1), including the fact that an in-
11 dividual is a victim of domestic violence, dating
12 violence, sexual assault, or stalking, shall be re-
13 tained in the strictest confidence by an owner,
14 manager, public housing agency, or assisted
15 housing provider, and shall neither be entered
16 into any shared database nor provided to any
17 related entity, except to the extent that disclo-
18 sure is—

19 “(i) requested or consented to by the
20 individual in writing; or

21 “(ii) otherwise required by applicable
22 law.

23 “(B) NOTIFICATION.—An individual must
24 be notified of the limits of such confidentiality
25 and informed in advance about circumstances

1 in which the person or entity will be compelled
2 to disclose the individual's information.”.

3 **SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PRO-**
4 **GRAM.**

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

7 (1) in subsection (c), by redesignating para-
8 graph (3) and (4), as paragraphs (4) and (5), re-
9 spectively;

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) the public housing agency shall not deny
13 admission to the project to any applicant on the
14 basis that the applicant is or is perceived to be, or
15 has been or has been perceived to be, a victim of do-
16 mestic violence, dating violence, or stalking”;

17 (3) in subsection (1)(5), by inserting after
18 “other good cause” the following: “, and that an in-
19 cident or incidents of actual or threatened domestic
20 violence, dating violence, or stalking will not be con-
21 strued as a serious or repeated violation of the lease
22 by the victim or threatened victim of that violence
23 and will not be good cause for terminating a lease
24 held by the victim of such violence”;

1 (4) in subsection (l)(6), by inserting after “ter-
2 mination of tenancy” the following: “; except that
3 (A) criminal activity directly relating to domestic vi-
4 olence, dating violence, or stalking, engaged in by a
5 member of a tenant’s household or any guest or
6 other person under the tenant’s control, shall not be
7 cause for termination of the tenancy, if the tenant
8 or immediate member of the tenant’s family is a vic-
9 tim of domestic violence, dating violence, or stalking
10 and, as a result, could not control or prevent the
11 criminal activity; (B) nothing in subparagraph (A)
12 may be construed to limit the authority of a public
13 housing agency consistent with applicable State law
14 to evict, or the public housing agency or assisted
15 housing provider to terminate, voucher assistance to
16 individuals who engage in criminal acts of physical
17 violence against family members or others; and (C)
18 nothing in subparagraph (A) may be construed to
19 limit the authority of a public housing agency to ter-
20 minate the tenancy of any tenant if the public hous-
21 ing agency can demonstrate an actual and imminent
22 threat to the larger community if that tenant’s ten-
23 ancy is not terminated.”; and

24 (5) by inserting at the end of subsection (t) the
25 following new subsection:

1 “(u) CERTIFICATION AND CONFIDENTIALITY.—

2 “(1) CERTIFICATION.—

3 “(A) IN GENERAL.—A public housing
4 agency responding to subsection (l) (5) and (6)
5 may request that an individual certify that the
6 individual is a victim of domestic violence, dat-
7 ing violence, or stalking, and that the incident
8 or incidents in question are bona fide incidents
9 of such actual or threatened abuse and meet
10 the requirements set forth in the aforemen-
11 tioned paragraphs. The individual shall provide
12 a copy of such certification within a reasonable
13 period of time after the public housing agency
14 requests such certification.

15 “(B) CONTENTS.—An individual may sat-
16 isfy the certification requirement of subpara-
17 graph (A) by—

18 “(i) providing the requesting public
19 housing agency with documentation signed
20 by an employee, agent, or volunteer of a
21 victim service provider, an attorney, a
22 member of the clergy, a medical profes-
23 sional, or any other professional from
24 whom the victim has sought assistance in
25 addressing domestic violence, dating vio-

1 lence, or stalking, or the effects of the
2 abuse; or

3 “(ii) producing a Federal, State, trib-
4 al, territorial, or local police or court
5 record.

6 “(C) LIMITATION.—Nothing in this sub-
7 section shall be construed to require any public
8 housing agency to demand that an individual
9 produce official documentation or physical proof
10 of the individual’s status as a victim of domes-
11 tic violence, dating violence, or stalking in order
12 to receive any of the benefits provided in this
13 section. At the public housing agency’s discre-
14 tion, a public housing agency may provide bene-
15 fits to an individual based solely on the individ-
16 ual’s statement or other corroborating evidence.

17 “(2) CONFIDENTIALITY.—

18 “(A) IN GENERAL.—All information pro-
19 vided to any public housing agency pursuant to
20 paragraph (1), including the fact that an indi-
21 vidual is a victim of domestic violence, dating
22 violence, or stalking, shall be retained in the
23 strictest confidence by such public housing
24 agency, and shall neither be entered into any

1 shared database nor provided to any related en-
2 tity, except to the extent that disclosure is—

3 “(i) requested or consented to by the
4 individual in writing; or

5 “(ii) otherwise required by applicable
6 law.

7 “(B) NOTIFICATION.—An individual must
8 be notified of the limits of such confidentiality
9 and informed in advance about circumstances
10 in which the person or entity will be compelled
11 to disclose the individual’s information.

12 “(3) DEFINITIONS.—For purposes of this sub-
13 section and subsection (1) (5) and (6)—

14 “(A) the term ‘domestic violence’ has the
15 same meaning given the term in section 2003
16 of title I of the Omnibus Crime Control and
17 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
18 2);

19 “(B) the term ‘dating violence’ has the
20 same meaning given the term in section 2003
21 of title I of the Omnibus Crime Control and
22 Safe Streets Act of 1968 (42 U.S.C. 3796gg–
23 2); and

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. EMERGENCY LEAVE.**

12 (a) IN GENERAL.—The Violence Against Women Act
13 of 1994 (Public Law 103–322; 108 Stat. 1902) is amend-
14 ed by adding after subtitle N the following:

15 **“Subtitle O—Assistance for Individ-**
16 **uals Experiencing Domestic or**
17 **Sexual Violence**

18 **“CHAPTER 1—EMERGENCY LEAVE**

19 **“SEC. 41501. FINDINGS.**

20 “Congress makes the following findings:

21 “(1) Violence against women is a leading cause
22 of physical injury to women. Such violence has a
23 devastating impact on women’s physical and emo-
24 tional health, financial security, and ability to main-

1 tain their jobs, and thus impacts interstate com-
2 merce.

3 “(2) Studies indicate that one of the best pre-
4 dictors of whether a victim of such violence will be
5 able to stay away from her abuser is her degree of
6 economic independence. However, domestic violence,
7 dating violence, sexual assault, and stalking (re-
8 ferred to in this subtitle as ‘domestic or sexual vio-
9 lence’) often negatively impact victims’ ability to
10 maintain employment.

11 “(3) The Bureau of National Affairs has esti-
12 mated that domestic violence costs United States
13 employers between \$3,000,000,000 and
14 \$5,000,000,000 annually in lost time and produc-
15 tivity. Other reports have estimated that domestic
16 violence costs United States employers between
17 \$5,800,000,000 and \$13,000,000,000 annually.

18 “(4) Ninety-four percent of corporate security
19 and safety directors at companies nationwide rank
20 domestic violence as a high security concern.

21 “(5) Abusers frequently seek to exert financial
22 control over their partners by actively interfering
23 with the ability of their partners to work, including
24 preventing their partners from going to work,
25 harassing their partners at work, limiting the access

1 of their partners to cash or transportation, and sab-
2 otaging the child care arrangements of their part-
3 ners.

4 “(6) Studies indicate that between 35 and 56
5 percent of employed battered women surveyed were
6 harassed at work by their abusers.

7 “(7) Victims of domestic violence also fre-
8 quently miss work due to injuries, court proceedings,
9 and safety concerns requiring legal protections. Vic-
10 tims of intimate partner violence lose 8,000,000
11 days of paid work each year—the equivalent of over
12 32,000 full-time jobs and 5,600,000 days of house-
13 hold productivity.

14 “(8) According to a 1998 report of the Govern-
15 ment Accountability Office, between 25 percent and
16 50 percent of victims of domestic violence surveyed
17 reported that the victims lost a job due, at least in
18 part, to domestic violence.

19 “(9) Women who have experienced domestic vi-
20 olence or dating violence are more likely than other
21 women to be unemployed, to suffer from health
22 problems that can affect employability and job per-
23 formance, to report lower personal income, and to
24 rely on welfare.

1 “(10) Domestic violence also affects abusers’
2 ability to work. A recent study found that 48 per-
3 cent of abusers reported having difficulty concen-
4 trating at work and 42 percent reported being late
5 to work. 78 percent reported using their own com-
6 pany’s resources in connection with the abusive rela-
7 tionship.

8 “(11) About 36,500 individuals, 80 percent of
9 whom are women, were raped or sexually assaulted
10 in the workplace each year from 1993 through 1999.
11 Half of all female victims of violent workplace crimes
12 know their abusers. Nearly 1 out of 10 violent work-
13 place incidents are committed by spouses or other
14 partners.

15 “(12) Sexual assault, whether occurring in or
16 out of the workplace, can impair an employee’s work
17 performance, require time away from work, and un-
18 dermine the employee’s ability to maintain a job. Al-
19 most 50 percent of sexual assault victims lose their
20 jobs or are forced to quit in the aftermath of the as-
21 saults.

22 “(13) More than 35 percent of stalking victims
23 report losing time from work due to the stalking and
24 7 percent never return to work.

1 “(14) Five States provide victims of domestic or
2 sexual violence with leave from work to attend court
3 proceedings, to go to the doctor, or to take other
4 steps to address the violence in their lives, and sev-
5 eral other States provide time off to victims of
6 crimes, which can include victims of domestic or sex-
7 ual violence, to attend court proceedings.

8 **“SEC. 41502. PURPOSES.**

9 “The purposes of this chapter are, pursuant to the
10 affirmative power of Congress to enact legislation under
11 the portions of section 8 of article I of the Constitution
12 relating to providing for the general welfare and to regula-
13 tion of commerce among the several States, and under sec-
14 tion 5 of the 14th amendment to the Constitution—

15 “(1) to promote the national interest in reduc-
16 ing domestic or sexual violence by enabling victims
17 of domestic or sexual violence to maintain the finan-
18 cial independence necessary to leave abusive situa-
19 tions, achieve safety, and minimize the physical and
20 emotional injuries from domestic or sexual violence,
21 and to reduce the devastating economic con-
22 sequences of domestic or sexual violence to employ-
23 ers and employees;

24 “(2) to promote the national interest in ensur-
25 ing that victims of domestic or sexual violence can

1 recover from and cope with the effects of such vio-
2 lence, and participate in criminal and civil justice
3 processes, without fear of adverse economic con-
4 sequences;

5 “(3) to reduce the negative impact on interstate
6 commerce produced by dislocations of employees and
7 harmful effects on productivity, employment, health
8 care costs, and employer costs, caused by domestic
9 or sexual violence, including related intentional ef-
10 forts to frustrate women’s ability to participate in
11 employment and interstate commerce; and

12 “(4) to enforce the 14th amendment’s guar-
13 antee of equal protection of the laws by—

14 “(A) preventing and remedying sex-based
15 discrimination and discrimination against vic-
16 tims of domestic and sexual violence in employ-
17 ment leave by addressing the failure of existing
18 laws to protect the employment rights of women
19 and such victims; and

20 “(B) thus furthering the equal opportunity
21 of women for economic self-sufficiency and em-
22 ployment free from discrimination.

