

Calendar No. 364

112TH CONGRESS
2D SESSION**S. 2338**

To reauthorize the Violence Against Women Act of 1994.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2012

Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. CORNYN, and Mr. ALEXANDER) introduced the following bill; which was read the first time

APRIL 24 (legislative day, APRIL 23), 2012

Ordered read the second time and placed on the calendar

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 Reauthorization Act of 2012”.

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 conditions.

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

- Sec. 101. Stop grants.
- Sec. 102. Grants to encourage accountability policies and enforcement of protection orders.
- Sec. 103. Legal assistance for victims.
- Sec. 104. Consolidation of grants to support families in the justice system.
- Sec. 105. Sex offender management.
- Sec. 106. Court-appointed special advocate program.
- Sec. 107. Criminal provision relating to stalking, including cyberstalking.
- Sec. 108. Outreach and services to underserved populations grant.
- Sec. 109. Culturally specific services grant.
- Sec. 110. Reauthorization of child abuse training programs for judicial personnel and practitioners.
- Sec. 111. Offset of restitution and other State judicial debts against income tax refund.

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

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

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

- Sec. 301. Rape prevention education grant.
- Sec. 302. Creating hope through outreach, options, services, and education for children and youth.
- Sec. 303. Grants to combat violent crimes on campuses.
- Sec. 304. Campus sexual violence, domestic violence, dating violence, and stalking education and prevention.

TITLE IV—VIOLENCE REDUCTION PRACTICES

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

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

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

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

- Sec. 601. Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.

- Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, and stalking.
- Sec. 603. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

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

TITLE VIII—IMMIGRATION PROVISIONS

- Sec. 801. Application of special rule for battered spouse or child.
- Sec. 802. Clarification of the requirements applicable to U visas.
- Sec. 803. Protections for a fiancée or fiancé of a citizen.
- Sec. 804. Regulation of international marriage brokers.
- Sec. 805. GAO report.
- Sec. 806. Disclosure of information for national security purposes.

TITLE IX—SAFETY FOR INDIAN WOMEN

- Sec. 901. Grants to Indian tribal governments.
- Sec. 902. Grants to Indian tribal coalitions.
- Sec. 903. Consultation.
- Sec. 904. Amendments to the Federal assault statute.
- Sec. 905. Analysis and research on violence against Indian women.
- Sec. 906. Effective date.
- Sec. 907. Tribal protection orders.

TITLE X—VIOLENT CRIME AGAINST WOMEN

- Sec. 1001. Criminal provisions relating to sexual abuse.
- Sec. 1002. Sexual abuse in custodial settings.
- Sec. 1003. Report on compliance with the DNA Fingerprint Act of 2005.
- Sec. 1004. Reducing the rape kit backlog.
- Sec. 1005. Report on capacity utilization.
- Sec. 1006. Mandatory minimum sentence for aggravated sexual abuse.
- Sec. 1007. Removal of drunk drivers.
- Sec. 1008. Enhanced penalties for interstate domestic violence resulting in death, life-threatening bodily injury, permanent disfigurement, and serious bodily injury.
- Sec. 1009. Finding Fugitive Sex Offenders Act.
- Sec. 1010. Minimum penalties for the possession of child pornography.
- Sec. 1011. Audit of Office for Victims of Crime.

TITLE XI—THE SAFER ACT

- Sec. 1101. Short title.
- Sec. 1102. Debbie Smith grants for auditing sexual assault evidence backlogs.
- Sec. 1103. Sexual Assault Forensic Evidence Registry.
- Sec. 1104. Reports to Congress.

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

2 (a) DEFINITIONS.—Subsection (a) of section 40002
3 of the Violence Against Women Act of 1994 (42 U.S.C.
4 13925(a)) is amended—

5 (1) by redesignating—

6 (A) paragraph (1) as paragraph (2);

7 (B) paragraph (2) as paragraph (4);

8 (C) paragraphs (3) through (5) as para-
9 graphs (5) through (7), respectively;

10 (D) paragraphs (6) through (9) as para-
11 graphs (8) through (11), respectively;

12 (E) paragraphs (10) through (16) as para-
13 graphs (14) through (20), respectively;

14 (F) paragraph (18) as paragraph (23);

15 (G) paragraphs (19) and (20) as para-
16 graphs (25) and (26), respectively;

17 (H) paragraphs (21) and (22) as para-
18 graphs (28) and (29), respectively;

19 (I) paragraphs (23) through (33) as para-
20 graphs (31) through (41), respectively;

21 (J) paragraphs (34) and (35) as para-
22 graphs (43) and (44); and

23 (K) paragraph (37) as paragraph (47);

24 (2) by inserting before paragraph (2), as redес-
25 ignated, the following:

1 “(1) ALASKA NATIVE VILLAGE.—The term
2 ‘Alaska Native village’ has the same meaning given
3 such term in the Alaska Native Claims Settlement
4 Act (43 U.S.C. 1601 et seq.).”;

5 (3) by inserting after paragraph (2), as redesign-
6 nated, the following:

7 “(2) CHILD.—The term ‘child’ means a person
8 who is under 11 years of age.”;

9 (4) in paragraph (4), as redesignated, by strik-
10 ing “serious harm.” and inserting “serious harm to
11 unemancipated minor.”;

12 (5) in paragraph (5), as redesignated, by strik-
13 ing “The term” through “that—” and inserting
14 “The term ‘community-based organization’ means a
15 nonprofit, nongovernmental, or tribal organization
16 that serves a specific geographic community that—
17 ”;

18 (6) by inserting after paragraph (7), as redesign-
19 nated, the following:

20 “(8) CULTURALLY SPECIFIC SERVICES.—The
21 term ‘culturally specific services’ means community-
22 based services that offer culturally relevant and lin-
23 guistically specific services and resources to cul-
24 turally specific communities.

1 “(9) CULTURALLY SPECIFIC.—The term ‘cul-
 2 turally specific’ means primarily directed toward ra-
 3 cial and ethnic minority groups (as defined in sec-
 4 tion 1707(g) of the Public Health Service Act (42
 5 U.S.C. 300–u–6(g)).”;

6 (7) in paragraph (10), as redesignated, by in-
 7 serting “or intimate partner” after “former spouse”
 8 and “as a spouse”;

9 (8) by inserting after paragraph (13), as redес-
 10 ignated, the following:

11 “(14) HOMELESS.—The term ‘homeless’ has
 12 the meaning provided in 42 U.S.C. 14043e–2(6).”;

13 (9) in paragraph (21), as redesignated, by in-
 14 serting at the end the following:

15 “Intake or referral, by itself, does not constitute
 16 legal assistance.”;

17 (10) by striking paragraph (17), as in effect be-
 18 fore the amendments made by this subsection;

19 (11) by amending paragraph (22), as redес-
 20 nated, to read as follows:

21 “(22) PERSONALLY IDENTIFYING INFORMATION
 22 OR PERSONAL INFORMATION.—The term ‘personally
 23 identifying information’ or ‘personal information’
 24 means individually identifying information for or
 25 about an individual including information likely to

1 disclose the location of a victim of domestic violence,
 2 dating violence, sexual assault, or stalking, regard-
 3 less of whether the information is encoded,
 4 encrypted, hashed, or otherwise protected, includ-
 5 ing—

6 “(A) a first and last name;

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

8 “(C) contact information (including a post-
 9 al, e-mail or Internet protocol address, or tele-
 10 phone or facsimile number);

11 “(D) a social security number, driver li-
 12 cense number, passport number, or student
 13 identification number; and

14 “(E) any other information, including date
 15 of birth, racial or ethnic background, or reli-
 16 gious affiliation, that would serve to identify
 17 any individual.”;

18 (12) by inserting after paragraph (22), as re-
 19 designated, the following:

20 “(23) POPULATION SPECIFIC ORGANIZATION.—

21 The term ‘population specific organization’ means a
 22 nonprofit, nongovernmental organization that pri-
 23 marily serves members of a specific underserved
 24 population and has demonstrated experience and ex-

1 pertise providing targeted services to members of
2 that specific underserved population.

3 “(24) POPULATION SPECIFIC SERVICES.—The
4 term ‘population specific services’ means victim-cen-
5 tered services that address the safety, health, eco-
6 nomic, legal, housing, workplace, immigration, con-
7 fidentiality, or other needs of victims of domestic vi-
8 olence, dating violence, sexual assault, or stalking,
9 and that are designed primarily for and are targeted
10 to a specific underserved population.”;

11 (13) in paragraph (25), as redesignated, by
12 striking “services” and inserting “assistance”;

13 (14) in paragraph (26), as redesignated, by
14 striking “52” and inserting “57”;

15 (15) by inserting after paragraph (26), as re-
16 designated, the following:

17 “(27) RAPE CRISIS CENTER.—The term ‘rape
18 crisis center’ means a nonprofit, nongovernmental,
19 or tribal organization, or governmental entity in a
20 State other than a Territory that provides interven-
21 tion and related assistance, as specified in 42 U.S.C.
22 14043g(b)(2)(C), to victims of sexual assault with-
23 out regard to their age. In the case of a govern-
24 mental entity, the entity may not be part of the
25 criminal justice system (such as a law enforcement

agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.”;

(16) in paragraph (28), as redesignated—

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

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

(C) by inserting at the end the following:

“(C) any federally recognized Indian tribe.”;

(17) in paragraph (29), as redesignated, by striking “150,000” and inserting “250,000”;

(18) by inserting after paragraph (29), as redesignated, the following:

“(30) SEX TRAFFICKING.—The term ‘sex trafficking’ means any conduct proscribed by 18 U.S.C. 1591, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.”;

(19) by striking paragraph (31), as redesignated, and inserting the following:

“(31) SEXUAL ASSAULT.—The term ‘sexual assault’ means any nonconsensual sexual act pro-

1 scribed by Federal, tribal, or State law, including
2 when the victim lacks capacity to consent.”;

3 (20) by amending paragraph (41), as redesign-
4 nated, to read as follows:

5 “(41) UNDERSERVED POPULATIONS.—The
6 term ‘underserved populations’ means populations
7 who face barriers in accessing and using victim serv-
8 ices, and includes populations underserved because
9 of geographic location, underserved racial and ethnic
10 populations, populations underserved because of spe-
11 cial needs (such as language barriers, disabilities,
12 alienage status, or age), and any other population
13 determined to be underserved by the Attorney Gen-
14 eral or by the Secretary of Health and Human Serv-
15 ices, as appropriate.”;

16 (21) by inserting after paragraph (41), as re-
17 designated, the following:

18 “(42) UNIT OF LOCAL GOVERNMENT.—The
19 term ‘unit of local government’ means any city,
20 county, township, town, borough, parish, village, or
21 other general purpose political subdivision of a
22 State.”;

23 (22) by striking paragraph (36), as in effect be-
24 fore the amendments made by this subsection, and
25 inserting the following:

1 “(45) VICTIM SERVICES OR SERVICES.—The
 2 terms ‘victim services’ and ‘services’ mean services
 3 provided to victims of domestic violence, dating vio-
 4 lence, sexual assault, or stalking, including tele-
 5 phonic or web-based hotlines, legal advocacy, eco-
 6 nomic advocacy, emergency and transitional shelter,
 7 accompaniment and advocacy through medical, civil
 8 or criminal justice, immigration, and social support
 9 systems, crisis intervention, short-term individual
 10 and group support services, information and refer-
 11 rals, culturally specific services, population specific
 12 services, and other related supportive services.

13 “(46) VICTIM SERVICE PROVIDER.—The term
 14 ‘victim service provider’ means a nonprofit, non-
 15 governmental or tribal organization or rape crisis
 16 center, including a State or tribal coalition, that as-
 17 sists domestic violence, dating violence, sexual as-
 18 sault, or stalking victims, including domestic violence
 19 shelters, faith-based organizations, and other organi-
 20 zations, with a documented history of effective work
 21 concerning domestic violence, dating violence, sexual
 22 assault, or stalking.”; and

23 (23) by striking paragraph (47), as redesign-
 24 nated, and inserting the following:

1 “(47) YOUTH.—The term ‘youth’ means a per-
2 son who is 11 to 20 years old.”.