23 **“SEC. 41503. DEFINITIONS.**

24 “In this title, except as otherwise expressly provided:

1 “(1) COMMERCE.—The terms ‘commerce’ and
2 ‘industry or activity affecting commerce’ have the
3 meanings given the terms in section 101 of the
4 Family and Medical Leave Act of 1993 (29 U.S.C.
5 2611).

6 “(2) ELECTRONIC COMMUNICATIONS.—The
7 term ‘electronic communications’ includes commu-
8 nications via telephone (including mobile phone),
9 computer, e-mail, video recorder, fax machine, telex,
10 or pager.

11 “(3) EMPLOY; STATE.—The terms ‘employ’ and
12 ‘State’ have the meanings given the terms in section
13 3 of the Fair Labor Standards Act of 1938 (29
14 U.S.C. 203).

15 “(4) EMPLOYEE.—

16 “(A) IN GENERAL.—The term ‘employee’
17 means any person employed by an employer. In
18 the case of an individual employed by a public
19 agency, such term means an individual em-
20 ployed as described in section 3(e)(2) of the
21 Fair Labor Standards Act of 1938 (29 U.S.C.
22 203(e)(2)).

23 “(B) BASIS.—The term includes a person
24 employed as described in subparagraph (A)—

25 “(i) on a full- or part-time basis; or

1 “(ii) as a participant in a work as-
2 signment as a condition of receipt of Fed-
3 eral or State income-based public assist-
4 ance.

5 “(5) EMPLOYER.—The term ‘employer’—

6 “(A) means any person engaged in com-
7 merce or in any industry or activity affecting
8 commerce who employs 50 or more individuals
9 for each working day during each of the 20 or
10 more calendar weeks in the current or pre-
11 ceding calendar year; and

12 “(B) includes any person acting directly or
13 indirectly in the interest of an employer in rela-
14 tion to an employee, and includes a public agen-
15 cy that employs individuals as described in sec-
16 tion 3(e)(2) of the Fair Labor Standards Act of
17 1938, but does not include any labor organiza-
18 tion (other than when acting as an employer) or
19 anyone acting in the capacity of officer or agent
20 of such labor organization.

21 “(6) EMPLOYMENT BENEFITS.—The term ‘em-
22 ployment benefits’ means all benefits provided or
23 made available to employees by an employer (includ-
24 ing group life insurance, health insurance, disability
25 insurance, sick leave, annual leave, educational bene-

1 fits, and pensions), regardless of whether such bene-
2 fits are provided or made available by a practice or
3 written policy of an employer or through an ‘em-
4 ployee benefit plan’, as defined in section 3(3) of the
5 Employee Retirement Income Security Act of 1974
6 (29 U.S.C. 1002(3)).

7 “(7) FAMILY OR HOUSEHOLD MEMBER.—The
8 term ‘family or household member’, used with re-
9 spect to an individual, means a nonabusive spouse,
10 former spouse, parent, son or daughter, or person
11 residing or formerly residing in the same dwelling
12 unit as the individual.

13 “(8) PARENT; SON OR DAUGHTER.—The terms
14 ‘parent’ and ‘son or daughter’ have the meanings
15 given the terms in section 101 of the Family and
16 Medical Leave Act of 1993 (29 U.S.C. 2611).

17 “(9) PERSON.—The term ‘person’ has the
18 meaning given the term in section 3 of the Fair
19 Labor Standards Act of 1938 (29 U.S.C. 203).

20 “(10) PUBLIC AGENCY.—The term ‘public
21 agency’ has the meaning given the term in section
22 3 of the Fair Labor Standards Act of 1938 (29
23 U.S.C. 203).

24 “(11) PUBLIC ASSISTANCE.—The term ‘public
25 assistance’ includes cash, food stamps, medical as-

1 sistance, housing assistance, and other benefits pro-
2 vided on the basis of income by a public agency.

3 “(12) REDUCED LEAVE SCHEDULE.—The term
4 ‘reduced leave schedule’ means a leave schedule that
5 reduces the usual number of hours per workweek, or
6 hours per workday, of an employee.

7 “(13) SECRETARY.—The term ‘Secretary’
8 means the Secretary of Labor.

9 **“SEC. 41504. ENTITLEMENT TO EMERGENCY LEAVE FOR AD-
10 DRESSING DOMESTIC OR SEXUAL VIOLENCE.**

11 “(a) LEAVE REQUIREMENT.—

12 “(1) BASIS.—An employee who is a victim of
13 domestic or sexual violence may take leave from
14 work to address domestic or sexual violence, by—

15 “(A) seeking medical attention for, or re-
16 covering from, physical or psychological injuries
17 caused by domestic or sexual violence to the
18 employee or the employee’s family or household
19 member;

20 “(B) obtaining emergency housing, tem-
21 porary or permanent, or taking other actions to
22 increase the safety of the employee or the em-
23 ployee’s family or household member; or

24 “(C) seeking legal or law enforcement as-
25 sistance or remedies to ensure the health and

1 safety of the employee or the employee’s family
2 or household member, including preparing for
3 or participating in any civil or criminal legal
4 proceeding related to or derived from domestic
5 or sexual violence.

6 “(2) PERIOD.—An employee may take not more
7 than 10 days of leave, as described in paragraph (1),
8 in any 12-month period.

9 “(3) SCHEDULE.—Leave described in para-
10 graph (1) may be taken intermittently or on a re-
11 duced leave schedule.

12 “(b) NOTICE.—The employee shall provide the em-
13 ployer with reasonable notice of the employee’s intention
14 to take the leave, unless providing such notice is not prac-
15 ticable.

16 “(c) CERTIFICATION.—

17 “(1) IN GENERAL.—The employer may require
18 the employee to provide certification to the employer,
19 within a reasonable period after the employer re-
20 quires the certification, that—

21 “(A) the employee or the employee’s family
22 or household member is a victim of domestic or
23 sexual violence; and

24 “(B) the leave is for 1 of the purposes de-
25 scribed in subsection (a)(1).

1 “(2) CONTENTS.—An employee may satisfy the
2 certification requirement of paragraph (1) by pro-
3 viding to the employer—

4 “(A) documentation from an employee,
5 agent, or volunteer of a victim service provider,
6 an attorney, a member of the clergy, or a med-
7 ical or other professional, from whom the em-
8 ployee or the employee’s family or household
9 member has sought assistance in addressing do-
10 mestic or sexual violence and the effects of the
11 violence;

12 “(B) a police or court record; or

13 “(C) other corroborating evidence.

14 “(d) CONFIDENTIALITY.—All information provided to
15 the employer pursuant to subsection (b) or (c), and the
16 fact that the employee has requested or obtained leave
17 pursuant to this section, shall be retained in the strictest
18 confidence by the employer, except to the extent that dis-
19 closure is—

20 “(1) requested or consented to by the employee
21 in writing; or

22 “(2) otherwise required by applicable Federal or
23 State law.

24 “(e) EMPLOYMENT AND BENEFITS.—

25 “(1) RESTORATION TO POSITION.—

1 “(A) IN GENERAL.—Except as provided in
2 paragraph (2), any employee who takes leave
3 under this section for the intended purpose of
4 the leave shall be entitled, on return from such
5 leave—

6 “(i) to be restored by the employer to
7 the position of employment held by the em-
8 ployee when the leave commenced; or

9 “(ii) to be restored to an equivalent
10 position with equivalent employment bene-
11 fits, pay, and other terms and conditions of
12 employment.

13 “(B) LOSS OF BENEFITS.—The taking of
14 leave under this section shall not result in the
15 loss of any employment benefit accrued prior to
16 the date on which the leave commenced.

17 “(C) LIMITATIONS.—Nothing in this sub-
18 section shall be construed to entitle any re-
19 stored employee to—

20 “(i) the accrual of any seniority or
21 employment benefits during any period of
22 leave; or

23 “(ii) any right, benefit, or position of
24 employment other than any right, benefit,
25 or position to which the employee would

1 have been entitled had the employee not
2 taken the leave.

3 “(D) CONSTRUCTION.—Nothing in this
4 paragraph shall be construed to prohibit an em-
5 ployer from requiring an employee on leave
6 under this section to report periodically to the
7 employer on the status and intention of the em-
8 ployee to return to work.

9 “(2) EXEMPTION CONCERNING CERTAIN HIGH-
10 LY COMPENSATED EMPLOYEES.—

11 “(A) DENIAL OF RESTORATION.—An em-
12 ployer may deny restoration under paragraph
13 (1) to any employee described in subparagraph
14 (B) if—

15 “(i) such denial is necessary to pre-
16 vent substantial and grievous economic in-
17 jury to the operations of the employer;

18 “(ii) the employer notifies the em-
19 ployee of the intent of the employer to
20 deny restoration on such basis at the time
21 the employer determines that such injury
22 would occur; and

23 “(iii) in any case in which the leave
24 has commenced, the employee elects not to

1 return to employment after receiving such
2 notice.

3 “(B) AFFECTED EMPLOYEES.—An em-
4 ployee referred to in subparagraph (A) is a sal-
5 aried employee who is among the highest paid
6 25 percent of the employees employed by the
7 employer within 75 miles of the facility at
8 which the employee is employed.

9 “(3) MAINTENANCE OF HEALTH BENEFITS.—

10 “(A) COVERAGE.—Except as provided in
11 subparagraph (B), during any period that an
12 employee takes leave under this section, the em-
13 ployer shall maintain coverage under any group
14 health plan (as defined in section 5000(b)(1) of
15 the Internal Revenue Code of 1986) for the du-
16 ration of such leave at the level and under the
17 conditions coverage would have been provided if
18 the employee had continued in employment con-
19 tinuously for the duration of such leave.

20 “(B) FAILURE TO RETURN FROM
21 LEAVE.—The employer may recover the pre-
22 mium that the employer paid for maintaining
23 coverage for the employee under such group
24 health plan during any period of leave under
25 this section if—

1 “(i) the employee fails to return from
2 leave under this section after the period of
3 leave to which the employee is entitled for
4 the domestic or sexual violence involved
5 has expired; and

6 “(ii) the employee fails to return to
7 work for a reason other than the continu-
8 ation or recurrence of domestic or sexual
9 violence, that entitles the employee to leave
10 pursuant to this section.

11 “(C) CERTIFICATION.—An employer may
12 require an employee who claims that the em-
13 ployee is unable to return to work because of a
14 reason described in subparagraph (B)(ii) to
15 provide, within a reasonable period after mak-
16 ing the claim, certification to the employer that
17 the employee is unable to return to work be-
18 cause of that reason.

19 “(D) CONFIDENTIALITY.—All information
20 provided to the employer pursuant to subpara-
21 graph (C), and the fact that the employee is not
22 returning to work because of a reason described
23 in subparagraph (B)(ii), shall be retained in the
24 strictest confidence by the employer, except to
25 the extent that disclosure is—

1 “(i) requested or consented to by the
2 employee in writing; or

3 “(ii) otherwise required by applicable
4 Federal or State law.

5 “(f) PROHIBITED ACTS.—

6 “(1) INTERFERENCE WITH RIGHTS.—

7 “(A) EXERCISE OF RIGHTS.—It shall be
8 unlawful for any employer to interfere with, re-
9 strain, or deny the exercise of or the attempt to
10 exercise, any right provided under this section.

11 “(B) EMPLOYER DISCRIMINATION.—It
12 shall be unlawful for any employer to discharge
13 or harass any individual, or otherwise discrimi-
14 nate against any individual with respect to com-
15 pensation, terms, conditions, or privileges of
16 employment of the individual (including retali-
17 ation in any form or manner) because the indi-
18 vidual—

19 “(i) exercised any right provided
20 under this section; or

21 “(ii) opposed any practice made un-
22 lawful by this section.

23 “(2) INTERFERENCE WITH PROCEEDINGS OR
24 INQUIRIES.—It shall be unlawful for any person to
25 discharge or in any other manner discriminate (as

1 described in paragraph (1)(B)) against any indi-
 2 vidual because such individual—

3 “(A) has filed any charge, or has instituted
 4 or caused to be instituted any proceeding,
 5 under or related to this section;

6 “(B) has given, or is about to give, any in-
 7 formation in connection with any inquiry or
 8 proceeding relating to any right provided under
 9 this section; or

10 “(C) has testified, or is about to testify, in
 11 any inquiry or proceeding relating to any right
 12 provided under this section.

13 “(g) ENFORCEMENT.—

14 “(1) CIVIL ACTION BY AFFECTED INDIVID-
 15 UALS.—

16 “(A) LIABILITY.—Any employer that vio-
 17 lates subsection (f) shall be liable to any indi-
 18 vidual affected—

19 “(i) for damages equal to—

20 “(I) the amount of—

21 “(aa) any wages, salary, em-
 22 ployment benefits, public assist-
 23 ance, or other compensation de-
 24 nied or lost to such individual by
 25 reason of the violation; or

1 “(bb) in a case in which
2 wages, salary, employment bene-
3 fits, public assistance, or other
4 compensation has not been de-
5 nied or lost to the individual, any
6 actual monetary losses sustained
7 by the individual as a direct re-
8 sult of the violation;

9 “(II) the interest on the amount
10 described in subclause (I) calculated
11 at the prevailing rate; and

12 “(III) an additional amount as
13 liquidated damages equal to the sum
14 of the amount described in subclause
15 (I) and the interest described in sub-
16 clause (II), except that if an employer
17 that has violated subsection (f) proves
18 to the satisfaction of the court that
19 the act or omission that violated sub-
20 section (f) was in good faith and that
21 the employer had reasonable grounds
22 for believing that the act or omission
23 was not a violation of subsection (f),
24 such court may, in the discretion of
25 the court, reduce the amount of the li-

1 ability to the amount and interest de-
2 termined under subclauses (I) and
3 (II), respectively; and

4 “(ii) for such equitable relief as may
5 be appropriate, including employment, re-
6 instatement, and promotion.

7 “(B) RIGHT OF ACTION.—An action to re-
8 cover the damages or equitable relief prescribed
9 in subparagraph (A) may be maintained against
10 any employer in any Federal or State court of
11 competent jurisdiction by any 1 or more af-
12 fected individuals for and on behalf of—

13 “(i) the individuals; or

14 “(ii) the individuals and other individ-
15 uals similarly situated.

16 “(C) FEES AND COSTS.—The court in such
17 an action shall, in addition to any judgment
18 awarded to the plaintiff, allow a reasonable at-
19 torney’s fee, reasonable expert witness fees, and
20 other costs of the action to be paid by the de-
21 fendant.

22 “(D) LIMITATIONS.—The right provided
23 by subparagraph (B) to bring an action by or
24 on behalf of any affected individual shall termi-
25 nate—

1 “(i) on the filing of a complaint by
2 the Secretary in an action under para-
3 graph (4) in which restraint is sought of
4 any further delay in the payment of the
5 amount described in subparagraph (A)(i)
6 to such individual by an employer respon-
7 sible under subparagraph (A) for the pay-
8 ment; or

9 “(ii) on the filing of a complaint by
10 the Secretary in an action under para-
11 graph (2) in which a recovery is sought of
12 the damages described in subparagraph
13 (A)(i) owing to an affected individual by
14 an employer liable under subparagraph
15 (A),

16 unless the action described in clause (i) or (ii)
17 is dismissed without prejudice on motion of the
18 Secretary.

19 “(2) ACTION BY THE SECRETARY.—

20 “(A) ADMINISTRATIVE ACTION.—The Sec-
21 retary shall receive, investigate, and attempt to
22 resolve complaints of violations of subsection (f)
23 in the same manner as the Secretary receives,
24 investigates, and attempts to resolve complaints
25 of violations of sections 6 and 7 of the Fair

1 Labor Standards Act of 1938 (29 U.S.C. 206
2 and 207).

3 “(B) CIVIL ACTION.—The Secretary may
4 bring an action in any court of competent juris-
5 diction to recover the damages described in
6 paragraph (1)(A)(i).

7 “(C) SUMS RECOVERED.—Any sums recov-
8 ered by the Secretary pursuant to subparagraph
9 (B) shall be held in a special deposit account
10 and shall be paid, on order of the Secretary, di-
11 rectly to each individual affected. Any such
12 sums not paid to such an individual because of
13 inability to do so within a period of 3 years
14 shall be deposited into the Treasury of the
15 United States as miscellaneous receipts.

16 “(3) LIMITATION.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), an action may be brought
19 under this subsection not later than 2 years
20 after the date of the last event constituting the
21 alleged violation for which the action is brought.

22 “(B) WILLFUL VIOLATION.—In the case of
23 such action brought for a willful violation of
24 subsection (f), such action may be brought
25 within 3 years after the date of the last event

1 constituting the alleged violation for which such
2 action is brought.

3 “(C) COMMENCEMENT.—In determining
4 when an action is commenced by the Secretary
5 under this subsection for the purposes of this
6 paragraph, it shall be considered to be com-
7 menced on the date when the complaint is filed.

8 “(4) ACTION FOR INJUNCTION BY SEC-
9 RETARY.—The district courts of the United States
10 shall have jurisdiction, for cause shown, in an action
11 brought by the Secretary—

12 “(A) to restrain violations of subsection
13 (f), including the restraint of any withholding of
14 payment of wages, salary, employment benefits,
15 public assistance, or other compensation, plus
16 interest, found by the court to be due to af-
17 fected individuals; or

18 “(B) to award such other equitable relief
19 as may be appropriate, including employment,
20 reinstatement, and promotion.

21 “(5) SOLICITOR OF LABOR.—The Solicitor of
22 Labor may appear for and represent the Secretary
23 on any litigation brought under this subsection.

24 “(6) EMPLOYER LIABILITY UNDER OTHER
25 LAWS.—Nothing in this section shall be construed to

1 limit the liability of an employer to an individual, for
2 harm suffered relating to the individual’s experience
3 of domestic or sexual violence, pursuant to any other
4 Federal or State law, including a law providing for
5 a legal remedy.

6 “(7) LIBRARY OF CONGRESS.—Notwithstanding
7 any other provision of this subsection, in the case of
8 the Library of Congress, the authority of the Sec-
9 retary under this subsection shall be exercised by the
10 Librarian of Congress.

11 “(8) CERTAIN PUBLIC AGENCIES.—

12 “(A) AGENCIES.—Notwithstanding any
13 other provision of this subsection, in the case of
14 a public agency that employs individuals as de-
15 scribed in subparagraph (A) or (B) of section
16 3(e)(2) of the Fair Labor Standards Act of
17 1938 (29 U.S.C. 203(e)(2)) (other than an en-
18 tity of the legislative branch of the Federal
19 Government), subparagraph (B) shall apply.

20 “(B) AUTHORITY.—In the case described
21 in subparagraph (A), the powers, remedies, and
22 procedures provided in title 5, United States
23 Code, to an employing agency, provided in
24 chapter 12 of that title to the Merit Systems
25 Protection Board, or provided in that title to

1 any person, alleging a violation of chapter 63 of
2 that title, shall be the powers, remedies, and
3 procedures this chapter provides to that agency,
4 that Board, or any person, respectively, alleging
5 a violation of subsection (f) against an employee
6 who is such an individual.

7 **“SEC. 41505. EXISTING LEAVE USABLE FOR ADDRESSING**
8 **DOMESTIC OR SEXUAL VIOLENCE.**

9 “An employee who is entitled to take paid or unpaid
10 leave (including family, medical, sick, annual, personal, or
11 similar leave) from employment, pursuant to Federal,
12 State, or local law, a collective bargaining agreement, or
13 an employment benefits program or plan, may elect to
14 substitute any period of such leave for an equivalent pe-
15 riod of leave provided under section 41504.

16 **“SEC. 41506. EMERGENCY BENEFITS.**

17 “(a) IN GENERAL.—A State may use funds provided
18 to the State under part A of title IV of the Social Security
19 Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-
20 term emergency benefits to an individual for any period
21 of leave the individual takes pursuant to section 41504.

22 “(b) ELIGIBILITY.—In calculating the eligibility of an
23 individual for such emergency benefits, the State shall
24 count only the cash available or accessible to the indi-
25 vidual.

1 “(c) TIMING.—

2 “(1) APPLICATIONS.—An individual seeking
3 emergency benefits under subsection (a) from a
4 State shall submit an application to the State.

5 “(2) BENEFITS.—The State shall provide bene-
6 fits to an eligible applicant under paragraph (1) on
7 an expedited basis, and not later than 7 days after
8 the applicant submits an application under para-
9 graph (1).