3 (b) GRANTS CONDITIONS.—Subsection (b) of section
4 40002 of the Violence Against Women Act of 1994 (42
5 U.S.C. 13925(b)) is amended—

6 (1) in paragraph (2)—

7 (A) in subparagraph (B), by striking
8 clauses (i) and (ii) and inserting the following:

9 “(i) disclose, reveal, or release any
10 personally identifying information or indi-
11 vidual information collected in connection
12 with services requested, utilized, or denied
13 through grantees’ and subgrantees’ pro-
14 grams, regardless of whether the informa-
15 tion has been encoded, encrypted, hashed,
16 or otherwise protected; or

17 “(ii) disclose, reveal, or release indi-
18 vidual client information without the in-
19 formed, written, reasonably time-limited
20 consent of the person (or in the case of an
21 unemancipated minor, the minor and the
22 parent or guardian or in the case of legal
23 incapacity, a court-appointed guardian)
24 about whom information is sought, wheth-
25 er for this program or any other Federal,

1 State, tribal, or territorial grant program,
2 except that consent for release may not be
3 given by the abuser of the minor, incapacitated
4 person, or the abuser of the other
5 parent of the minor.

6 If a minor or a person with a legally appointed
7 guardian is permitted by law to receive services
8 without the parent's or guardian's consent, the
9 minor or person with a guardian may release
10 information without additional consent.”;

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

13 “(D) INFORMATION SHARING.—

14 “(i) Grantees and subgrantees may
15 share—

16 “(I) nonpersonally identifying
17 data in the aggregate regarding services
18 to their clients and nonpersonally
19 identifying demographic information
20 in order to comply with Federal,
21 State, tribal, or territorial reporting,
22 evaluation, or data collection requirements;
23

24 “(II) court-generated information
25 and law enforcement-generated information

1 mation contained in secure, govern-
2 mental registries for protection order
3 enforcement purposes; and

4 “(III) law enforcement-generated
5 and prosecution-generated information
6 necessary for law enforcement, intel-
7 ligence, national security, or prosecu-
8 tion purposes.

9 “(ii) In no circumstances may—

10 “(I) an adult, youth, or child vic-
11 tim of domestic violence, dating vio-
12 lence, sexual assault, or stalking be
13 required to provide a consent to re-
14 lease his or her personally identifying
15 information as a condition of eligi-
16 bility for the services provided by the
17 grantee or subgrantee;

18 “(II) any personally identifying
19 information be shared in order to
20 comply with Federal, tribal, or State
21 reporting, evaluation, or data collec-
22 tion requirements, whether for this
23 program or any other Federal, tribal,
24 or State grant program.”;

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

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

5 “(E) STATUTORILY MANDATED REPORTS
 6 OF ABUSE OR NEGLECT.—Nothing in this sec-
 7 tion prohibits a grantee or subgrantee from re-
 8 porting suspected abuse or neglect, as those
 9 terms are defined by law, where specifically
 10 mandated by the State or tribe involved.”; and

11 (E) by inserting after subparagraph (F),
 12 as redesignated, the following:

13 “(G) CONFIDENTIALITY ASSESSMENT AND
 14 ASSURANCES.—Grantees and subgrantees must
 15 document their compliance with the confiden-
 16 tiality and privacy provisions required under
 17 this section.”;

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

20 “(3) APPROVED ACTIVITIES.—In carrying out
 21 the activities under this title, grantees and sub-
 22 grantees may collaborate with, or provide informa-
 23 tion to Federal, State, local, tribal, and territorial
 24 public officials and agencies to develop and imple-
 25 ment policies and develop and promote State, local,

1 or tribal legislation or model codes designed to re-
 2 duce or eliminate domestic violence, dating violence,
 3 sexual assault, and stalking.”;

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

6 “Final reports of such evaluations shall be made
 7 available to the public via the agency’s website.”;
 8 and

9 (4) by inserting after paragraph (11) the fol-
 10 lowing:

11 “(12) DELIVERY OF LEGAL ASSISTANCE.—Any
 12 grantee or subgrantee providing legal assistance with
 13 funds awarded under this title shall comply with the
 14 eligibility requirements in section 1201(d) of the Vi-
 15 olence Against Women Act of 2000 (42 U.S.C.
 16 3796gg–6(d)).

17 “(13) CIVIL RIGHTS.—

18 “(A) NONDISCRIMINATION.—No person in
 19 the United States shall on the basis of actual
 20 or perceived race, color, religion, national ori-
 21 gin, sex, or disability be excluded from partici-
 22 pation in, be denied the benefits of, or be sub-
 23 jected to discrimination under any program or
 24 activity funded in whole or in part with funds
 25 made available under the Violence Against

1 Women Act of 1994 (title IV of Public Law
2 103–322; 108 Stat. 1902), the Violence Against
3 Women Act of 2000 (division B of Public Law
4 106–386; 114 Stat. 1491), the Violence Against
5 Women and Department of Justice Reauthor-
6 ization Act of 2005 (title IX of Public Law
7 109–162; 119 Stat. 3080), the Violence Against
8 Women Reauthorization Act of 2011, and any
9 other program or activity funded in whole or in
10 part with funds appropriated for grants, cooper-
11 ative agreements, and other assistance adminis-
12 tered by the Office on Violence Against Women.

13 “(B) EXCEPTION.—If gender segregation
14 or gender-specific programming is necessary to
15 the essential operation of a program, nothing in
16 this paragraph shall prevent any such program
17 or activity from consideration of an individual’s
18 gender. In such circumstances, alternative rea-
19 sonable accommodations are sufficient to meet
20 the requirements of this paragraph.

21 “(C) DISCRIMINATION.—The provisions of
22 paragraphs (2) through (4) of section 809(c) of
23 the Omnibus Crime Control and Safe Streets
24 Act of 1968 (42 U.S.C. 3789d(c)) apply to vio-
25 lations of subparagraph (A).

1 “(D) CONSTRUCTION.—Nothing contained
2 in this paragraph shall be construed, inter-
3 preted, or applied to supplant, displace, pre-
4 empt, or otherwise diminish the responsibilities
5 and liabilities under other State or Federal civil
6 rights law, whether statutory or common.

7 “(14) CLARIFICATION OF VICTIM SERVICES AND
8 LEGAL ASSISTANCE.—Victim services and legal as-
9 sistance provided under this title may include serv-
10 ices and assistance to victims of domestic violence,
11 dating violence, sexual assault, or stalking who are
12 also victims of severe forms of trafficking in persons
13 as defined by section 103 of the Trafficking Victims
14 Protection Act of 2000 (22 U.S.C. 7102).

15 “(15) ACCOUNTABILITY.—All grants awarded
16 by the Attorney General that are authorized under
17 this Act shall be subject to the following account-
18 ability provisions:

19 “(A) AUDIT REQUIREMENT.—Beginning in
20 fiscal year 2013 , and in each fiscal year there-
21 after, the Inspector General of the Department
22 of Justice shall conduct an audit of not fewer
23 than 10 percent of all recipients of grants
24 under this Act to prevent waste, fraud, and
25 abuse of funds by grantees.

1 “(B) MANDATORY EXCLUSION.—A recipi-
2 ent of grant funds under this Act that is found
3 to have an unresolved audit finding shall not be
4 eligible to receive grant funds under this Act
5 during the 2 fiscal years beginning after the 12-
6 month period described in subparagraph (E).

7 “(C) PRIORITY.—In awarding grants
8 under this Act, the Attorney General shall give
9 priority to eligible entities that, during the 3
10 fiscal years before submitting an application for
11 a grant under this Act, did not have an unre-
12 solved audit finding showing a violation in the
13 terms or conditions of a Department of Justice
14 grant program.

15 “(D) REIMBURSEMENT.—If an entity is
16 awarded grant funds under this Act during the
17 2-fiscal-year period in which the entity is barred
18 from receiving grants under subparagraph (B),
19 the Attorney General shall—

20 “(i) deposit an amount equal to the
21 grant funds that were improperly awarded
22 to the grantee into the General Fund of
23 the Treasury; and

24 “(ii) seek to recoup the costs of the
25 repayment to the fund from the grant re-

1 cipient that was erroneously awarded grant
2 funds.

3 “(E) UNRESOLVED AUDIT FINDING DE-
4 FINED.—In this paragraph, the term ‘unre-
5 solved audit finding’ means an audit report
6 finding, statement, or recommendation that the
7 grantee has utilized grant funds for an unau-
8 thorized expenditure or otherwise unallowable
9 cost that is not closed or resolved within a 12-
10 month period beginning on the date of an initial
11 notification of the finding or recommendation.

12 “(F) NONPROFIT ORGANIZATION REQUIRE-
13 MENTS.—

14 “(i) DEFINITION.—For purposes of
15 this section and the grant programs de-
16 scribed in this Act, the term ‘nonprofit or-
17 ganization’ means an organization that is
18 described in section 501(c)(3) of the Inter-
19 nal Revenue Code of 1986 and is exempt
20 from taxation under section 501(a) of such
21 Code.

22 “(ii) PROHIBITION.—The Attorney
23 General shall not award a grant under any
24 grant program described in this Act to a
25 nonprofit organization that holds money in

1 offshore accounts for the purpose of avoid-
2 ing paying the tax described in section
3 511(a) of the Internal Revenue Code of
4 1986.

5 “(iii) DISCLOSURE.—Each nonprofit
6 organization that is awarded a grant under
7 a grant program described in this Act and
8 uses the procedures prescribed in regula-
9 tions to create a rebuttable presumption of
10 reasonableness for the compensation of its
11 officers, directors, trustees, and key em-
12 ployees, shall disclose to the Attorney Gen-
13 eral, in the application for the grant, the
14 process for determining such compensa-
15 tion, including the independent persons in-
16 volved in reviewing and approving such
17 compensation, the comparability data used,
18 and contemporaneous substantiation of the
19 deliberation and decision. Upon request,
20 the Attorney General shall make the infor-
21 mation disclosed under this subsection
22 available for public inspection.

23 “(G) ADMINISTRATIVE EXPENSES.—Unless
24 otherwise explicitly provided in authorizing leg-
25 islation, not more than 7.5 percent of the

1 amounts authorized to be appropriated under
2 this Act may be used by the Attorney General
3 for salaries and administrative expenses of the
4 Department of Justice.

5 “(H) CONFERENCE EXPENDITURES.—

6 “(i) LIMITATION.—No amounts au-
7 thorized to be appropriated to the Depart-
8 ment of Justice, or Department of Health
9 and Human Services under this Act may
10 be used by the Attorney General, the Sec-
11 retary of Health and Human Services, or
12 by any individual or organization awarded
13 funds under this Act, to host or support
14 any expenditure for conferences, unless in
15 the case of the Department of Justice, the
16 Deputy Attorney General or the appro-
17 priate Assistant Attorney General, or in
18 the case of the Department of Health and
19 Human Services the Deputy Secretary,
20 provides prior written authorization that
21 the funds may be expended to host a con-
22 ference.

23 “(ii) WRITTEN APPROVAL.—Written
24 approval under clause (i) may not be dele-
25 gated and shall include a written estimate

1 of all costs associated with the conference,
 2 including the cost of all food and bev-
 3 erages, audio/visual equipment, honoraria
 4 for speakers, and any entertainment.

5 “(iii) REPORT.—The Deputy Attorney
 6 General and Deputy Secretary shall submit
 7 an annual report to the Committee on the
 8 Judiciary of the Senate and the Committee
 9 on the Judiciary of the House of Rep-
 10 resentatives on all conference expenditures
 11 approved and denied.

12 “(I) PROHIBITION ON LOBBYING ACTIV-
 13 ITY.—

14 “(i) IN GENERAL.—Amounts author-
 15 ized to be appropriated under this Act may
 16 not be utilized by any grant recipient to—

17 “(I) lobby any representative of
 18 the Department of Justice regarding
 19 the award of grant funding; or

20 “(II) lobby any representative of
 21 a Federal, State, local, or tribal gov-
 22 ernment regarding the award of grant
 23 funding.

24 “(ii) PENALTY.—If the Attorney Gen-
 25 eral determines that any recipient of a

1 grant under this Act has violated clause
2 (i), the Attorney General shall—

3 “(I) require the grant recipient
4 to repay the grant in full; and

5 “(II) prohibit the grant recipient
6 from receiving another grant under
7 this Act for not less than 5 years.