10 **“SEC. 41507. EFFECT ON OTHER LAWS AND EMPLOYMENT**
11 **BENEFITS.**

12 “(a) MORE PROTECTIVE LAWS, AGREEMENTS, PRO-
13 GRAMS, AND PLANS.—Nothing in this chapter shall be
14 construed to supersede any provision of any Federal,
15 State, or local law, collective bargaining agreement, or em-
16 ployment benefits program or plan that provides—

17 “(1) greater leave benefits for victims of domes-
18 tic or sexual violence than the rights established
19 under this chapter; or

20 “(2) leave benefits for a larger population of
21 victims of domestic or sexual violence (as defined in
22 such law, agreement, program, or plan) than the vic-
23 tims of domestic or sexual violence covered under
24 this chapter.

1 “(b) LESS PROTECTIVE LAWS, AGREEMENTS, PRO-
2 GRAMS, AND PLANS.—The rights established for victims
3 of domestic or sexual violence under this chapter shall not
4 be diminished by any State or local law, collective bar-
5 gaining agreement, or employment benefits program or
6 plan.

7 **“SEC. 41508. REGULATIONS AND NOTIFICATION.**

8 “(a) IN GENERAL.—Except as provided in sub-
9 sections (b) and (c), the Secretary shall issue regulations
10 to carry out this chapter. The regulations shall include
11 regulations requiring every employer to post and keep
12 posted, in conspicuous places on the premises of the em-
13 ployer where notices to employees are customarily posted,
14 a notice, to be prepared or approved by the Secretary,
15 summarizing the provisions of this chapter and providing
16 information on procedures for filing complaints of viola-
17 tions. The Secretary shall develop such a notice and pro-
18 vide copies of such notice to employers upon request with-
19 out charge.

20 “(b) LIBRARY OF CONGRESS.—The Librarian of
21 Congress shall prescribe the regulations described in sub-
22 section (a) with respect to employees of the Library of
23 Congress.

24 “(c) CERTAIN PUBLIC AGENCIES.—The head of a
25 public agency that employs individuals as described in sub-

1 paragraph (A) or (B) of section 3(e)(2) of the Fair Labor
2 Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than
3 an entity of the legislative branch of the Federal Govern-
4 ment) shall prescribe the regulations described in sub-
5 section (a) with respect to those individuals.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) SOCIAL SECURITY ACT.—Section 404 of the
8 Social Security Act (42 U.S.C. 604) is amended by
9 adding at the end the following:

10 “(l) AUTHORITY TO PROVIDE EMERGENCY BENE-
11 FITS.—A State that receives a grant under section 403
12 may use the grant to provide nonrecurrent short-term
13 emergency benefits, in accordance with section 41506 of
14 the Violence Against Women Act of 1994, to individuals
15 who take leave pursuant to section 40404 of that Act,
16 without regard to whether the individuals receive assist-
17 ance under the State program funded under this part.”.

18 (2) REHABILITATION ACT AMENDMENTS OF
19 1986.—Section 1003(a)(1) of the Rehabilitation Act
20 Amendments of 1986 (42 U.S.C. 2000d–7(a)(1)) is
21 amended by inserting “chapter 1 of subtitle O of the
22 Violence Against Women Act of 1994,” before “or
23 the provisions”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section take effect 180 days after the date of enact-
3 ment of this Act.

4 **SEC. 702. GRANT FOR NATIONAL CLEARINGHOUSE AND RE-**
5 **SOURCE CENTER ON WORKPLACE RE-**
6 **SPONSES TO ASSIST VICTIMS OF DOMESTIC**
7 **AND SEXUAL VIOLENCE.**

8 Subtitle O of the Violence Against Women Act of
9 1994 (as added by section 701) is amended by adding at
10 the end the following:

11 **“CHAPTER 2—NATIONAL CLEARINGHOUSE**
12 **AND RESOURCE CENTER**

13 **“SEC. 41511. GRANT FOR NATIONAL CLEARINGHOUSE AND**
14 **RESOURCE CENTER ON WORKPLACE RE-**
15 **SPONSES TO ASSIST VICTIMS OF DOMESTIC**
16 **AND SEXUAL VIOLENCE.**

17 “(a) AUTHORITY.—The Attorney General, acting
18 through the Director of the Violence Against Women Of-
19 fice, may award a grant to an eligible nonprofit non-
20 governmental entity or tribal organization, in order to pro-
21 vide for the establishment and operation of a national
22 clearinghouse and resource center on workplace responses
23 to assist victims of domestic and sexual violence. The
24 clearinghouse and resource center shall provide informa-
25 tion and assistance to employers, labor organizations, and

1 advocates on behalf of victims of domestic or sexual vio-
2 lence, to aid in their efforts to develop and implement ap-
3 propriate responses to such violence in order to assist
4 those victims.

5 “(b) APPLICATIONS.—To be eligible to receive a
6 grant under this section, an entity or organization shall
7 submit an application to the Attorney General at such
8 time, in such manner, and containing such information as
9 the Attorney General may require, including—

10 “(1) information that demonstrates that the en-
11 tity or organization has nationally recognized exper-
12 tise in the area of domestic or sexual violence, and
13 a record of commitment to reducing domestic or sex-
14 ual violence;

15 “(2) a plan to maximize, to the extent prac-
16 ticable, outreach to employers (including private
17 companies and public entities such as public institu-
18 tions of higher education and State and local govern-
19 ments), labor organizations, and advocates described
20 in subsection (a) concerning developing and imple-
21 menting appropriate workplace responses to assist
22 victims of domestic or sexual violence; and

23 “(3) a plan for developing materials and train-
24 ing for materials for employers that address the
25 needs of employees in cases of domestic violence,

1 dating violence, sexual assault, and stalking impact-
2 ing the workplace, including the needs of racial and
3 ethnic and other underserved communities.

4 “(c) USE OF GRANT AMOUNT.—

5 “(1) IN GENERAL.—An entity or organization
6 that receives a grant under this section may use the
7 funds made available through the grant for staff sal-
8 aries, travel expenses, equipment, printing, and
9 other reasonable expenses necessary to develop,
10 maintain, and disseminate to employers, labor orga-
11 nizations, and advocates described in subsection (a),
12 information and assistance concerning appropriate
13 workplace responses to assist victims of domestic or
14 sexual violence.

15 “(2) RESPONSES.—Responses referred to in
16 paragraph (1) may include—

17 “(A) providing training to promote a bet-
18 ter understanding of appropriate workplace as-
19 sistance to victims of domestic or sexual vio-
20 lence;

21 “(B) providing conferences and other edu-
22 cational opportunities;

23 “(C) developing protocols and model work-
24 place policies;

1 “(D) providing employer-sponsored and
2 labor organization-sponsored victim assistance
3 and outreach counseling; and

4 “(E) conducting assessments of the work-
5 place costs of domestic or sexual violence.

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

9 “(e) AVAILABILITY OF GRANT FUNDS.—Funds ap-
10 propriated under this section shall remain available until
11 expended.”.

12 **TITLE VIII—PROTECTION OF**
13 **BATTERED AND TRAFFICKED**
14 **IMMIGRANT WOMEN**

15 **Subtitle A—Victims of Crime**

16 **SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VIC-**
17 **TIMS.**

18 (a) TREATMENT OF SPOUSE AND CHILDREN OF VIC-
19 TIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the
20 Immigration and Nationality Act (8 U.S.C.
21 1101(a)(15)(T)) is amended—

22 (1) in clause (i)—

23 (A) in the matter preceding subclause (I),
24 by striking “Attorney General” and inserting
25 “Secretary of Homeland Security”; and

1 (B) by amending subclause (III) to read as
2 follows:

3 “(III)(aa) complied with any reason-
4 able request for assistance in the Federal,
5 State, or local investigation or prosecution
6 of acts of trafficking or crimes related to
7 trafficking; or

8 “(bb) has provided credible evidence
9 (as defined in section 204(a)(1)(J)) that
10 physical or psychological abuse, injury, or
11 trauma prohibits such alien from meeting
12 the requirements of item (aa); or

13 “(cc) has not attained 18 years of
14 age; and”;

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;”.

4 (b) TREATMENT OF SPOUSES AND CHILDREN OF
5 VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is
7 amended—

8 (1) in clause (i)—

9 (A) in the matter preceding subclause (I),
10 by striking “Attorney General” and inserting
11 “Secretary of Homeland Security”; and

12 (B) in subclause (I), by inserting “or in-
13 jury” after “physical or mental abuse”;

14 (2) by amending clause (ii) to read as follows:

15 “(ii) if accompanying, or following to join, the
16 alien described in clause (i)—

17 “(I) in the case of an alien described in
18 clause (i) who is under 21 years of age, the
19 spouse, children, unmarried siblings under 18
20 years of age on the date on which such alien
21 applied for status under such clause, and par-
22 ents of such alien; and

23 “(II) in the case of an alien described in
24 clause (i) who is 21 years of age or older, the
25 spouse and children of such alien; and”;

1 (3) in clause (iii), by inserting “child abuse;
2 stalking (including physical or electronic stalking);”
3 after “false imprisonment;”.

4 (c) DEFINITION OF AGGRAVATED FELONY.—Section
5 101(a)(43) of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(43)) is amended—

7 (A) in subparagraphs (F) and (G), by
8 striking “at least one year” each place it ap-
9 pears and inserting “is more than 1 year”;

10 (B) in subparagraph (J), by striking “one
11 year imprisonment or more” and inserting
12 “more than 1 year imprisonment”;

13 (C) in subparagraph (P)(ii), by striking
14 “at least 12 months” and inserting “more than
15 1 year”; and

16 (D) in subparagraphs (R) and (S), by
17 striking “at least one year” each place it ap-
18 pears and inserting “more than 1 year”.

19 (d) TECHNICAL AMENDMENTS.—Section 101(i) of
20 the Immigration and Nationality Act (8 U.S.C. 1101(i))
21 is amended—

22 (1) in paragraph (1), by striking “Attorney
23 General” and inserting “Secretary of Homeland Se-
24 curity, the Attorney General,”; and

1 (2) in paragraph (2), by striking “Attorney
2 General” and inserting “Secretary of Homeland Se-
3 curity”.

4 **SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF**
5 **TRAFFICKING IN PERSONS.**

6 (a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1182(a)(9)(B)(iii)) is amended by adding at the end the
9 following:

10 “(V) VICTIMS OF A SEVERE FORM OF
11 TRAFFICKING IN PERSONS.—Clause (i) shall not
12 apply to an alien who demonstrates that there
13 was a connection between the alien being a vic-
14 tim of a severe form of trafficking (as that term
15 is defined in section 103 of the Trafficking Vic-
16 tims Protection Act of 2000 (22 U.S.C. 7102))
17 and the alien’s unlawful presence in the United
18 States.”.

19 (b) TECHNICAL AMENDMENT.—Paragraphs (13) and
20 (14) of section 212(d) of the Immigration and Nationality
21 Act (8 U.S.C. 1182(d)) are amended by striking “Attor-
22 ney General” each place it appears and inserting “Sec-
23 retary of Homeland Security”.