8 “(J) ANNUAL CERTIFICATION.—Beginning
9 in the first fiscal year beginning after the date
10 of the enactment of this Act, the Assistant At-
11 torney General for the Office of Justice Pro-
12 grams, the Director of the Office on Violence
13 Against Women, and the Deputy Secretary for
14 Health and Human Services shall submit to the
15 Committee on the Judiciary and the Committee
16 on Appropriations of the Senate and the Com-
17 mittee on the Judiciary and the Committee on
18 Appropriations of the House of Representatives
19 an annual certification that—

20 “(i) all audits issued by the Office of
21 the Inspector General under subparagraph
22 (A) have been completed and reviewed by
23 the Assistant Attorney General for the Of-
24 fice of Justice Programs;

1 “(ii) all mandatory exclusions required
 2 under subparagraph (B) have been issued;
 3 “(iii) all reimbursements required
 4 under subparagraph (D) have been made;
 5 and
 6 “(iv) includes a list of any grant re-
 7 cipients excluded under subparagraph (B)
 8 from the previous year.”.

9 **TITLE I—ENHANCING JUDICIAL**
 10 **AND LAW ENFORCEMENT**
 11 **TOOLS TO COMBAT VIOLENCE**
 12 **AGAINST VICTIMS**

13 **SEC. 101. STOP GRANTS.**

14 Title I of the Omnibus Crime Control and Safe
 15 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amend-
 16 ed—

17 (1) in section 1001(a)(18) (42 U.S.C.
 18 3793(a)(18)), by striking “\$225,000,000 for each of
 19 fiscal years 2007 through 2011” and inserting
 20 “\$222,000,000 for each of fiscal years 2012 through
 21 2016”;

22 (2) in section 2001 (42 U.S.C. 3796gg), by
 23 striking “against women” each place that term ap-
 24 pears and inserting “against victims”;

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

3 (A) in the matter preceding paragraph
4 (1)—

5 (i) by striking “equipment” and in-
6 serting “resources”; and

7 (ii) by inserting “for the protection
8 and safety of victims,” before “and specifi-
9 cally,”;

10 (B) in paragraph (1), by striking “sexual
11 assault” and all that follows through “dating
12 violence” and inserting “domestic violence, dat-
13 ing violence, sexual assault, and stalking”;

14 (C) in paragraph (2), by striking “sexual
15 assault and domestic violence” and inserting
16 “domestic violence, dating violence, sexual as-
17 sault, and stalking”;

18 (D) in paragraph (3), by striking “sexual
19 assault and domestic violence” and inserting
20 “domestic violence, dating violence, sexual as-
21 sault, and stalking, as well as the appropriate
22 treatment of victims”;

23 (E) in paragraph (4)—

24 (i) by striking “sexual assault and do-
25 mestic violence” and inserting “domestic

1 violence, dating violence, sexual assault,
2 and stalking”; and

3 (ii) by inserting “, classifying,” after
4 “identifying”;

5 (F) in paragraph (5)—

6 (i) by inserting “and legal assistance”
7 after “victim services”;

8 (ii) by striking “domestic violence and
9 dating violence” and inserting “domestic
10 violence, dating violence, and stalking”;

11 (iii) by striking “sexual assault and
12 domestic violence” and inserting “domestic
13 violence, dating violence, sexual assault,
14 and stalking”; and

15 (iv) by striking “including crimes”
16 and all that follows and inserting “includ-
17 ing crimes of domestic violence, dating vio-
18 lence, sexual assault, and stalking;”;

19 (G) by striking paragraph (6) and redesign-
20 ating paragraphs (7) through (14) as para-
21 graphs (6) through (13), respectively;

22 (H) in paragraph (6), as redesignated by
23 subparagraph (G), by striking “sexual assault
24 and domestic violence” and inserting “domestic

1 violence, dating violence, sexual assault, and
2 stalking”;

3 (I) in paragraph (7), as redesignated by
4 subparagraph (G), by striking “and dating vio-
5 lence” and inserting “dating violence, and
6 stalking”;

7 (J) in paragraph (9), as redesignated by
8 subparagraph (G), by striking “domestic vio-
9 lence or sexual assault” and inserting “domestic
10 violence, dating violence, sexual assault, or
11 stalking”;

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

14 (i) in subparagraph (A), by striking
15 “triage protocols to ensure that dangerous
16 or potentially lethal cases are identified
17 and prioritized” and inserting “the use of
18 evidence-based indicators to assess the risk
19 of domestic and dating violence homicide
20 and prioritize dangerous or potentially le-
21 thal cases”; and

22 (ii) by striking “and” at the end;

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

1 (i) by striking “to provide” and in-
2 serting “providing”;

3 (ii) by striking “nonprofit nongovern-
4 mental”;

5 (iii) by striking the comma after
6 “local governments”; and

7 (iv) by striking the period at the end
8 and inserting a semicolon;

9 (M) by inserting after paragraph (13), as
10 redesignated by subparagraph (G), the fol-
11 lowing:

12 “(14) developing and promoting State, local, or
13 tribal legislation and policies that enhance best prac-
14 tices for responding to domestic violence, dating vio-
15 lence, sexual assault, and stalking;

16 “(15) developing, implementing, or enhancing
17 Sexual Assault Response Teams, or other similar co-
18 ordinated community responses to sexual assault;

19 “(16) developing and strengthening policies,
20 protocols, best practices, and training for law en-
21 forcement agencies and prosecutors relating to the
22 investigation and prosecution of sexual assault cases
23 and the appropriate treatment of victims;

24 “(17) developing, enlarging, or strengthening
25 programs addressing sexual assault against men,

1 women, and youth in correctional and detention set-
 2 tings;

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

8 “(19) developing, enhancing, or strengthening
 9 prevention and educational programming to address
 10 domestic violence, dating violence, sexual assault, or
 11 stalking, with not more than 5 percent of the
 12 amount allocated to a State to be used for this pur-
 13 pose.”; and

14 (N) in the flush text at the end, by strik-
 15 ing “paragraph (14)” and inserting “paragraph
 16 (13)”;

17 (4) in section 2007 (42 U.S.C. 3796gg-1)—

18 (A) in subsection (a), by striking “non-
 19 profit nongovernmental victim service pro-
 20 grams” and inserting “victim service pro-
 21 viders”;

22 (B) in subsection (b)(6), by striking “(not
 23 including populations of Indian tribes)”;

24 (C) in subsection (c)—

1 (i) by striking paragraph (2) and in-
2 serting the following:

3 “(2) grantees and subgrantees shall develop a
4 plan for implementation and may consult and co-
5 ordinate with—

6 “(A) the State sexual assault coalition;

7 “(B) the State domestic violence coalition;

8 “(C) the law enforcement entities within
9 the State;

10 “(D) prosecution offices;

11 “(E) State and local courts;

12 “(F) Tribal governments in those States
13 with State or federally recognized Indian tribes;

14 “(G) representatives from underserved
15 populations;

16 “(H) victim service providers;

17 “(I) population specific organizations; and

18 “(J) other entities that the State or the
19 Attorney General identifies as needed for the
20 planning process;”;

21 (ii) by striking paragraph (4);

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

24 (iv) by inserting after paragraph (2),
25 as amended by clause (i), the following:

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

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

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

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

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

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

(IV) in subparagraph (C), as redesignated by subclause (II), by striking “culturally specific community based” and inserting “population specific”; and

1 (V) in subparagraph (D) as re-
 2 designated by subclause (II) by strik-
 3 ing “for” and inserting “to”; and
 4 (vi) by adding at the end the fol-
 5 lowing:

6 “(5) not later than 2 years after the date of en-
 7 actment of this Act, and every year thereafter, not
 8 less than 30 percent of the total amount granted to
 9 a State under this part shall be allocated for pro-
 10 grams or projects that meaningfully address sexual
 11 assault, including stranger rape, acquaintance rape,
 12 alcohol or drug-facilitated rape, and rape within the
 13 context of an intimate partner relationship.”;

14 (D) by striking subsection (d) and insert-
 15 ing the following:

16 “(d) APPLICATION REQUIREMENTS.—An application
 17 for a grant under this section shall include—

18 “(1) the certifications of qualification required
 19 under subsection (c);

20 “(2) proof of compliance with the requirements
 21 for the payment of forensic medical exams and judi-
 22 cial notification, described in section 2010;

23 “(3) proof of compliance with the requirements
 24 for paying fees and costs relating to domestic vio-

1 lence and protection order cases, described in section
 2 2011 of this title;

3 “(4) proof of compliance with the requirements
 4 prohibiting polygraph examinations of victims of sex-
 5 ual assault, described in section 2013 of this title;

6 “(5) an implementation plan required under
 7 subsection (i); and

8 “(6) any other documentation that the Attorney
 9 General may require.”;

10 (E) in subsection (e)—

11 (i) in paragraph (2)—

12 (I) in subparagraph (A), by strik-
 13 ing “domestic violence and sexual as-
 14 sault” and inserting “domestic vio-
 15 lence, dating violence, sexual assault,
 16 and stalking”; and

17 (II) in subparagraph (D), by
 18 striking “linguistically and culturally”
 19 and inserting “population”; and

20 (ii) by adding at the end the fol-
 21 lowing:

22 “(3) CONDITIONS.—In disbursing grants under
 23 this part, the Attorney General may impose reason-
 24 able conditions on grant awards to ensure that the

1 States meet statutory, regulatory, and other pro-
2 grams requirements.”;

3 (F) in subsection (f), by striking the period
4 at the end and inserting “, except that, for pur-
5 poses of this subsection, the costs of the
6 projects for victim services or tribes for which
7 there is an exemption under section
8 40002(b)(1) of the Violence Against Women
9 Act of 1994 (42 U.S.C. 13925(b)(1)) shall not
10 count toward the total costs of the projects.”;
11 and

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

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

15 “(1) develop an implementation plan in con-
16 sultation with the entities listed in subsection (c)(2),
17 that identifies how the State will use the funds
18 awarded under this part; and

19 “(2) submit to the Attorney General—

20 “(A) the implementation plan developed
21 under paragraph (1);

22 “(B) documentation from each member of
23 the planning committee as to their participation
24 in the planning process;

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

“(i) the need for the grant funds;

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

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

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

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

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

1 “(F) a description of how the State plans
2 to meet the requirements of subsection (c)(5);

3 “(G) goals and objectives for reducing do-
4 mestic violence-related homicides within the
5 State; and

6 “(H) any other information requested by
7 the Attorney General.”;

8 (5) in section 2010 (42 U.S.C. 3796gg-4)—

9 (A) in subsection (a), by striking para-
10 graph (1) and inserting the following:

11 “(1) IN GENERAL.—A State, Indian tribal gov-
12 ernment, or unit of local government shall not be en-
13 titled to funds under this part unless the State, In-
14 dian tribal government, unit of local government, or
15 another governmental entity—

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

19 “(B) coordinates with health care providers
20 in the region to notify victims of sexual assault
21 of the availability of rape exams at no cost to
22 the victims.”;

23 (B) in subsection (b)—

24 (i) in paragraph (1), by inserting “or”
25 after the semicolon;

1 (ii) in paragraph (2), by striking “;
2 or” and inserting a period; and

3 (iii) by striking paragraph (3);

4 (C) in subsection (c), by striking “, except
5 that such funds” and all that follows and in-
6 serting a period; and

7 (D) by amended subsection (d) to read as
8 follows:

9 “(d) NONCOOPERATION.—

10 “(1) IN GENERAL.—To be in compliance with
11 this section, a State, Indian tribal government, or
12 unit of local government shall comply with sub-
13 section (b) without regard to whether the victim par-
14 ticipates in the criminal justice system or cooperates
15 with law enforcement.

16 “(2) COMPLIANCE PERIOD.—States, territories,
17 and Indian tribal governments shall have 3 years
18 from the date of enactment of this Act to come into
19 compliance with this subsection.”; and

20 (6) in section 2011(a)(1) (42 U.S.C. 3796gg–
21 5(a)(1))—

22 (A) by inserting “modification, enforce-
23 ment, dismissal,” after “registration,” each
24 place it appears; and

1 (B) by striking “domestic violence” and all
 2 that follows through “sexual assault” and in-
 3 serting “domestic violence, dating violence, sex-
 4 ual assault, or stalking”.

5 **SEC. 102. GRANTS TO ENCOURAGE ACCOUNTABILITY POLI-**
 6 **CIES AND ENFORCEMENT OF PROTECTION**
 7 **ORDERS.**

8 (a) IN GENERAL.—Part U of title I of the Omnibus
 9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 10 3796hh et seq.) is amended—

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

12 (A) in subsection (b)—

13 (i) in the matter preceding paragraph
 14 (1), by striking “States,” and all that fol-
 15 lows through “units of local government”
 16 and inserting “grantees”;

17 (ii) in paragraph (1), by inserting
 18 “and enforcement of protection orders
 19 across State and tribal lines but not poli-
 20 cies that mandate the arrest of an indi-
 21 vidual by law enforcement in responding to
 22 an incident of domestic violence in the ab-
 23 sence of probable cause” before the period;

24 (iii) in paragraph (2), by striking
 25 “and training in police departments to im-

1 prove tracking of cases” and inserting
2 “data collection systems, and training in
3 police departments to improve tracking of
4 cases and classification of complaints”;

5 (iv) in paragraph (4), by inserting
6 “and provide the appropriate training and
7 education about domestic violence, dating
8 violence, sexual assault, and stalking” after
9 “computer tracking systems”;

10 (v) in paragraph (5), by inserting
11 “and other victim services” after “legal ad-
12 vocacy service programs”;

13 (vi) in paragraph (6), by striking
14 “judges” and inserting “Federal, State,
15 tribal, territorial, and local judges, courts,
16 and court-based and court-related per-
17 sonnel”;

18 (vii) in paragraph (8), by striking
19 “and sexual assault” and inserting “dating
20 violence, sexual assault, and stalking”;

21 (viii) in paragraph (10), by striking
22 “non-profit, non-governmental victim serv-
23 ices organizations,” and inserting “victim
24 service providers, population specific orga-
25 nizations,”; and

1 (ix) by adding at the end the fol-
2 lowing:

3 “(14) To develop and implement training pro-
4 grams for prosecutors and other prosecution-related
5 personnel regarding best practices to ensure offender
6 accountability, victim safety, and victim consultation
7 in cases involving domestic violence, dating violence,
8 sexual assault, and stalking.

9 “(15) To develop or strengthen policies, proto-
10 cols, and training for law enforcement officers, pros-
11 ecutors, and the judiciary in recognizing, inves-
12 tigating, and prosecuting instances of domestic vio-
13 lence, dating violence, sexual assault, and stalking.

14 “(16) To develop and promote State, local, or
15 tribal legislation and policies that enhance best prac-
16 tices for responding to the crimes of domestic vio-
17 lence, dating violence, sexual assault, and stalking,
18 including the appropriate treatment of victims.

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

23 “(18) To develop, implement, or enhance Sex-
24 ual Assault Response Teams or similar coordinated
25 community responses to sexual assault.

1 “(19) To develop and strengthen policies, proto-
2 cols, and training for law enforcement officers and
3 prosecutors regarding the investigation and prosecu-
4 tion of sexual assault cases and the appropriate
5 treatment of victims.

6 “(20) To provide human immunodeficiency
7 virus testing programs, counseling, and prophylaxis
8 for victims of sexual assault.

9 “(21) To identify and inventory backlogs of sex-
10 ual assault evidence collection kits and to develop
11 protocols for responding to and addressing such
12 backlogs, including policies and protocols for noti-
13 fying and involving victims.

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

17 “(A) using evidence-based indicators to as-
18 sess the risk of homicide and link high-risk vic-
19 tims to immediate crisis intervention services;

20 “(B) identifying and managing high-risk
21 offenders; and

22 “(C) providing ongoing victim advocacy
23 and referrals to comprehensive services includ-
24 ing legal, housing, health care, and economic
25 assistance.”;

1 (B) in subsection (c)—

2 (i) in paragraph (1)—

3 (I) in the matter preceding sub-
4 paragraph (A), by inserting “except
5 for a court,” before “certify”; and

6 (II) by redesignating subpara-
7 graphs (A) and (B) as clauses (i) and
8 (ii), and adjusting the margin accord-
9 ingly;

10 (ii) in paragraph (2), by inserting
11 “except for a court,” before “dem-
12 onstrate”;

13 (iii) in paragraph (4)—

14 (I) by inserting “modification,
15 enforcement, dismissal,” after “reg-
16 istration,” each place it appears;

17 (II) by inserting “dating vio-
18 lence,” after “domestic violence,”; and

19 (III) by striking “and” at the
20 end;

21 (iv) in paragraph (5)—

22 (I) in the matter preceding sub-
23 paragraph (A), by striking “, not later
24 than 3 years after the date of enact-
25 ment of this section,”;

1 (II) by redesignating subpara-
 2 graphs (A) and (B) as clauses (i) and
 3 (ii), and adjusting the margin accord-
 4 ingly;

5 (III) in clause (ii), as redesign-
 6 nated by subclause (III) of this
 7 clause, by striking “subparagraph
 8 (A)” and inserting “clause (i)”; and

9 (IV) by striking the period at the
 10 end and inserting “; and”;

11 (v) by redesignating paragraphs (1)
 12 through (5), as amended by this subpara-
 13 graph, as subparagraphs (A) through (E),
 14 respectively;

15 (vi) in the matter preceding subpara-
 16 graph (A), as redesignated by clause (v) of
 17 this subparagraph—

18 (I) by striking the comma that
 19 immediately follows another comma;
 20 and

21 (II) by striking “grantees are
 22 States” and inserting the following:
 23 “grantees are—

24 “(1) States”; and

1 (vii) by adding at the end the fol-
 2 lowing:

3 “(2) a State, tribal, or territorial domestic vio-
 4 lence or sexual assault coalition or a victim service
 5 provider that partners with a State, Indian tribal
 6 government, or unit of local government that cer-
 7 tifies that the State, Indian tribal government, or
 8 unit of local government meets the requirements
 9 under paragraph (1).”;

10 (C) in subsection (d)—

11 (i) in paragraph (1)—

12 (I) in the matter preceding sub-
 13 paragraph (A), by inserting “, policy,”
 14 after “law”; and

15 (II) in subparagraph (A), by in-
 16 serting “and the defendant is in cus-
 17 tody or has been served with the in-
 18 formation or indictment” before the
 19 semicolon; and

20 (ii) in paragraph (2), by striking “it”
 21 and inserting “its”; and

22 (D) by adding at the end the following:

23 “(f) ALLOCATION FOR SEXUAL ASSAULT.—Of the
 24 amounts appropriated for purposes of this part for each
 25 fiscal year, not less than 30 percent shall be available for

1 projects that address sexual assault, including stranger
 2 rape, acquaintance rape, alcohol or drug-facilitated rape,
 3 and rape within the context of an intimate partner rela-
 4 tionship.”; and

5 (2) in section 2102(a) (42 U.S.C. 3796hh–
 6 1(a))—

7 (A) in paragraph (1), by inserting “court,”
 8 after “tribal government,”; and

9 (B) in paragraph (4), by striking “non-
 10 profit, private sexual assault and domestic vio-
 11 lence programs” and inserting “victim service
 12 providers and, as appropriate, population spe-
 13 cific organizations”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 15 1001(a)(19) of title I of the Omnibus Crime Control and
 16 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is
 17 amended—

18 (1) by striking “\$75,000,000” and all that fol-
 19 lows through “2011.” and inserting “\$73,000,000
 20 for each of fiscal years 2012 through 2016.”; and

21 (2) by striking the period that immediately fol-
 22 lows another period.

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

24 Section 1201 of the Violence Against Women Act of
 25 2000 (42 U.S.C. 3796gg–6) is amended—

1 (1) in subsection (a)—

2 (A) in the first sentence, by striking “aris-
3 ing as a consequence of” and inserting “relat-
4 ing to or arising out of”; and

5 (B) in the second sentence, by inserting
6 “or arising out of” after “relating to”;

7 (2) in subsection (b)—

8 (A) in the heading, by inserting “AND
9 GRANT CONDITIONS” after “DEFINITIONS”;
10 and

11 (B) by inserting “and grant conditions”
12 after “definitions”;

13 (3) in subsection (c)—

14 (A) in paragraph (1), by striking “victims
15 services organizations” and inserting “victim
16 service providers”; and

17 (B) by striking paragraph (3) and insert-
18 ing the following:

19 “(3) to implement, expand, and establish efforts
20 and projects to provide competent, supervised pro
21 bono legal assistance for victims of domestic vio-
22 lence, dating violence, sexual assault, or stalking, ex-
23 cept that not more than 10 percent of the funds
24 awarded under this section may be used for the pur-
25 pose described in this paragraph.”;

1 (4) in subsection (d)—

2 (A) in paragraph (1), by striking “this sec-
3 tion has completed” and all that follows and in-
4 serting the following: “this section—”

5 “(A) has demonstrated expertise in pro-
6 viding legal assistance or advocacy to victims of
7 domestic violence, dating violence, sexual as-
8 sault, or stalking in the targeted population; or

9 “(B)(i) is partnered with an entity or per-
10 son that has demonstrated expertise described
11 in subparagraph (A); and

12 “(ii) has completed, or will complete, train-
13 ing in connection with domestic violence, dating
14 violence, stalking, or sexual assault and related
15 legal issues, including training on evidence-
16 based risk factors for domestic and dating vio-
17 lence homicide;”; and

18 (B) in paragraph (2), by striking “stalking
19 organization” and inserting “stalking victim
20 service provider”; and

21 (5) in subsection (f)(1), by striking “this sec-
22 tion” and all that follows and inserting the fol-
23 lowing: “this section \$41,000,000 for each of fiscal
24 years 2012 through 2016.”.

1 **SEC. 104. CONSOLIDATION OF GRANTS TO SUPPORT FAMI-**
 2 **LIES IN THE JUSTICE SYSTEM.**

3 (a) IN GENERAL.—Title III of division B of the Vic-
 4 tims of Trafficking and Violence Protection Act of 2000
 5 (Public Law 106–386; 114 Stat. 1509) is amended by
 6 striking the section preceding section 1302 (42 U.S.C.
 7 10420), as amended by section 306 of the Violence
 8 Against Women and Department of Justice Reauthoriza-
 9 tion Act of 2005 (Public Law 109–162; 119 Stat. 316),
 10 and inserting the following:

11 **“SEC. 1301. COURT TRAINING AND SUPERVISED VISITATION**
 12 **IMPROVEMENTS.**

13 “(a) IN GENERAL.—The Attorney General may make
 14 grants to States, units of local government, courts (includ-
 15 ing juvenile courts), Indian tribal governments, nonprofit
 16 organizations, legal services providers, and victim services
 17 providers to improve the response of all aspects of the civil
 18 and criminal justice system to families with a history of
 19 domestic violence, dating violence, sexual assault, or stalk-
 20 ing, or in cases involving allegations of child sexual abuse.

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

23 “(1) provide supervised visitation and safe visi-
 24 tation exchange of children and youth by and be-
 25 tween parents in situations involving domestic vio-

1 lence, dating violence, child sexual abuse, sexual as-
2 sault, or stalking;

3 “(2) develop and promote State, local, and trib-
4 al legislation, policies, and best practices for improv-
5 ing civil and criminal court functions, responses,
6 practices, and procedures in cases involving a history
7 of domestic violence or sexual assault, or in cases in-
8 volving allegations of child sexual abuse, including
9 cases in which the victim proceeds pro se;

10 “(3) educate court-based and court-related per-
11 sonnel (including custody evaluators and guardians
12 ad litem) and child protective services workers on
13 the dynamics of domestic violence, dating violence,
14 sexual assault, and stalking, including information
15 on perpetrator behavior, evidence-based risk factors
16 for domestic and dating violence homicide, and on
17 issues relating to the needs of victims, including
18 safety, security, privacy, and confidentiality, includ-
19 ing cases in which the victim proceeds pro se;

20 “(4) provide appropriate resources in juvenile
21 court matters to respond to dating violence, domestic
22 violence, sexual assault (including child sexual
23 abuse), and stalking and ensure necessary services
24 dealing with the health and mental health of victims
25 are available;

1 “(5) enable courts or court-based or court-re-
2 lated programs to develop or enhance—

3 “(A) court infrastructure (such as special-
4 ized courts, consolidated courts, dockets, intake
5 centers, or interpreter services);

6 “(B) community-based initiatives within
7 the court system (such as court watch pro-
8 grams, victim assistants, pro se victim assist-
9 ance programs, or community-based supple-
10 mentary services);

11 “(C) offender management, monitoring,
12 and accountability programs;

13 “(D) safe and confidential information-
14 storage and information-sharing databases
15 within and between court systems;

16 “(E) education and outreach programs to
17 improve community access, including enhanced
18 access for underserved populations; and

19 “(F) other projects likely to improve court
20 responses to domestic violence, dating violence,
21 sexual assault, and stalking;

22 “(6) collect data and provide training and tech-
23 nical assistance, including developing State, local,
24 and tribal model codes and policies, to improve the
25 capacity of grantees and communities to address the

1 civil justice needs of victims of domestic violence,
 2 dating violence, sexual assault, and stalking who
 3 have legal representation, who are proceeding pro se,
 4 or are proceeding with the assistance of a legal advo-
 5 cate; and

6 “(7) to improve training and education to assist
 7 judges, judicial personnel, attorneys, child welfare
 8 personnel, and legal advocates in the civil justice
 9 system.