1 **SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**
2 **FICKING.**

3 Section 245(l) of the Immigration and Nationality
4 Act (8 U.S.C. 1255(l)) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “Attorney General” each
7 place it appears and inserting “Secretary of
8 Homeland Security”; and

9 (B) in subparagraph (A), by striking “for
10 a continuous period of at least 3 years”;

11 (2) in paragraph (2), by striking “Attorney
12 General” each place it appears and inserting “Sec-
13 retary of Homeland Security”; and

14 (3) in paragraph (5), by striking “Attorney
15 General” and inserting “Secretary of Homeland Se-
16 curity”.

17 **SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF**
18 **TRAFFICKING.**

19 (a) CERTIFICATION PROCESS.—Section 107(b)(1)(E)
20 of the Trafficking Victims Protection Act of 2000 (22
21 U.S.C. 7105(b)(1)(E)) is amended—

22 (1) in clause (i)—

23 (A) in the matter preceding subclause (I),
24 by striking “Attorney General, that the person
25 referred to in subparagraph (C)(ii)(II)—” and
26 inserting “Attorney General or the Secretary of

1 Homeland Security, as appropriate, that the
2 person referred to in subparagraph (C)(ii)(II)
3 has not attained 18 years of age or—”;

4 (B) in subclause (I), by striking “investigation and prosecution” and inserting “investigation or prosecution, by the United States or
5 a State or local government,”; and
6

7
8 (C) in subclause (II)(bb), by inserting “or
9 the Secretary of Homeland Security” after “Attorney General”;
10

11 (2) in clause (ii), by striking “Attorney General” and inserting “Secretary of Homeland Security”;
12

13
14 (3) in clause (iii)—

15 (A) in subclause (II), by striking “and” at
16 the end;

17 (B) in subclause (III), by striking the period at the end and inserting “; or”; and
18

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

20 “(IV) responding to and cooperating with requests for evidence and
21 information.; and
22

23 (4) by striking “investigation and prosecution”
24 each place it appears and inserting “investigation or
25 prosecution”.

1 (b) TRAFFICKING VICTIM REGULATIONS.—Section
2 107(e) of the Trafficking Victims Protection Act of 2000
3 (22 U.S.C. 7105(e)) is amended—

4 (1) in the matter preceding paragraph (1), by
5 inserting “, the Secretary of Homeland Security,”
6 after “Attorney General”; and

7 (2) in paragraph (3)—

8 (A) by striking “Federal law enforcement
9 officials” and inserting “The Department of
10 Homeland Security”; and

11 (B) by adding at the end the following:
12 “State or local law enforcement officials may
13 petition the Department of Homeland Security
14 for the continued presence for trafficking vic-
15 tims. If such a petition contains a certification
16 that a trafficking victim is a victim of a severe
17 form of trafficking, the presence of the traf-
18 ficking victim may be permitted in accordance
19 with this paragraph.”.

20 (c) PROTECTION FROM REMOVAL FOR CERTAIN
21 CRIME VICTIMS.—Section 107(e)(5) of the Trafficking
22 Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5))
23 is amended by striking “Attorney General” each place it
24 occurs and inserting “Secretary of Homeland Security”.

1 (d) ANNUAL REPORT.—Section 107(g) of the Traf-
2 ficking Victims Protection Act of 2000 (22 U.S.C.
3 7105(g)) is amended by inserting “or the Secretary of
4 Homeland Security” after “Attorney General”.

5 **SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.**

6 (a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1154(a)(1)(D)) is amended—

9 (1) in clause (i)—

10 (A) in subclause (I), by inserting “or sec-
11 tion 204(a)(1)(B)(iii)” after “204(a)(1)(A)”
12 each place it appears; and

13 (B) in subclause (III), by striking “a peti-
14 tioner for preference status under paragraph
15 (1), (2), or (3) of section 203(a), whichever
16 paragraph is applicable,” and inserting “a
17 VAWA self-petitioner”; and

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

19 “(iv) Any alien who benefits from this subparagraph
20 may adjust status in accordance with subsections (a) and
21 (c) of section 245 as an alien having an approved petition
22 for classification under subparagraph (A)(iii), (A)(iv),
23 (B)(ii), or (B)(iii).”.

24 (b) APPLICATION OF CSPA PROTECTIONS.—

1 (1) IMMEDIATE RELATIVE RULES.—Section
2 201(f) of the Immigration and Nationality Act (8
3 U.S.C. 1151(f)) is amended by adding at the end
4 the following:

5 “(4) APPLICATION TO SELF-PETITIONS.—Para-
6 graphs (1) through (3) shall apply to self-petitioners
7 and derivatives of self-petitioners.”.

8 (2) CHILDREN RULES.—Section 203(h) of the
9 Immigration and Nationality Act (8 U.S.C. 1153(h))
10 is amended by adding at the end the following:

11 “(4) APPLICATION TO SELF-PETITIONS.—Para-
12 graphs (1) through (3) shall apply to self-petitioners
13 and derivatives of self-petitioners.”.

14 (c) LATE PETITION PERMITTED FOR IMMIGRANT
15 SONS AND DAUGHTERS BATTERED AS CHILDREN.—

16 (1) IN GENERAL.—Section 204(a)(1)(D) of the
17 Immigration and Nationality Act (8 U.S.C.
18 1154(a)(1)(D)), as amended by subsection (a), is
19 further amended by adding at the end the following:

20 “(v) For purposes of this paragraph, an individual
21 who is not less than 21 years of age, who qualified to file
22 a petition under subparagraph (A)(iv) as of the day before
23 the date on which the individual attained 21 years of age,
24 and who did not file such a petition before such day, shall
25 be treated as having filed a petition under such subpara-

1 graph as of such day if a petition is filed for the status
 2 described in such subparagraph before the individual at-
 3 tains 25 years of age. Clauses (i) through (iv) of this sub-
 4 paragraph shall apply to an individual described in this
 5 clause in the same manner as an individual filing a peti-
 6 tion under subparagraph (A)(iv).”.

7 (d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY
 8 REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—
 9 Section 101(b)(1)(E)(i) of the Immigration and Nation-
 10 ality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by in-
 11 serting before the colon the following: “or if the child has
 12 been battered or subject to extreme cruelty by the adopt-
 13 ing parent or by a family member of the adopting parent
 14 residing in the same household”.

15 **Subtitle B—VAWA Self-Petitioners**

16 **SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.**

17 Section 101(a) of the Immigration and Nationality
 18 Act (8 U.S.C. 1101(a)) is amended by adding at the end
 19 the following:

20 “(51) The term ‘VAWA self-petitioner’ means
 21 an alien, or a child of the alien, who qualifies for re-
 22 lief under—

23 “(A) clause (iii), (iv), or (vii) of section
 24 204(a)(1)(A);

1 “(B) clause (ii) or (iii) of section
2 204(a)(1)(B);

3 “(C) the first section of Public Law 89–
4 732 (8 U.S.C. 1255 note) (commonly known as
5 the Cuban Adjustment Act) as a child or spouse
6 who has been battered or subjected to extreme
7 cruelty;

8 “(D) section 902(d)(1)(B) of the Haitian
9 Refugee Immigration Fairness Act of 1998 (8
10 U.S.C. 1255 note);

11 “(E) section 202(d)(1) of the Nicaraguan
12 Adjustment and Central American Relief Act;
13 or

14 “(F) section 309 of the Illegal Immigration
15 Reform and Immigrant Responsibility Act of
16 1996 (division C of Public Law 104–208).”.

17 **SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY**
18 **WITHIN 90 DAY PERIOD.**

19 (a) IN GENERAL.—Section 214(d) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1184(d)) is amended
21 by inserting before the period at the end the following:
22 “, unless the alien is eligible for status as a VAWA self-
23 petitioner, for relief under section 240A(b)(2), or for relief
24 under section 244(a)(3) (as in effect prior to March 31,

1 1997), and the alien married the United States citizen
2 who filed the petition under section 101(a)(15)(K)(i)”.

3 (b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN
4 WHO ENTERED THE UNITED STATES ON FINANCE VISAS
5 FROM CONDITIONAL RESIDENCY STATUS REQUIRE-
6 MENT.—Section 245(d) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1255(d)) is amended—

8 (1) by inserting “(1)” after “(d)”; and

9 (2) by adding at the end the following:

10 “(2) The failure of a nonimmigrant described in sec-
11 tion 101(a)(15)(K) to marry within 3 months of being ad-
12 mitted in such status does not restrict the Secretary of
13 Homeland Security’s or the Attorney General’s authority
14 to adjust the status of the nonimmigrant, or grant relief
15 under section 240A(b)(2), or under section 244(a)(3) (as
16 in effect prior to March 31, 1997), provided that—

17 “(A) the alien married the United States citizen
18 who filed the petition under section
19 101(a)(15)(K)(i); and

20 “(B) the United States citizen petitioner sub-
21 jected a VAWA self-petitioner to battery or extreme
22 cruelty.”.

1 **SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPART-**
2 **TURE.**

3 Section 240B(d) of the Immigration and Nationality
4 Act (8 U.S.C. 1229c(d)) is amended to read as follows:

5 “(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 if an alien is permitted to depart voluntarily under
8 this section and voluntarily fails to depart the
9 United States within the time period specified, the
10 alien—

11 “(A) shall be subject to a civil penalty of
12 not less than \$1,000 and not more than
13 \$5,000; and

14 “(B) shall be ineligible, for a period of 10
15 years, to receive any further relief under this
16 section and sections 240A, 245, 248, and 249.

17 “(2) APPLICATION OF VAWA PROTECTIONS.—

18 The restrictions on relief under paragraph (1) shall
19 not apply to relief under section 240A or 245 on the
20 basis of a petition filed by a VAWA self-petitioner,
21 or a petition filed under section 240A(b)(2), or
22 under section 244(a)(3) (as in effect prior to March
23 31, 1997), if the extreme cruelty or battering oc-
24 curred before the alien overstayed the grant of vol-
25 untary departure.

1 “(3) NOTICE OF PENALTIES.—The order per-
2 mitting an alien to depart voluntarily shall inform
3 the alien of the penalties under this subsection.”.

4 **SEC. 814. REMOVAL PROCEEDINGS.**

5 (a) EXCEPTIONAL CIRCUMSTANCES.—

6 (1) IN GENERAL.—Section 240(e)(1) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1229a(e)(1)) is amended by striking “serious illness
9 of the alien” and inserting “battery or extreme cru-
10 elty to the alien or any child or parent of the alien,
11 serious illness of the alien,”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply to a failure to appear
14 that occurs before, on, or after the date of the enact-
15 ment of this Act.