10 “(c) CONSIDERATIONS.—

11 “(1) IN GENERAL.—In making grants for pur-
 12 poses described in paragraphs (1) through (6) of
 13 subsection (b), the Attorney General shall consider—

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

16 “(B) the extent to which the proposed pro-
 17 grams and services serve underserved popu-
 18 lations;

19 “(C) the extent to which the applicant
 20 demonstrates cooperation and collaboration
 21 with nonprofit, nongovernmental entities in the
 22 local community with demonstrated histories of
 23 effective work on domestic violence, dating vio-
 24 lence, sexual assault, or stalking, including
 25 State or tribal domestic violence coalitions,

1 State or tribal sexual assault coalitions, local
2 shelters, and programs for domestic violence
3 and sexual assault victims; and

4 “(D) the extent to which the applicant
5 demonstrates coordination and collaboration
6 with State, tribal, and local court systems, in-
7 cluding mechanisms for communication and re-
8 ferral.

9 “(2) OTHER GRANTS.—In making grants under
10 subsection (b)(8) the Attorney General shall take
11 into account the extent to which the grantee has ex-
12 pertise addressing the judicial system’s handling of
13 family violence, child custody, child abuse and ne-
14 glect, adoption, foster care, supervised visitation, di-
15 vorce, and parentage.

16 “(d) APPLICANT REQUIREMENTS.—The Attorney
17 General may make a grant under this section to an appli-
18 cant that—

19 “(1) demonstrates expertise in the areas of do-
20 mestic violence, dating violence, sexual assault,
21 stalking, or child sexual abuse, as appropriate;

22 “(2) ensures that any fees charged to individ-
23 uals for use of supervised visitation programs and
24 services are based on the income of those individ-
25 uals, unless otherwise provided by court order;

1 “(3) demonstrates that adequate security meas-
2 ures, including adequate facilities, procedures, and
3 personnel capable of preventing violence, and ade-
4 quate standards are, or will be, in place (including
5 the development of protocols or policies to ensure
6 that confidential information is not shared with
7 courts, law enforcement agencies, or child welfare
8 agencies unless necessary to ensure the safety of any
9 child or adult using the services of a program fund-
10 ed under this section), if the applicant proposes to
11 operate supervised visitation programs and services
12 or safe visitation exchange;

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

19 “(5) certifies that any person providing legal
20 assistance through a program funded under this sec-
21 tion has completed or will complete training on do-
22 mestic violence, dating violence, sexual assault, and
23 stalking, including child sexual abuse, and related
24 legal issues; and

1 “(6) certifies that any person providing custody
2 evaluation or guardian ad litem services through a
3 program funded under this section has completed or
4 will complete training developed with input from and
5 in collaboration with a tribal, State, territorial, or
6 local domestic violence, dating violence, sexual as-
7 sault, or stalking organization or coalition on the dy-
8 namics of domestic violence and sexual assault, in-
9 cluding child sexual abuse, that includes training on
10 how to review evidence of past abuse and the use of
11 evidenced-based theories to make recommendations
12 on custody and visitation.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$22,000,000 for each of fiscal years 2012 through 2016.
16 Amounts appropriated pursuant to this subsection shall
17 remain available until expended.

18 “(f) ALLOTMENT FOR INDIAN TRIBES.—

19 “(1) IN GENERAL.—Not less than 10 percent of
20 the total amount available under this section for
21 each fiscal year shall be available for grants under
22 the program authorized by section 3796gg–10 of
23 this title.

1 “(2) APPLICABILITY OF PART.—The require-
 2 ments of this section shall not apply to funds allo-
 3 cated for the program described in paragraph (1).”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 5 Subtitle J of the Violence Against Women Act of 1994
 6 (42 U.S.C. 14043 et seq.) is repealed.

7 **SEC. 105. SEX OFFENDER MANAGEMENT.**

8 Section 40152(c) of the Violence Against Women Act
 9 of 1994 (42 U.S.C. 13941) is amended by striking
 10 “\$5,000,000” and all that follows and inserting
 11 “\$5,000,000 for each of fiscal years 2012 through 2016.”.

12 **SEC. 106. COURT-APPOINTED SPECIAL ADVOCATE PRO-**
 13 **GRAM.**

14 Subtitle B of title II of the Crime Control Act of 1990
 15 (42 U.S.C. 13011 et seq.) is amended—

16 (1) in section 216 (42 U.S.C. 13012), by strik-
 17 ing “January 1, 2010” and inserting “January 1,
 18 2015”;

19 (2) in section 217 (42 U.S.C. 13013)—

20 (A) by striking “Code of Ethics” in section
 21 (c)(2) and inserting “Standards for Programs”;
 22 and

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

24 “(e) REPORTING.—An organization that receives a
 25 grant under this section for a fiscal year shall submit to

1 the Administrator a report regarding the use of the grant
 2 for the fiscal year, including a discussion of outcome per-
 3 formance measures (which shall be established by the Ad-
 4 ministrator) to determine the effectiveness of the pro-
 5 grams of the organization in meeting the needs of children
 6 in the child welfare system.”; and

7 (3) in section 219(a) (42 U.S.C. 13014(a)), by
 8 striking “fiscal years 2007 through 2011” and in-
 9 serting “fiscal years 2012 through 2016”.

10 **SEC. 107. CRIMINAL PROVISION RELATING TO STALKING,**
 11 **INCLUDING CYBERSTALKING.**

12 Section 2261A of title 18, United States Code, is
 13 amended to read as follows:

14 **“§ 2261A. Stalking**

15 “Whoever—

16 “(1) travels in interstate or foreign commerce
 17 or is present within the special maritime and terri-
 18 torial jurisdiction of the United States, or enters or
 19 leaves Indian country, with the intent to kill, injure,
 20 harass, intimidate, or place under surveillance with
 21 intent to kill, injure, harass, or intimidate another
 22 person, and in the course of, or as a result of, such
 23 travel or presence engages in conduct that—

24 “(A) places that person in reasonable fear
 25 of the death of, or serious bodily injury to—

1 “(i) that person;

2 “(ii) an immediate family member (as
3 defined in section 115) of that person; or

4 “(iii) a spouse or intimate partner of
5 that person; or

6 “(B) causes, attempts to cause, or would
7 be reasonably expected to cause substantial
8 emotional distress to a person described in
9 clause (i), (ii), or (iii) of subparagraph (A); or

10 “(2) with the intent to kill, injure, harass, in-
11 timidate, or place under surveillance with intent to
12 kill, injure, harass, or intimidate another person,
13 uses the mail, any interactive computer service or
14 electronic communication service or electronic com-
15 munication system of interstate commerce, or any
16 other facility of interstate or foreign commerce to
17 engage in a course of conduct that—

18 “(A) places that person in reasonable fear
19 of the death of or serious bodily injury to a per-
20 son described in clause (i), (ii), or (iii) of para-
21 graph (1)(A); or

22 “(B) causes, attempts to cause, or would
23 be reasonably expected to cause substantial
24 emotional distress to a person described in
25 clause (i), (ii), or (iii) of paragraph (1)(A),

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

3 **SEC. 108. OUTREACH AND SERVICES TO UNDERSERVED**
 4 **POPULATIONS GRANT.**

5 Section 120 of the Violence Against Women and De-
 6 partment of Justice Reauthorization Act of 2005 (42
 7 U.S.C. 14045) is amended to read as follows:

8 **“SEC. 120. GRANTS FOR OUTREACH AND SERVICES TO UN-**
 9 **DERSERVED POPULATIONS.**

10 “(a) GRANTS AUTHORIZED.—

11 “(1) IN GENERAL.—Of the amounts appro-
 12 priated under the grant programs identified in para-
 13 graph (2), the Attorney General shall take 2 percent
 14 of such appropriated amounts and combine them to
 15 award grants to eligible entities described in sub-
 16 section (b) of this section to develop and implement
 17 outreach strategies targeted at adult, or youth, vic-
 18 tims of domestic violence, dating violence, sexual as-
 19 sault, or stalking in underserved populations and to
 20 provide victim services to meet the needs of adult
 21 and youth victims of domestic violence, dating vio-
 22 lence, sexual assault, and stalking in underserved
 23 populations. The requirements of the grant pro-
 24 grams identified in paragraph (3) shall not apply to
 25 this grant program.

1 “(2) PROGRAMS COVERED.—The programs cov-
2 ered by paragraph (2) are the programs carried out
3 under the following provisions:

4 “(A) Section 2001 of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (STOP
6 Grants).

7 “(B) Section 2101 of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (Grants
9 to Encourage Accountability Policies).

10 “(b) ELIGIBLE ENTITIES.—Eligible entities under
11 this section are—

12 “(1) population specific organizations that have
13 demonstrated experience and expertise in providing
14 population specific services in the relevant under-
15 served communities or population specific organiza-
16 tions working in partnership with a victim service
17 provider or domestic violence or sexual assault coal-
18 tion;

19 “(2) victim service providers offering population
20 specific services for a specific underserved popu-
21 lation; or

22 “(3) victim service providers working in part-
23 nership with a national, State, or local organization
24 that has demonstrated experience and expertise in

1 providing population specific services in the relevant
2 underserved population.

3 “(c) PLANNING GRANTS.—The Attorney General
4 may use up to 20 percent of funds available under this
5 section to make one-time planning grants to eligible enti-
6 ties to support the planning and development of specially
7 designed and targeted programs for adult and youth vic-
8 tims in one or more underserved populations, including—

9 “(1) identifying, building and strengthening
10 partnerships with potential collaborators within un-
11 derserved populations, Federal, State, tribal, terri-
12 torial or local government entities, and public and
13 private organizations;

14 “(2) conducting a needs assessment of the com-
15 munity and the targeted underserved population or
16 populations to determine what the barriers are to
17 service access and what factors contribute to those
18 barriers, using input from the targeted underserved
19 population or populations;

20 “(3) identifying promising prevention, outreach
21 and intervention strategies for victims from a tar-
22 geted underserved population or populations; and

23 “(4) developing a plan, with the input of the
24 targeted underserved population or populations, for
25 implementing prevention, outreach and intervention

1 strategies to address the barriers to accessing serv-
2 ices, promoting community engagement in the pre-
3 vention of domestic violence, dating violence, sexual
4 assault, and stalking within the targeted under-
5 served populations, and evaluating the program.

6 “(d) IMPLEMENTATION GRANTS.—The Attorney
7 General shall make grants to eligible entities for the pur-
8 pose of providing or enhancing population specific out-
9 reach and services to adult and youth victims in one or
10 more underserved populations, including—

11 “(1) working with Federal, State, tribal, terri-
12 torial and local governments, agencies, and organiza-
13 tions to develop or enhance population specific vic-
14 tim services;

15 “(2) strengthening the capacity of underserved
16 populations to provide population specific victim
17 services;

18 “(3) strengthening the capacity of traditional
19 victim service providers to provide population spe-
20 cific services;

21 “(4) strengthening the effectiveness of criminal
22 and civil justice interventions by providing training
23 for law enforcement, prosecutors, judges and other
24 court personnel on domestic violence, dating vio-

1 lence, sexual assault, or stalking in underserved pop-
2 ulations; or

3 “(5) working in cooperation with an under-
4 served population to develop and implement out-
5 reach, education, prevention, and intervention strate-
6 gies that highlight available resources and the spe-
7 cific issues faced by victims of domestic violence,
8 dating violence, sexual assault, or stalking from un-
9 derserved populations.

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

15 “(f) REPORTS.—Each eligible entity receiving a grant
16 under this section shall submit to the Director of the Of-
17 fice on Violence Against Women a report that describes
18 the activities carried out with grant funds.

19 “(g) AUTHORIZATION OF APPROPRIATIONS.—In ad-
20 dition to the funds identified in subsection (a)(1), there
21 are authorized to be appropriated to carry out this section
22 \$2,000,000 for each of fiscal years 2012 through 2016.

23 “(h) DEFINITIONS AND GRANT CONDITIONS.—In
24 this section the definitions and grant conditions in section

1 40002 of the Violence Against Women Act of 1994 (42
2 U.S.C. 13925) shall apply.”.

3 **SEC. 109. CULTURALLY SPECIFIC SERVICES GRANT.**

4 Section 121 of the Violence Against Women and De-
5 partment of Justice Reauthorization Act of 2005 (42
6 U.S.C. 14045a) is amended—

7 (1) in the section heading, by striking “**AND**
8 **LINGUISTICALLY**”;

9 (2) by striking “and linguistically” each place it
10 appears;

11 (3) by striking “and linguistic” each place it
12 appears;

13 (4) by striking subsection (a)(2) and inserting:

14 “(2) PROGRAMS COVERED.—The programs cov-
15 ered by paragraph (1) are the programs carried out
16 under the following provisions:

17 “(A) Section 2101 of the Omnibus Crime
18 Control and Safe Streets Act of 1968 (Grants
19 to Encourage Accountability Policies and En-
20 forcement of Protection Orders).

21 “(B) Section 1401 of division B of the Vic-
22 tims of Trafficking and Violence Protection Act
23 of 2000 (42 U.S.C. 3796gg–6) (Legal Assist-
24 ance for Victims).

1 “(C) Section 40295 of the Violence
 2 Against Women Act of 1994 (42 U.S.C. 13971)
 3 (Rural Domestic Violence, Dating Violence,
 4 Sexual Assault, Stalking, and Child Abuse En-
 5 forcement Assistance).

6 “(D) Section 40802a of the Violence
 7 Against Women Act of 1994 (42 U.S.C.
 8 14041a) (Enhanced Training and Services to
 9 End Violence Against Women Later in Life).

10 “(E) Section 1402 of division B of the Vic-
 11 tims of Trafficking and Violence Protection Act
 12 of 2000 (42 U.S.C. 3796gg–7) (Education,
 13 Training, and Enhanced Services to End Vio-
 14 lence Against and Abuse of Women with Dis-
 15 abilities).”; and

16 (5) in subsection (g), by striking “linguistic
 17 and”.

18 **SEC. 110. REAUTHORIZATION OF CHILD ABUSE TRAINING**
 19 **PROGRAMS FOR JUDICIAL PERSONNEL AND**
 20 **PRACTITIONERS.**

21 Section 224(a) of the Victims of Child Abuse Act of
 22 1990 (42 U.S.C. 13024(a)) is amended by striking
 23 “\$2,300,000” and all that follows and inserting
 24 “\$2,300,000 for each of fiscal years 2012 through 2016.”.

1 **SEC. 111. OFFSET OF RESTITUTION AND OTHER STATE JU-**
 2 **DICIAL DEBTS AGAINST INCOME TAX RE-**
 3 **FUND.**

4 (a) IN GENERAL.—Section 6402 of the Internal Rev-
 5 enue Code of 1986 (relating to authority to make credits
 6 or refunds) is amended—

7 (1) by redesignating subsections (g) through (l)
 8 as subsections (h) through (m), respectively; and

9 (2) by inserting after subsection (f) the fol-
 10 lowing:

11 “(g) COLLECTION OF PAST-DUE, LEGALLY EN-
 12 FORCEABLE RESTITUTION AND OTHER STATE JUDICIAL
 13 DEBTS.—

14 “(1) IN GENERAL.—In any State which wishes
 15 to collect past-due, legally enforceable State judicial
 16 debts, the chief justice of the State’s highest court
 17 shall designate a single State entity to communicate
 18 judicial debt information to the Secretary. In mak-
 19 ing such designation, the chief justice of the State’s
 20 highest court shall select, whenever practicable, a
 21 relevant State official or agency responsible under
 22 State law for collecting the State’s income tax or
 23 other statewide excise at the time of the designation.
 24 Upon receiving notice from a State designated entity
 25 that a named person owes a past-due, legally en-
 26 forceable State judicial debt to or in such State, the

1 Secretary shall, under such conditions as may be
2 prescribed by the Secretary—

3 “(A) reduce the amount of any overpay-
4 ment payable to such person by the amount of
5 such State judicial debt;

6 “(B) pay the amount by which such over-
7 payment is reduced under subparagraph (A) to
8 such State designated entity and notify such
9 State designated entity of such person’s name,
10 taxpayer identification number, address, and
11 the amount collected; and

12 “(C) notify the person making such over-
13 payment that the overpayment has been re-
14 duced by an amount necessary to satisfy a past-
15 due, legally enforceable State judicial debt.

16 If an offset is made pursuant to a joint return, the
17 notice under subparagraph (B) shall include the
18 names, taxpayer identification numbers, and ad-
19 dresses of each person filing such return.

20 “(2) PRIORITIES FOR OFFSET.—Any overpay-
21 ment by a person shall be reduced pursuant to this
22 subsection—

23 “(A) after such overpayment is reduced
24 pursuant to—

1 “(i) subsection (a) with respect to any
 2 liability for any internal revenue tax on the
 3 part of the person who made the overpay-
 4 ment;

5 “(ii) subsection (c) with respect to
 6 past-due support;

7 “(iii) subsection (d) with respect to
 8 any past-due, legally enforceable debt owed
 9 to a Federal agency; and

10 “(iv) subsection (e) with respect to
 11 any past-due, legally enforceable State in-
 12 come tax obligations; and

13 “(B) before such overpayment is credited
 14 to the future liability for any Federal internal
 15 revenue tax of such person pursuant to sub-
 16 section (b).

17 If the Secretary receives notice from 1 or more State
 18 designated entities of more than 1 debt subject to
 19 paragraph (1) that is owed by such person to such
 20 State agency or State judicial branch, any overpay-
 21 ment by such person shall be applied against such
 22 debts in the order in which such debts accrued.

23 “(3) NOTICE; CONSIDERATION OF EVIDENCE.—
 24 Rules similar to the rules of subsection (e)(4) shall
 25 apply with respect to debts under this subsection.

1 “(4) PAST-DUE, LEGALLY ENFORCEABLE STATE
2 JUDICIAL DEBT.—

3 “(A) IN GENERAL.—For purposes of this
4 subsection, the term ‘past-due, legally enforce-
5 able State judicial debt’ means a debt—

6 “(i) which resulted from a judgment
7 or sentence rendered by any court or tri-
8 bunal of competent jurisdiction which—

9 “(I) handles criminal or traffic
10 cases in the State; and

11 “(II) has determined an amount
12 of State judicial debt to be due; and

13 “(ii) which resulted from a State judi-
14 cial debt which has been assessed and is
15 past-due but not collected.

16 “(B) STATE JUDICIAL DEBT.—For pur-
17 poses of this paragraph, the term ‘State judicial
18 debt’ includes court costs, fees, fines, assess-
19 ments, restitution to victims of crime, and other
20 monies resulting from a judgment or sentence
21 rendered by any court or tribunal of competent
22 jurisdiction handling criminal or traffic cases in
23 the State.

24 “(5) REGULATIONS.—The Secretary shall issue
25 regulations prescribing the time and manner in

1 which State designated entities must submit notices
2 of past-due, legally enforceable State judicial debts
3 and the necessary information that must be con-
4 tained in or accompany such notices. The regula-
5 tions shall specify the types of State judicial monies
6 and the minimum amount of debt to which the re-
7 duction procedure established by paragraph (1) may
8 be applied. The regulations shall require State des-
9 ignated entities to pay a fee to reimburse the Sec-
10 retary for the cost of applying such procedure. Any
11 fee paid to the Secretary pursuant to the preceding
12 sentence shall be used to reimburse appropriations
13 which bore all or part of the cost of applying such
14 procedure.

15 “(6) ERRONEOUS PAYMENT TO STATE.—Any
16 State designated entity receiving notice from the
17 Secretary that an erroneous payment has been made
18 to such State designated entity under paragraph (1)
19 shall pay promptly to the Secretary, in accordance
20 with such regulations as the Secretary may pre-
21 scribe, an amount equal to the amount of such erro-
22 neous payment (without regard to whether any other
23 amounts payable to such State designated entity
24 under such paragraph have been paid to such State
25 designated entity).”.

1 (b) DISCLOSURE OF RETURN INFORMATION.—Sec-
 2 tion 6103(l)(10) of the Internal Revenue Code of 1986
 3 (relating to disclosure of certain information to agencies
 4 requesting a reduction under subsection (c), (d), (e), or
 5 (f) of section 6402) is amended by striking “or (f)” each
 6 place it appears in the text and heading and inserting “(f),
 7 or (g)”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 6402(a) of the Internal Revenue
 10 Code of 1986 is amended by striking “and (f)” and
 11 inserting “(f), and (g),”.

12 (2) Paragraph (2) of section 6402(d) of such
 13 Code is amended by striking “subsections (e) and
 14 (f)” and inserting “subsections (e), (f), and (g)”.

15 (3) Paragraph (3)(B) of section 6402(e) of
 16 such Code is amended to read as follows:

17 “(B) before such overpayment is—

18 “(i) reduced pursuant to subsection
 19 (g) with respect to past-due, legally en-
 20 forceable State judicial debts, and

21 “(ii) credited to the future liability for
 22 any Federal internal revenue tax of such
 23 person pursuant to subsection (b).”.

1 (4) Section 6402(h) of such Code, as so reded-
 2 ignated, is amended by striking “or (f)” and insert-
 3 ing “(f), or (g)”.

4 (5) Section 6402(j) of such Code, as so redesign-
 5 ated, is amended by striking “or (f)” and inserting
 6 “(f), or (g)”.

7 (d) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply to refunds payable for taxable
 9 years beginning after December 31, 2011.

10 **TITLE II—IMPROVING SERVICES**
 11 **FOR VICTIMS OF DOMESTIC**
 12 **VIOLENCE, DATING VIO-**
 13 **LENCE, SEXUAL ASSAULT,**
 14 **AND STALKING**

15 **SEC. 201. SEXUAL ASSAULT SERVICES PROGRAM.**

16 (a) GRANTS TO STATES AND TERRITORIES.—Section
 17 41601(b) of the Violence Against Women Act of 1994 (42
 18 U.S.C. 14043g(b)) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “governmental and non-
 21 governmental”; and

22 (B) by striking “other programs” and all
 23 that follows and inserting “other nongovern-
 24 mental or tribal programs and projects to assist
 25 individuals who have been victimized by sexual

1 assault, without regard to the age of the indi-
 2 vidual.”; and

3 (2) in paragraph (2)—

4 (A) in subparagraph (B), by striking “non-
 5 profit, nongovernmental organizations for pro-
 6 grams and activities” and inserting “nongovern-
 7 mental or tribal programs and activities”; and

8 (B) in subparagraph (C)(v), by striking
 9 “linguistically and”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 11 41601(f)(1) of the Violence Against Women Act of 1994
 12 (42 U.S.C. 14043g(f)(1)) is amended by striking
 13 “\$50,000,000 to remain available until expended for each
 14 of the fiscal years 2007 through 2011” and inserting
 15 “\$40,000,000 to remain available until expended for each
 16 of fiscal years 2012 through 2016”.