16 (b) NONAPPLICATION OF REINSTATEMENT OF RE-
17 MOVAL.—

18 (1) IN GENERAL.—Section 241(a)(5) of the Im-
19 migration and Nationality Act (8 U.S.C. 1231(a)(5))
20 is amended—

21 (A) by striking “If the Attorney General”
22 and inserting the following:

23 “(A) IN GENERAL.—If the Secretary of
24 Homeland Security”; and

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

1 “(B) EXEMPTION.—The provisions of sub-
2 paragraph (A) shall not apply to an alien who
3 has been battered or subjected to extreme cru-
4 elty or who is a crime victim whom the Attor-
5 ney General or Secretary of Homeland Security
6 determines may be statutorily eligible for classi-
7 fication under subparagraph (T) or (U) of sec-
8 tion 101(a)(15), for classification under sub-
9 paragraph (A)(1)(iii), (A)(1)(iv), (B)(ii),
10 (B)(iii), or (B)(iv) of section 204(a)(1), for
11 classification as a VAWA self-petitioner, or for
12 relief under section 240A(b)(2) or section
13 244(a)(3) (as in effect prior to March 31,
14 1997).”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) and the exemption in paragraph
17 (2) shall apply to those eligible relief before, on, or
18 after the date of enactment of this Act.

19 (c) RESTRICTION ON REMOVAL WHILE VAWA PETI-
20 TION PENDING.—

21 (1) IN GENERAL.—Section 240 of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1229a) is amend-
23 ed by adding at the end the following:

24 “(f) RESTRICTION ON REMOVAL WHILE PETITION
25 PENDING.—An alien who is a VAWA self-petitioner, the

1 beneficiary under subparagraph (T) or (U) of section
2 101(a)(15) who meets the requirement of section
3 240A(b)(2) or subparagraphs (A) through (C) of section
4 216(c)(4), or who qualifies for relief under section
5 244(a)(3) (as in effect on March 31, 1997)—

6 “(1) shall not be removed or deported unless
7 the petition is denied and all opportunities for ap-
8 peal of the denial have been exhausted; and

9 “(2) shall not be detained while in removal pro-
10 ceedings, unless mandatory detention is required
11 under section 236A or 236(c).”.

12 (2) WAIVERS AND EXCEPTIONS.—Section
13 236(c)(2) of the Immigration and Nationality Act (8
14 U.S.C. 1226) is amended—

15 (A) in paragraph (2) by inserting “(A)”
16 before “The Attorney General may release an
17 alien described in paragraph (1) only”; and

18 (B) adding at the end the following:

19 “(B) The Secretary of Homeland Security
20 or the Attorney General may release on their
21 own recognizance an alien described in para-
22 graph (1) if the Secretary or the Attorney Gen-
23 eral determines that the alien may qualify for—

1 “(i) a waiver under section
2 212(d)(13), 212(d)(14), 212(h),
3 237(a)(2)(A)(v), or 237(a)(7); or

4 “(ii) an exception under section
5 204(a)(1)(C); or

6 “(iii) relief under section 240A(a).”.

7 (d) CLARIFYING APPLICATION OF DOMESTIC VIO-
8 LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-
9 MOVAL.—

10 (1) IN GENERAL.—Section 240A(b) of the Im-
11 migration and Nationality Act (8 U.S.C. 1229b(b))
12 is amended—

13 (A) in paragraph (1)(C), by striking “(ex-
14 cept in a case described in section 237(a)(7)
15 where the Attorney General exercises discretion
16 to grant a waiver)” and inserting “, subject to
17 paragraph (5)”;

18 (B) in paragraph (2)(A)(iv), by striking
19 “(except in a case described in section
20 237(a)(7) where the Attorney General exercises
21 discretion to grant a waiver)” and inserting “,
22 subject to paragraph (5)”;

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

24 “(5) APPLICATION OF DOMESTIC VIOLENCE
25 WAIVER AUTHORITY.—The authority provided under

1 section 237(a)(7) shall apply under paragraphs
2 (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of re-
3 moval and adjustment of status proceeding.”.

4 **SEC. 815. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**
5 **CATIONS FOR ADJUSTMENTS OF STATUS.**

6 (a) APPLICATION OF VAWA DEPORTATION PROTEC-
7 TIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN
8 ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION
9 FAIRNESS ACT.—Section 1506(c)(2) of the Violence
10 Against Women Act of 2000 (8 U.S.C. 1229a note; divi-
11 sion B of Public Law 106–386) is amended—

12 (1) in subparagraph (A)—

13 (A) by amending clause (i) to read as fol-
14 lows:

15 “(i) if the basis of the motion is to
16 apply for relief under—

17 “(I) clause (iii) or (iv) of section
18 204(a)(1)(A) of the Immigration and
19 Nationality Act (8 U.S.C.
20 1154(a)(1)(A));

21 “(II) clause (ii) or (iii) of section
22 204(a)(1)(B) of such Act (8 U.S.C.
23 1154(a)(1)(B));

24 “(III) section 244(a)(3) of such
25 Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

1 “(IV) the first section of Public
2 Law 89–732 (8 U.S.C. 1255 note)
3 (commonly known as the Cuban Ad-
4 justment Act) as a child or spouse
5 who has been battered or subjected to
6 extreme cruelty; or

7 “(V) section 902(d)(1)(B) of the
8 Haitian Refugee Immigration Fair-
9 ness Act of 1998 (8 U.S.C. 1255
10 note); and”;

11 (B) in clause (ii), by inserting “or adjust-
12 ment of status” after “suspension of deporta-
13 tion”; and

14 (2) in subparagraph (B)(ii), by striking “for re-
15 lief” and all that follows through “1101 note))” and
16 inserting “for relief described in subparagraph
17 (A)(i)”.

18 (b) EMPLOYMENT AUTHORIZATION FOR VAWA
19 SELF-PETITIONERS.—Section 204(a)(1) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
21 ed by adding at the end the following:

22 “(l) An alien who is in the United States and has
23 a petition, pending or approved as a VAWA self-petitioner,
24 that sets forth a prima facie case for status or classifica-

1 tion under such clause shall be eligible for employment au-
2 thorization.”.

3 **SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.**

4 (a) **IN GENERAL.**—Section 202(d)(1) of the Nica-
5 ragan Adjustment and Central American Relief Act (8
6 U.S.C. 1255 note; Public Law 105–100) is amended—

7 (1) in subparagraph (B)(ii), by inserting “, or
8 was eligible for adjustment,” after “whose status is
9 adjusted”; and

10 (2) in subparagraph (E), by inserting “, or, in
11 the case of an alien who qualifies under subpara-
12 graph (B)(ii), applies for such adjustment during
13 the 18-month period beginning on the date of enact-
14 ment of the Violence Against Women Act of 2005”
15 after “April 1, 2000”.

16 (b) **TECHNICAL AMENDMENT.**—Section 202(d)(3) of
17 such Act (8 U.S.C. 1255 note; Public Law 105–100) is
18 amended by striking “204(a)(1)(H)” and inserting
19 “204(a)(1)(J)”.

20 (c) **EFFECTIVE DATE.**—The amendment made by
21 subsection (b) shall take effect as if included in the enact-
22 ment of the Violence Against Women Act of 2000 (division
23 B of Public Law 106–386; 114 Stat. 1491).

1 **SEC. 817. SELF-PETITIONING PARENTS.**

2 Section 204(a)(1)(A) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
4 at the end the following:

5 “(vii) An alien may file a petition with the Secretary
6 of Homeland Security under this subparagraph for classi-
7 fication of the alien under section 201(b)(2)(A)(i) if the
8 alien—

9 “(I) is the parent of a citizen of the United
10 States or was a parent of a citizen of the United
11 States who, within the past 2 years, lost or re-
12 nounced citizenship status related to an incident of
13 domestic violence or died;

14 “(II) is a person of good moral character;

15 “(III) is eligible to be classified as an imme-
16 diate relative under section 201(b)(2)(A)(i);

17 “(IV) resides, or has resided, with the citizen
18 daughter or son; and

19 “(V) demonstrates that the alien has been bat-
20 tered or subject to extreme cruelty by the citizen
21 daughter or son.”.

22 **SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.**

23 Section 384 of the Illegal Immigration Reform and
24 Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a))
25 is amended—

26 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “(including any bureau or agency of
3 such Department)” and inserting “, the Sec-
4 retary of Homeland Security, the Secretary of
5 State, or any other official or employee of the
6 Department of Homeland Security or Depart-
7 ment of State (including any bureau or agency
8 of either of such Departments)”; and

9 (B) in paragraph (1)—

10 (i) in subparagraph (D), by striking
11 “or” at the end;

12 (ii) in subparagraph (E), by adding
13 “or” at the end; and

14 (iii) by inserting after subparagraph
15 (E) the following:

16 “(F) in the case of an alien applying for
17 status under section 101(a)(15)(T) of the Im-
18 migration and Nationality Act (8 U.S.C.
19 1101(a)(15)(T)), under section
20 107(b)(1)(E)(i)(II)(bb) of the Trafficking Vic-
21 tims Protection Act of 2000 (22 U.S.C. 7105),
22 under section 244(a)(3) of the Immigration and
23 Nationality Act (8 U.S.C. 1254a(a)(3)), as in
24 effect prior to March 31, 1999, or as a VAWA
25 self-petitioner (as defined in section 101(a)(51)

1 of the Immigration and Nationality Act (8
2 U.S.C. 1101(a)(51)), the trafficker or perpe-
3 trator,”.

4 (2) in subsection (b)(2), by inserting “or his
5 other designee” after “the discretion of the Attorney
6 General.”.

7 **Subtitle C—Miscellaneous** 8 **Amendments**

9 **SEC. 821. DURATION OF T AND U VISAS.**

10 (a) T VISAS.—Section 214(o) of the Immigration and
11 Nationality Act (8 U.S.C. 1184(o)) is amended by adding
12 at the end the following:

13 “(7)(A) Except as provided in subparagraph (B), an
14 alien who is issued a visa or otherwise provided non-
15 immigrant status under section 101(a)(15)(T) may be
16 granted such status for a period of not more than 4 years.

17 “(B) An alien who is issued a visa or otherwise pro-
18 vided nonimmigrant status under section 101(a)(15)(T)
19 may extend the period of such status beyond the period
20 described in subparagraph (A) if a Federal, State, or local
21 law enforcement official, prosecutor, judge, or other au-
22 thority investigating or prosecuting activity relating to
23 human trafficking or certifies that the presence of the
24 alien in the United States is necessary to assist in the
25 investigation or prosecution of such activity.”.