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

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

22 (1) in subsection (a)(1)(H), by inserting “, in-
 23 cluding sexual assault forensic examiners” before the
 24 semicolon;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) by striking “victim advocacy
3 groups” and inserting “victim service pro-
4 viders”; and

5 (ii) by inserting “, including devel-
6 oping multidisciplinary teams focusing on
7 high risk cases with the goal of preventing
8 domestic and dating violence homicides”
9 before the semicolon;

10 (B) in paragraph (2)—

11 (i) by striking “and other long- and
12 short-term assistance” and inserting “legal
13 assistance, and other long-term and short-
14 term victim and population specific serv-
15 ices”; and

16 (ii) by striking “and” at the end;

17 (C) in paragraph (3), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (D) by adding at the end the following:

20 “(4) developing, enlarging, or strengthening
21 programs addressing sexual assault, including sexual
22 assault forensic examiner programs, Sexual Assault
23 Response Teams, law enforcement training, and pro-
24 grams addressing rape kit backlogs.”; and

1 (3) in subsection (e)(1), by striking
 2 “\$55,000,000 for each of the fiscal years 2007
 3 through 2011” and inserting “\$50,000,000 for each
 4 of fiscal years 2012 through 2016”.

5 **SEC. 203. TRAINING AND SERVICES TO END VIOLENCE**
 6 **AGAINST WOMEN WITH DISABILITIES**
 7 **GRANTS.**

8 Section 1402 of division B of the Victims of Traf-
 9 ficking and Violence Protection Act of 2000 (42 U.S.C.
 10 3796gg-7) is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (1), by inserting “(in-
 13 cluding using evidence-based indicators to as-
 14 sess the risk of domestic and dating violence
 15 homicide)” after “risk reduction”;

16 (B) in paragraph (4), by striking “victim
 17 service organizations” and inserting “victim
 18 service providers”; and

19 (C) in paragraph (5), by striking “victim
 20 services organizations” and inserting “victim
 21 service providers”;

22 (2) in subsection (c)(1)(D), by striking “non-
 23 profit and nongovernmental victim services organiza-
 24 tion, such as a State” and inserting “victim service
 25 provider, such as a State or tribal”; and

1 (3) in subsection (e), by striking “\$10,000,000
2 for each of the fiscal years 2007 through 2011” and
3 inserting “\$9,000,000 for each of fiscal years 2012
4 through 2016”.

5 **SEC. 204. GRANT FOR TRAINING AND SERVICES TO END VI-**
6 **OLENCE AGAINST WOMEN IN LATER LIFE.**

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

9 **“SEC. 40802. GRANT FOR TRAINING AND SERVICES TO END**
10 **VIOLENCE AGAINST WOMEN IN LATER LIFE.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘eligible entity’ means an entity
13 that—

14 “(A) is—

15 “(i) a State;

16 “(ii) a unit of local government;

17 “(iii) a tribal government or tribal or-
18 ganization;

19 “(iv) a population specific organiza-
20 tion with demonstrated experience in as-
21 sisting individuals in later life;

22 “(v) a victim service provider; or

23 “(vi) a State, tribal, or territorial do-
24 mestic violence or sexual assault coalition;
25 and

1 “(B) is partnered with—

2 “(i) a law enforcement agency;

3 “(ii) an office of a prosecutor;

4 “(iii) a victim service provider; or

5 “(iv) a nonprofit program or govern-

6 ment agency with demonstrated experience

7 in assisting individuals in later life;

8 “(2) the term ‘exploitation’ means domestic vio-
9 lence, dating violence, sexual assault, or stalking;

10 “(3) the term ‘later life’, relating to an indi-
11 vidual, means the individual is 60 years of age or
12 older; and

13 “(4) the term ‘neglect’ means the failure of a
14 caregiver or fiduciary to provide the goods or serv-
15 ices that are necessary to maintain the health or
16 safety of an individual in later life.

17 “(b) GRANT PROGRAM.—

18 “(1) GRANTS AUTHORIZED.—The Attorney
19 General may make grants to eligible entities to carry
20 out the activities described in paragraph (2).

21 “(2) MANDATORY AND PERMISSIBLE ACTIVI-
22 TIES.—

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

1 “(i) provide training programs to as-
2 sist law enforcement agencies, prosecutors,
3 agencies of States or units of local govern-
4 ment, population specific organizations,
5 victim service providers, victim advocates,
6 and relevant officers in Federal, tribal,
7 State, territorial, and local courts in recog-
8 nizing and addressing instances of elder
9 abuse;

10 “(ii) provide or enhance services for
11 victims of elder abuse;

12 “(iii) establish or support multidisci-
13 plinary collaborative community responses
14 to victims of elder abuse; and

15 “(iv) conduct cross-training for law
16 enforcement agencies, prosecutors, agen-
17 cies of States or units of local government,
18 attorneys, health care providers, population
19 specific organizations, faith-based advo-
20 cates, victim service providers, and courts
21 to better serve victims of elder abuse.

22 “(B) PERMISSIBLE ACTIVITIES.—An eligi-
23 ble entity receiving a grant under this section
24 may use not more than 10 percent of the funds
25 received under the grant to—

1 “(i) provide training programs to as-
 2 sist attorneys, health care providers, faith-
 3 based leaders, or other community-based
 4 organizations in recognizing and address-
 5 ing instances of elder abuse; or

6 “(ii) conduct outreach activities and
 7 awareness campaigns to ensure that vic-
 8 tims of elder abuse receive appropriate as-
 9 sistance.

10 “(3) UNDERSERVED POPULATIONS.—In making
 11 grants under this section, the Attorney General shall
 12 give priority to proposals providing culturally spe-
 13 cific or population specific services.

14 “(4) AUTHORIZATION OF APPROPRIATIONS.—
 15 There is authorized to be appropriated to carry out
 16 this section \$9,000,000 for each of fiscal years 2012
 17 through 2016.”.

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

22 **SEC. 301. RAPE PREVENTION EDUCATION GRANT.**

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

25 (1) in subsection (a)—

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

4 (B) in paragraph (6), by inserting “and al-
 5 cohol” after “about drugs”; and

6 (2) in subsection (c)(1), by striking
 7 “\$80,000,000 for each of fiscal years 2007 through
 8 2011” and inserting “\$50,000,000 for each of fiscal
 9 years 2012 through 2016”.

10 **SEC. 302. CREATING HOPE THROUGH OUTREACH, OPTIONS,**
 11 **SERVICES, AND EDUCATION FOR CHILDREN**
 12 **AND YOUTH.**

13 (a) IN GENERAL.—Subtitle L of the Violence Against
 14 Women Act of 1994 is amended by striking sections
 15 41201 through 41204 (42 U.S.C. 14043c through
 16 14043c–3) and inserting the following:

17 **“SEC. 41201. CREATING HOPE THROUGH OUTREACH, OP-**
 18 **TIONS, SERVICES, AND EDUCATION FOR**
 19 **CHILDREN AND YOUTH (‘CHOOSE CHILDREN**
 20 **& YOUTH’).**

21 “(a) GRANTS AUTHORIZED.—The Attorney General,
 22 working in collaboration with the Secretary of Health and
 23 Human Services and the Secretary of Education, shall
 24 award grants to enhance the safety of youth and children
 25 who are victims of, or exposed to, domestic violence, dating

1 violence, sexual assault, or stalking and prevent future vio-
 2 lence.

3 “(b) PROGRAM PURPOSES.—Funds provided under
 4 this section may be used for the following program pur-
 5 pose areas:

6 “(1) SERVICES TO ADVOCATE FOR AND RE-
 7 SPOND TO YOUTH.—To develop, expand, and
 8 strengthen victim-centered interventions and services
 9 that target youth who are victims of domestic vio-
 10 lence, dating violence, sexual assault, and stalking.
 11 Services may include victim services, counseling, ad-
 12 vocacy, mentoring, educational support, transpor-
 13 tation, legal assistance in civil, criminal and admin-
 14 istrative matters, such as family law cases, housing
 15 cases, child welfare proceedings, campus administra-
 16 tive proceedings, and civil protection order pro-
 17 ceedings, services to address the co-occurrence of sex
 18 trafficking, population-specific services, and other
 19 activities that support youth in finding safety, sta-
 20 bility, and justice and in addressing the emotional,
 21 cognitive, and physical effects of trauma. Funds may
 22 be used to—

23 “(A) assess and analyze currently available
 24 services for youth victims of domestic violence,
 25 dating violence, sexual assault, and stalking, de-

termining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

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

“(C) provide technical assistance and training to enhance the ability of school personnel, victim service providers, child protective service workers, staff of law enforcement agencies, prosecutors, court personnel, individuals who work in after school programs, medical personnel, social workers, mental health personnel, and workers in other programs that serve children and youth to improve their ability to appropriately respond to the needs of children and youth who are victims of domestic violence, dating violence, sexual assault, stalking, as well as runaway and homeless youth, and to properly refer such children, youth, and their families to appropriate services.

“(2) SUPPORTING YOUTH THROUGH EDUCATION AND PROTECTION.—To enable middle

1 schools, high schools, and institutions of higher edu-
2 cation to—

3 “(A) provide training to school personnel,
4 including healthcare providers and security per-
5 sonnel, on the needs of students who are vic-
6 tims of domestic violence, dating violence, sex-
7 ual assault, or stalking;

8 “(B) develop and implement prevention
9 and intervention policies in middle and high
10 schools, including appropriate responses to, and
11 identification and referral procedures for, stu-
12 dents who are experiencing or perpetrating do-
13 mestic violence, dating violence, sexual assault,
14 or stalking, and procedures for handling the re-
15 quirements of court protective orders issued to
16 or against students;

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

21 “(D) provide scientifically valid educational
22 programming for students regarding domestic
23 violence, dating violence, sexual assault, and
24 stalking that is produced by accredited entities;
25 or

1 “(E) develop strategies to increase identi-
 2 fication, support, referrals, and prevention pro-
 3 gramming for youth who are at high risk of do-
 4 mestic violence, dating violence, sexual assault,
 5 or stalking.

6 “(c) ELIGIBLE APPLICANTS.—

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

9 “(A) a victim service provider, tribal non-
 10 profit, or population-specific or community-
 11 based organization with a demonstrated history
 12 of effective work addressing the needs of youth,
 13 including runaway or homeless youth, who are
 14 victims of domestic violence, dating violence,
 15 sexual assault, or stalking; or

16 “(B) a victim service provider that is
 17 partnered with an entity that has a dem-
 18 onstrated history of effective work addressing
 19 the needs of youth.

20 “(2) PARTNERSHIPS.—

21 “(A) EDUCATION.—To be eligible to re-
 22 ceive a grant for the purposes described in sub-
 23 section (b)(2), an entity described in paragraph
 24 (1) shall be partnered with a public, charter,
 25 tribal, or nationally accredited private middle or

1 high school, a school administered by the De-
2 partment of Defense under section 2164 of title
3 10, United States Code or section 1402 of the
4 Defense Dependents' Education Act of 1978, a
5 group of schools, a school district, or an institu-
6 tion of higher education.

7 “(B) OTHER PARTNERSHIPS.—All appli-
8 cants under this section are encouraged to work
9 in partnership with organizations and agencies
10 that work with the relevant population. Such
11 entities may include—

12 “(i) a State, tribe, unit of local gov-
13 ernment, or territory;

14 “(ii) a population specific or commu-
15 nity-based organization;

16 “(iii) batterer intervention programs
17 or sex offender treatment programs with
18 specialized knowledge and experience work-
19 ing with youth offenders; or

20 “(iv) any other agencies or nonprofit,
21 nongovernmental organizations with the
22 capacity to provide effective assistance to
23 the adult, youth, and child victims served
24 by the partnership.

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

4 “(1) require and include appropriate referral
5 systems for child and youth victims;

6 “(2) protect the confidentiality and privacy of
7 child and youth victim information, particularly in
8 the context of parental or third party involvement
9 and consent, mandatory reporting duties, and work-
10 ing with other service providers all with priority on
11 victim safety and autonomy; and

12 “(3) ensure that all individuals providing inter-
13 vention or prevention programming to children or
14 youth through a program funded under this section
15 have completed, or will complete, sufficient training
16 in connection with domestic violence, dating violence,
17 sexual assault, and stalking.

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

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section
23 \$15,000,000 for each of fiscal years 2012 through 2016.

24 “(g) ALLOTMENT.—

1 “(1) IN GENERAL.—Not less than 50 percent of
 2 the total amount appropriated under this section for
 3 each fiscal year shall be used for the purposes de-
 4 scribed in subsection (b)(1).

5 “(2) INDIAN TRIBES.—Not less than 10 percent
 6 of the total amount appropriated under this section
 7 for each fiscal year shall be made available for
 8 grants under the program authorized by section
 9 2015 of the Omnibus Crime Control and Safe
 10 Streets Act of 1968.