1 (b) U VISAS.—Section 214(p) of the Immigration
2 and Nationality Act (8 U.S.C. 1184(p)) is amended by
3 adding at the end the following:

4 “(6) DURATION OF STATUS.—The authorized
5 period of status of an alien as a nonimmigrant
6 under section 101(a)(15)(U) shall be 4 years, but
7 shall be extended upon certification from a Federal,
8 State, or local law enforcement official, prosecutor,
9 judge, or other Federal, State, or local authority in-
10 vestigating or prosecuting criminal activity described
11 in section 101(a)(15)(U)(iii) that the alien’s contin-
12 ued presence in the United States is required to as-
13 sist in the investigation or prosecution of such crimi-
14 nal activity.”.

15 (c) PERMITTING CHANGE OF NONIMMIGRANT STA-
16 TUS TO T AND U NONIMMIGRANT STATUS.—

17 (1) IN GENERAL.—Section 248 of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1258) is amend-
19 ed—

20 (A) by striking “The Attorney General”
21 and inserting “(a) The Secretary of Homeland
22 Security”;

23 (B) by inserting “(subject to subsection
24 (b))” after “except”; and

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

1 “(b) The exceptions specified in paragraphs (1)
2 through (4) of subsection (a) shall not apply to a change
3 of nonimmigrant classification to that of a nonimmigrant
4 under subparagraph (T) or (U) of section 101(a)(15).”.

5 (2) CONFORMING AMENDMENT.—Section
6 214(l)(2)(A) of the Immigration and Nationality Act
7 (8 U.S.C. 1184(l)(2)(A)) is amended by striking
8 “248(2)” and inserting “248(a)(2)”.

9 **SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN AP-**
10 **PLICATION OF SPECIAL PHYSICAL PRESENCE**
11 **AND GOOD MORAL CHARACTER RULES.**

12 (a) PHYSICAL PRESENCE RULES.—Section
13 240A(b)(2)(B) of the Immigration and Nationality Act (8
14 U.S.C. 1229b(b)(2)(B)) is amended—

15 (1) in the first sentence, by striking
16 “(A)(i)(II)” and inserting “(A)(ii)”; and

17 (2) in the fourth sentence, by striking “sub-
18 section (b)(2)(B) of this section” and inserting “this
19 subparagraph, subparagraph (A)(ii),”.

20 (b) MORAL CHARACTER RULES.—Section
21 240A(b)(2)(C) of the Immigration and Nationality Act (8
22 U.S.C. 1229b(b)(2)(C)) is amended by striking
23 “(A)(i)(III)” and inserting “(A)(iii)”.

24 (c) CORRECTION OF CROSS-REFERENCE ERROR IN
25 APPLYING GOOD MORAL CHARACTER.—

1 (1) IN GENERAL.—Section 101(f)(3) of the Im-
2 migration and Nationality Act (8 U.S.C. 1101(f)(3))
3 is amended by striking “(9)(A)” and inserting
4 “(10)(A)”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall be effective as if included in
7 section 603(a)(1) of the Immigration Act of 1990
8 (Public Law 101–649; 104 Stat. 5082).

9 **SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER**
10 **SPOUSES UNDER CUBAN ADJUSTMENT.**

11 (a) IN GENERAL.—The first section of Public Law
12 89–732 (8 U.S.C. 1255 note) (commonly known as the
13 Cuban Adjustment Act) is amended—

14 (1) in the last sentence, by striking
15 “204(a)(1)(H)” and inserting “204(a)(1)(J)”; and

16 (2) by adding at the end the following: “An
17 alien who was the spouse of any Cuban alien de-
18 scribed in this section and has resided with such
19 spouse shall continue to be treated as such a spouse
20 for 2 years after the date on which the Cuban alien
21 dies (or, if later, 2 years after the date of enactment
22 of Violence Against Women Act of 2005), or for 2
23 years after the date of termination of the marriage
24 (or, if later, 2 years after the date of enactment of
25 Violence Against Women Act of 2005) if there is

1 demonstrated a connection between the termination
2 of the marriage and the battering or extreme cruelty
3 by the Cuban alien.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a)(1) shall take effect as if included in the en-
6 actment of the Violence Against Women Act of 2000 (divi-
7 sion B of Public Law 106–386; 114 Stat. 1491).

8 **SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLI-**
9 **CANTS.**

10 (a) IN GENERAL.—Section 902(d)(1)(B) of the Hai-
11 tian Refugee Immigration Fairness Act of 1998 (8 U.S.C.
12 1255 note) is amended—

13 (1) in clause (i), by striking “whose status is
14 adjusted to that of an alien lawfully admitted for
15 permanent residence” and inserting “who is or was
16 eligible for classification”;

17 (2) in clause (ii), by striking “whose status is
18 adjusted to that of an alien lawfully admitted for
19 permanent residence” and inserting “who is or was
20 eligible for classification”; and

21 (3) in clause (iii), by striking “204(a)(1)(H)”
22 and inserting “204(a)(1)(J)”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a)(3) shall take effect as if included in the en-

1 actment of the Violence Against Women Act of 2000 (divi-
2 sion B of Public Law 106–386; 114 Stat. 1491).

3 **SEC. 825. DEPORTATION PROCEEDINGS.**

4 (a) DEPORTATION OR REMOVAL PROCEEDINGS.—

5 (1) IN GENERAL.—Section 240(c)(6)(C) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1229a(c)(6)(C)) is amended—

8 (A) in clause (iv), by striking “The dead-
9 line specified in subsection (b)(5)(C) for filing
10 a motion to reopen does not apply—” and in-
11 sserting “No limitation on number of motions or
12 on deadlines for filing motions under other pro-
13 visions of this section shall apply—”; and

14 (B) by adding at the end the following:

15 “(v) STAY OF REMOVAL.—The filing
16 of the motion described in clause (iv) shall
17 stay the removal of the alien pending a
18 final disposition of the motion, including
19 the exhaustion of all appeals. Only 1 spe-
20 cial motion under clause (iv) is per-
21 mitted.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall take effect as if included in
24 the enactment of section 442(a) of the Antiterrorism

1 and Effective Death Penalty Act of 1996 (Public
2 Law 104–132; 110 Stat. 1279).

3 (b) MOTIONS TO REOPEN DEPORTATION PRO-
4 CEEDINGS.—Section 1506(c)(2)(A) of the Violence
5 Against Women Act of 2000 (division B of Public Law
6 106–386; 8 U.S.C. 1229a note) is amended—

7 (1) by inserting “on number of motions or
8 deadlines for filing motions” after “Notwithstanding
9 any limitation”;

10 (2) by inserting “, deadline, or limit on number
11 of motions” after “there is no time limit”; and

12 (3) by striking “, and the” and inserting “. The
13 filing of a motion described in clauses (i) and (ii)
14 shall stay the removal of the aliens pending a final
15 disposition of the motion, including the exhaustion
16 of all appeals. Only 1 motion under clauses (i) and
17 (ii) is permitted. The”.

18 (c) CONFORMING AMENDMENTS.—Section 212(a) of
19 the Immigration and Nationality Act (8 U.S.C. 1182(a))
20 is amended—

21 (1) in paragraph (6)(A)(ii)(III), by striking
22 “substantial”; and

23 (2) in paragraph (9)(B)(iii)(IV), by striking
24 “who would be described in paragraph (6)(A)(ii)”
25 and inserting “who demonstrates that the alien is

1 described in subclauses (I) and (II) of paragraph
2 (b)(A)(ii)”.

3 **SEC. 826. LIMITATIONS ON ENFORCEMENT.**

4 Section 287 of the Immigration and Nationality Act
5 (8 U.S.C. 1357) is amended by adding at the end the fol-
6 lowing:

7 “(h) Immigration officers and employees shall not un-
8 dertake any civil immigration enforcement action—

9 “(1) at a domestic violence shelter, a victims
10 services organization or program, a rape crisis cen-
11 ter, a family justice center, or a supervised visitation
12 center; or

13 “(2) at, or in connection with the appearance
14 at, a courthouse of an alien who is appearing in con-
15 nection with a protection order case, child custody
16 case, or other civil or criminal case relating to do-
17 mestic violence, sexual assault, trafficking, or stalk-
18 ing in which the alien has been battered or subject
19 to extreme cruelty or who is described in subpara-
20 graph (T) or (U) of section 101(a)(15).”.

21 **SEC. 827. PROTECTING ABUSED JUVENILES.**

22 Section 287 of the Immigration and Nationality Act
23 (8 U.S.C. 1357), as amended by section 726, is further
24 amended by adding at the end the following—

1 “(i) An alien described in section 101(a)(27)(J) of
 2 the Immigration and Nationality Act who has been bat-
 3 tered, abused, neglected, or abandoned, shall not be com-
 4 pelled to contact the alleged abuser (or family member of
 5 the alleged abuser) at any stage of applying for special
 6 immigrant juvenile status, including after a request for
 7 the consent of the Secretary of Homeland Security under
 8 section 101(a)(27)(J)(iii)(I) of such Act.”.

9 **SEC. 828. RULEMAKING.**

10 Not later than 180 days after the date of enactment
 11 of this Act, the Attorney General, the Secretary of Home-
 12 land Security, and the Secretary of State shall promulgate
 13 regulations to implement the provisions contained in the
 14 Battered Immigrant Women Protection Act of 2000 (title
 15 v of Public Law 106–386), this Act, and the amendments
 16 made by this Act.

17 **TITLE IX—SAFETY FOR INDIAN**
 18 **WOMEN**

19 **SEC. 901. FINDINGS.**

20 Congress finds that—

- 21 (1) 1 out of every 3 Indian (including Alaska
 22 Native) women are raped in their lifetimes;
- 23 (2) Indian women experience 7 sexual assaults
 24 per 1,000, compared with 4 per 1,000 among Black
 25 Americans, 3 per 1,000 among Caucasians, 2 per

1 1,000 among Hispanic women, and 1 per 1,000
2 among Asian women;

3 (3) Indian women experience the violent crime
4 of battering at a rate of 23.2 per 1,000, compared
5 with 8 per 1,000 among Caucasian women;

6 (4) during the period 1979 through 1992,
7 homicide was the third leading cause of death of In-
8 dian females aged 15 to 34, and 75 percent were
9 killed by family members or acquaintances;

10 (5) Indian tribes require additional criminal
11 justice and victim services resources to respond to
12 violent assaults against women; and

13 (6) the unique legal relationship of the United
14 States to Indian tribes creates a Federal trust re-
15 sponsibility to assist tribal governments in safe-
16 guarding the lives of Indian women.

17 **SEC. 902. PURPOSES.**

18 The purposes of this title are—

19 (1) to decrease the incidence of violent crimes
20 against Indian women;

21 (2) to strengthen the capacity of Indian tribes
22 to exercise their sovereign authority to respond to
23 violent crimes committed against Indian women; and

1 (3) to ensure that perpetrators of violent crimes
2 committed against Indian women are held account-
3 able for their criminal behavior.

4 **SEC. 903. CONSULTATION.**

5 (a) IN GENERAL.—The Attorney General shall con-
6 duct annual consultations with Indian tribal governments
7 concerning the Federal administration of tribal funds and
8 programs established under this Act, the Violence Against
9 Women Act of 1994 (title IV of Public Law 103–322; 108
10 Stat. 1902) and the Violence Against Women Act of 2000
11 (division B of Public Law 106–386; 114 Stat. 1491).

12 (b) RECOMMENDATIONS.—During consultations
13 under subsection (a), the Secretary and the Attorney Gen-
14 eral shall solicit recommendations from Indian tribes con-
15 cerning—

16 (1) administering tribal funds and programs;

17 (2) enhancing the safety of Indian women from
18 domestic violence, dating violence, sexual assault,
19 and stalking; and

20 (3) strengthening the Federal response to such
21 violent crimes.

22 **SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
23 **INDIAN WOMEN.**

24 (a) NATIONAL BASELINE STUDY.—

1 (1) IN GENERAL.—The National Institute of
2 Justice, in consultation with the Office on Violence
3 Against Women, shall conduct a national baseline
4 study to examine violence against Indian women in
5 Indian country.

6 (2) SCOPE.—

7 (A) IN GENERAL.—The study shall exam-
8 ine violence committed against Indian women,
9 including—

10 (i) domestic violence;

11 (ii) dating violence;

12 (iii) sexual assault;

13 (iv) stalking; and

14 (v) murder.

15 (B) EVALUATION.—The study shall evalu-
16 ate the effectiveness of Federal, State, tribal,
17 and local responses to the violations described
18 in subparagraph (A) committed against Indian
19 women.

20 (C) RECOMMENDATIONS.—The study shall
21 propose recommendations to improve the effec-
22 tiveness of Federal, State, tribal, and local re-
23 sponses to the violation described in subpara-
24 graph (A) committed against Indian women.

25 (3) TASK FORCE.—

1 (A) IN GENERAL.—The Attorney General,
2 acting through the Director of the Office on Vi-
3 olence Against Women, shall establish a task
4 force to assist in the development and imple-
5 mentation of the study under paragraph (1)
6 and guide implementation of the recommenda-
7 tion in paragraph (2)(C).

8 (B) MEMBERS.—The Director shall ap-
9 point to the task force representatives from—

10 (i) national tribal domestic violence
11 and sexual assault nonprofit organizations;

12 (ii) tribal governments; and

13 (iii) representatives from the national
14 tribal organizations.

15 (4) REPORT.—Not later than 2 years after the
16 date of enactment of this Act, the Attorney General
17 shall submit to the Committee on Indian Affairs of
18 the Senate, the Committee on the Judiciary of the
19 Senate, and the Committee on the Judiciary of the
20 House of Representatives a report that describes the
21 study.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to carry out
24 this section \$1,000,000 for each of fiscal years 2006
25 and 2007, to remain available until expended.

1 (b) INJURY STUDY.—

2 (1) IN GENERAL.—The Secretary of Health and
3 Human Services, acting through the Indian Health
4 Service and the Injury Control Division of the Cen-
5 ters for Disease Control and Prevention, shall con-
6 duct a study to obtain a national projection of—

7 (A) the incidence of injuries and homicides
8 resulting from domestic violence, dating vio-
9 lence, sexual assault, or stalking committed
10 against American Indian and Alaska Native
11 women; and

12 (B) the cost of providing health care for
13 the injuries described in subparagraph (A).

14 (2) REPORT.—Not later than 2 years after the
15 date of enactment of this Act, the Secretary of
16 Health and Human Services shall submit to the
17 Committee on Indian Affairs of the Senate, the
18 Committee on the Judiciary of the Senate, and the
19 Committee on the Judiciary of the House of Rep-
20 resentatives a report that describes the findings
21 made in the study and recommends for health care
22 strategies for reducing the incidence and cost of the
23 injuries described in paragraph (1).

24 (3) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to carry out

1 this section \$500,000 for each of fiscal years 2006
2 and 2007, to remain available until expended.

3 **SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN**
4 **WOMEN.**

5 (a) ACCESS TO FEDERAL CRIMINAL INFORMATION
6 DATABASES.—Section 534 of title 28, United States Code,
7 is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The
13 Attorney General shall permit Indian law enforcement
14 agencies, in cases of domestic violence, dating violence,
15 sexual assault, and stalking, to enter information into
16 Federal criminal information databases and to obtain in-
17 formation from the databases.”.

18 (b) TRIBAL REGISTRY.—

19 (1) ESTABLISHMENT.—The Attorney General
20 shall contract with any interested Indian tribe, tribal
21 organization, or tribal nonprofit organization to de-
22 velop and maintain—

23 (A) a national tribal sex offender registry;

24 and

1 (B) a tribal protection order registry con-
2 taining civil and criminal orders of protection
3 issued by Indian tribes and participating juris-
4 dictions.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to carry out
7 this section \$1,000,000 for each of fiscal years 2006
8 through 2010, to remain available until expended.

9 **SEC. 906. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE**
10 **AGAINST WOMEN.**

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

14 **“SEC. 2007. TRIBAL DEPUTY.**

15 “(a) ESTABLISHMENT.—There is established in the
16 Office on Violence Against Women a Deputy Director for
17 Tribal Affairs.

18 “(b) DUTIES.—

19 “(1) IN GENERAL.—The Deputy Director shall
20 under the guidance and authority of the Director of
21 the Office on Violence Against Women—

22 “(A) oversee and manage the administra-
23 tion of grants to and contracts with Indian
24 tribes, tribal courts, tribal organizations, or
25 tribal nonprofit organizations;

1 “(B) ensure that, if a grant under this Act
2 or a contract pursuant to such a grant is made
3 to an organization to perform services that ben-
4 efit more than 1 Indian tribe, the approval of
5 each Indian tribe to be benefited shall be a pre-
6 requisite to the making of the grant or letting
7 of the contract;

8 “(C) coordinate development of Federal
9 policy, protocols, and guidelines on matters re-
10 lating to violence against Indian women;

11 “(D) advise the Director of the Office on
12 Violence Against Women concerning policies,
13 legislation, implementation of laws, and other
14 issues relating to violence against Indian
15 women;

16 “(E) represent the Office on Violence
17 Against Women in the annual consultations
18 under section 903;

19 “(F) provide technical assistance, coordina-
20 tion, and support to other offices and bureaus
21 in the Department of Justice to develop policy
22 and to enforce Federal laws relating to violence
23 against Indian women, including through litiga-
24 tion of civil and criminal actions relating to
25 those laws;

1 “(G) maintain a liaison with the judicial
2 branches of Federal, State, and tribal govern-
3 ments on matters relating to violence against
4 Indian women;

5 “(H) support enforcement of tribal protec-
6 tion orders and implementation of full faith and
7 credit educational projects and comity agree-
8 ments between Indian tribes and States; and

9 “(I) ensure that adequate tribal technical
10 assistance is made available to Indian tribes,
11 tribal courts, tribal organizations, and tribal
12 nonprofit organizations for all programs relat-
13 ing to violence against Indian women.

14 “(c) AUTHORITY.—

15 “(1) IN GENERAL.—The Deputy Director shall
16 ensure that a portion of the tribal set-aside funds
17 from any grant awarded under this Act, the Violence
18 Against Women Act of 1994 (title IV of Public Law
19 103–322; 108 Stat. 1902), or the Violence Against
20 Women Act of 2000 (division B of Public Law 106–
21 386; 114 Stat. 1491) is used to enhance the capac-
22 ity of Indian tribes to address the safety of Indian
23 women.

24 “(2) ACCOUNTABILITY.—The Deputy Director
25 shall ensure that some portion of the tribal set-aside

1 funds from any grant made under this part is used
2 to hold offenders accountable through—

3 “(A) enhancement to the response of In-
4 dian tribes to crimes of domestic violence, dat-
5 ing violence, sexual assault, and stalking
6 against Indian women, including legal services
7 for victims and Indian-specific offender pro-
8 grams;

9 “(B) development and maintenance of trib-
10 al domestic violence shelters or programs for
11 battered Indian women, including sexual assault
12 services, that are based upon the unique cir-
13 cumstances of the Indian women to be served;

14 “(C) development of tribal educational
15 awareness programs and materials;

16 “(D) support for customary tribal activities
17 to strengthen the intolerance of an Indian tribe
18 to violence against Indian women; and

19 “(E) development, implementation, and
20 maintenance of tribal electronic databases for
21 tribal protection order registries.”.

22 **SEC. 907. ENHANCED CRIMINAL LAW RESOURCES.**

23 (a) FIREARMS POSSESSION PROHIBITIONS.—Section
24 921(33)(A)(i) of title 18, United States Code, is amended

1 to read: “(i) is a misdemeanor under Federal, State, or
2 Tribal law; and”.

3 (b) LAW ENFORCEMENT AUTHORITY.—Section 4(3)
4 of the Indian Law Enforcement Reform Act (25 U.S.C.
5 2803(3) is amended—

6 (1) in subparagraph (A), by striking “or”;

7 (2) in subparagraph (B), by striking the semi-
8 colon and inserting “, or”; and

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

10 “(C) the offense is a misdemeanor crime of
11 domestic violence and has, as an element, the
12 use or attempted use of physical force, or the
13 threatened use of a deadly weapon, committed
14 by a current or former spouse, parent, or
15 guardian of the victim, by a person with whom
16 the victim shares a child in common, by a per-
17 son who is cohabitating with or has cohabited
18 with the victim as a spouse, parent, or guard-
19 ian, or by a person similarly situated to a
20 spouse, parent or guardian of the victim, and
21 the employee has reasonable grounds to believe
22 that the person to be arrested has committed,
23 or is committing the crime;”.

1 **SEC. 908. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.**

2 Chapter 7 of title 18, United States Code, is amended
3 by adding at the end the following:

4 **“§ 117. DOMESTIC ASSAULT BY AN HABITUAL OF-**
5 **FENDER.**

6 “Any person who commits a domestic assault within
7 the special maritime and territorial jurisdiction of the
8 United States or Indian country and who has a final con-
9 viction on at least 2 separate prior occasions in Federal,
10 State, or Indian tribal court proceedings for offenses that
11 would be, if subject to Federal jurisdiction—

12 “(1) any assault, sexual abuse, or serious vio-
13 lent felony against a spouse or intimate partner; or

14 “(2) an offense under chapter 110A,
15 shall be fined under this title, imprisoned for a term of
16 not more than 5 years, or both, except that if substantial
17 bodily injury results from violation under this section, the
18 offender shall be imprisoned for a term of not more than
19 10 years.”.

○