11 “(h) PRIORITY.—The Attorney General shall
 12 prioritize grant applications under this section that coordi-
 13 nate with prevention programs in the community.”.

14 (b) VAWA GRANT REQUIREMENTS.—Section
 15 40002(b) of the Violence Against Women Act of 1994 (42
 16 U.S.C. 13925(b)) is amended by adding at the end the
 17 following:

18 “(12) REQUIREMENT FOR SCIENTIFICALLY
 19 VALID PROGRAMS.—All grant funds made available
 20 by this Act shall be used to provide scientifically
 21 valid educational programming, training, public
 22 awareness communications regarding domestic vio-
 23 lence, dating violence, sexual assault, and stalking
 24 that is produced by accredited entities, as appro-
 25 priate.”.

1 **SEC. 303. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
 2 **PUSES.**

3 Section 304 of the Violence Against Women and De-
 4 partment of Justice Reauthorization Act of 2005 (42
 5 U.S.C. 14045b) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “stalking on campuses,
 9 and” and inserting “stalking on cam-
 10 puses,”;

11 (ii) by striking “crimes against women
 12 on” and inserting “crimes on”; and

13 (iii) by inserting “, and to develop and
 14 strengthen prevention education and
 15 awareness programs” before the period;
 16 and

17 (B) in paragraph (2), by striking
 18 “\$500,000” and inserting “\$300,000”;

19 (2) in subsection (b)—

20 (A) in paragraph (2)—

21 (i) by inserting “, strengthen,” after
 22 “To develop”; and

23 (ii) by inserting “including the use of
 24 technology to commit these crimes,” after
 25 “sexual assault and stalking,”;

26 (B) in paragraph (4)—

1 (i) by inserting “and population spe-
 2 cific services” after “strengthen victim
 3 services programs”;

4 (ii) by striking “entities carrying out”
 5 and all that follows through “stalking vic-
 6 tim services programs” and inserting “vic-
 7 tim service providers”; and

8 (iii) by inserting “, regardless of
 9 whether the services are provided by the
 10 institution or in coordination with commu-
 11 nity victim service providers” before the
 12 period at the end; and

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

14 “(9) To provide scientifically valid educational
 15 programming for students regarding domestic vio-
 16 lence, dating violence, sexual assault, and stalking
 17 that is produced by accredited entities.

18 “(10) To develop or adapt population specific
 19 strategies and projects for victims of domestic vio-
 20 lence, dating violence, sexual assault, and stalking
 21 from underserved populations on campus.”;

22 (3) in subsection (c)—

23 (A) in paragraph (2)—

24 (i) in subparagraph (B), by striking
 25 “any non-profit” and all that follows

1 through “victim services programs” and
 2 inserting “victim service providers”;

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

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

8 “(D) describe how underserved populations
 9 in the campus community will be adequately
 10 served, including the provision of relevant popu-
 11 lation specific services;” and

12 (B) in paragraph (3), by striking “2007
 13 through 2011” and inserting “2012 through
 14 2016”;

15 (4) in subsection (d)—

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

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

20 “(3) GRANTEE MINIMUM REQUIREMENTS.—

21 Each grantee shall comply with the following min-
 22 imum requirements during the grant period:

23 “(A) The grantee shall create a coordi-
 24 nated community response including both orga-

nizations external to the institution and relevant divisions of the institution.

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

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

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

(5) in subsection (e), by striking “there are” and all that follows through the period and inserting “there is authorized to be appropriated \$12,000,000 for each of fiscal years 2012 through 2016.”.

SEC. 304. CAMPUS SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING EDUCATION AND PREVENTION.

(a) IN GENERAL.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)(F)—

1 (A) in clause (i)(VIII), by striking “and”
 2 after the semicolon;

3 (B) in clause (ii)—

4 (i) by striking “sexual orientation”
 5 and inserting “national origin, sexual ori-
 6 entation,”; and

7 (ii) by striking the period and insert-
 8 ing “; and”; and

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

10 “(iii) of domestic violence, dating vio-
 11 lence, and stalking incidents that were re-
 12 ported to campus security authorities or
 13 local police agencies.”;

14 (2) in paragraph (3), by inserting “, that with-
 15 holds the names of victims as confidential,” after
 16 “that is timely”;

17 (3) in paragraph (6)(A)—

18 (A) by redesignating clauses (i), (ii), and
 19 (iii) as clauses (ii), (iii), and (iv), respectively;

20 (B) by inserting before clause (ii), as re-
 21 designated by subparagraph (A), the following:

22 “(i) The terms ‘dating violence’, ‘domestic vio-
 23 lence’, and ‘stalking’ have the meaning given such
 24 terms in section 40002(a) of the Violence Against
 25 Women Act of 1994 (42 U.S.C. 13925(a)).”; and

1 (C) by inserting after clause (iv), as redese-
 2 gnated by subparagraph (A), the following:

3 “(v) The term ‘sexual assault’ means an offense
 4 classified as a forcible or nonforcible sex offense
 5 under the uniform crime reporting system of the
 6 Federal Bureau of Investigation.”;

7 (4) in paragraph (7)—

8 (A) by striking “paragraph (1)(F)” and in-
 9 serting “clauses (i) and (ii) of paragraph
 10 (1)(F)”;

11 (B) by inserting after “Hate Crime Statis-
 12 tics Act.” the following: “For the offenses of
 13 domestic violence, dating violence, and stalking,
 14 such statistics shall be compiled in accordance
 15 with the definitions used in section 40002(a) of
 16 the Violence Against Women Act of 1994 (42
 17 U.S.C. 13925(a)).”;

18 (5) by striking paragraph (8) and inserting the
 19 following:

20 “(8)(A) Each institution of higher education partici-
 21 pating in any program under this title and title IV of the
 22 Economic Opportunity Act of 1964, other than a foreign
 23 institution of higher education, shall develop and dis-
 24 tribute as part of the report described in paragraph (1)
 25 a statement of policy regarding—

1 “(i) such institution’s programs to prevent do-
2 mestic violence, dating violence, sexual assault, and
3 stalking; and

4 “(ii) the procedures that such institution will
5 follow once an incident of domestic violence, dating
6 violence, sexual assault, or stalking has been re-
7 ported.

8 “(B) The policy described in subparagraph (A) shall
9 address the following areas:

10 “(i) Possible sanctions or protective measures
11 that such institution may impose following a final
12 determination of an institutional disciplinary proce-
13 dure regarding rape, acquaintance rape, domestic vi-
14 olence, dating violence, sexual assault, or stalking.

15 “(ii) Procedures victims should follow if a sex
16 offense, domestic violence, dating violence, sexual as-
17 sault, or stalking has occurred, including informa-
18 tion in writing about—

19 “(I) the importance of preserving evidence
20 as may be necessary to the proof of criminal do-
21 mestic violence, dating violence, sexual assault,
22 or stalking, or in obtaining a protection order;

23 “(II) to whom the alleged offense should
24 be reported;

1 “(III) options regarding law enforcement
2 and campus authorities, including notification
3 of the victim’s option to—

4 “(aa) notify proper law enforcement
5 authorities, including on-campus and local
6 police;

7 “(bb) be assisted by campus authori-
8 ties in notifying law enforcement authori-
9 ties if the victim so chooses; and

10 “(cc) decline to notify such authori-
11 ties; and

12 “(IV) where applicable, the rights of vic-
13 tims and the institution’s responsibilities re-
14 garding orders of protection, no contact orders,
15 restraining orders, or similar lawful orders
16 issued by a criminal, civil, or tribal court.

17 “(iii) Information about how the institution will
18 protect the confidentiality of victims, including how
19 publicly-available recordkeeping will be accomplished
20 without the inclusion of identifying information
21 about the victim, to the extent permissible by law.

22 “(iv) Notification of students about existing
23 counseling, health, mental health, victim advocacy,
24 legal assistance, and other services available for vic-
25 tims both on-campus and in the community.

1 “(v) Notification of victims about options for,
 2 and available assistance in, changing academic, liv-
 3 ing, transportation, and working situations, if so re-
 4 quested by the victim and if such accommodations
 5 are reasonably available, regardless of whether the
 6 victim chooses to report the crime to campus police
 7 or local law enforcement.

8 “(C) A student or employee who reports to an institu-
 9 tion of higher education that the student or employee has
 10 been a victim of domestic violence, dating violence, sexual
 11 assault, or stalking, whether the offense occurred on or
 12 off campus, shall be provided with a written explanation
 13 of the student or employee’s rights and options, as de-
 14 scribed in clauses (ii) through (vii) of subparagraph (B).”;

15 (6) in paragraph (9), by striking “The Sec-
 16 retary” and inserting “The Secretary, in consulta-
 17 tion with the Attorney General of the United
 18 States,”;

19 (7) by striking paragraph (16) and inserting
 20 the following:

21 “(16)(A) The Secretary shall seek the advice and
 22 counsel of the Attorney General of the United States con-
 23 cerning the development, and dissemination to institutions
 24 of higher education, of best practices information about
 25 campus safety and emergencies.

1 “(B) The Secretary shall seek the advice and counsel
2 of the Attorney General of the United States and the Sec-
3 retary of Health and Human Services concerning the de-
4 velopment, and dissemination to institutions of higher
5 education, of best practices information about preventing
6 and responding to incidents of domestic violence, dating
7 violence, sexual assault, and stalking, including elements
8 of institutional policies that have proven successful based
9 on evidence-based outcome measurements.”; and

10 (8) by striking paragraph (17) and inserting
11 the following:

12 “(17) No officer, employee, or agent of an institution
13 participating in any program under this title shall retali-
14 ate, intimidate, threaten, coerce, or otherwise discriminate
15 against any individual for exercising their rights or re-
16 sponsibilities under any provision of this subsection.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect with respect to the annual
19 security report under section 485(f)(1) of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by
21 an institution of higher education 1 calendar year after
22 the date of enactment of this Act, and each subsequent
23 calendar year.

TITLE IV—VIOLENCE REDUCTION PRACTICES

SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DIS- EASE CONTROL AND PREVENTION.

Section 402(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 280b–4(c)) is amended by striking “\$2,000,000 for each of the fiscal years 2007 through 2011” and inserting “\$500,000 for each of fiscal years 2012 through 2016”.

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

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

“SEC. 41303. SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION (SMART PREVEN- TION).

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

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

3 “(1) TEEN DATING VIOLENCE AWARENESS AND
4 PREVENTION.—To develop, maintain, or enhance
5 programs that change attitudes and behaviors
6 around the acceptability of domestic violence, dating
7 violence, sexual assault, and stalking and provide
8 education and skills training to young individuals
9 and individuals who influence young individuals. The
10 prevention program may use evidence-based, evi-
11 dence-informed, or innovative strategies and prac-
12 tices focused on youth. Such a program should in-
13 clude—

14 “(A) scientifically valid age appropriate
15 education that is produced by accredited enti-
16 ties on domestic violence, dating violence, sexual
17 assault, stalking, and sexual coercion, as well as
18 healthy relationship skills, in school, in the com-
19 munity, or in health care settings;

20 “(B) community-based collaboration and
21 training for those with influence on youth, such
22 as parents, teachers, coaches, healthcare pro-
23 viders, faith-leaders, older teens, and mentors;

24 “(C) education and outreach to change en-
25 vironmental factors contributing to domestic vi-

olence, dating violence, sexual assault, and
stalking; and

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

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

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

“(B) training and coordination for educational, after-school, and childcare programs on how to safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking and properly refer children exposed and their families to services and violence prevention programs.

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

3 “(1) a victim service provider, community-based
4 organization, tribe or tribal organization, or other
5 non-profit, nongovernmental organization that has a
6 history of effective work preventing domestic vio-
7 lence, dating violence, sexual assault, or stalking and
8 expertise in the specific area for which they are ap-
9 plying for funds; or

10 “(2) a partnership between a victim service pro-
11 vider, community-based organization, tribe or tribal
12 organization, or other non-profit, nongovernmental
13 organization that has a history of effective work pre-
14 venting domestic violence, dating violence, sexual as-
15 sault, or stalking and at least one of the following:

16 “(A) A public, charter, tribal, or nationally
17 accredited private middle or high school, a
18 school administered by the Department of De-
19 fense under section 2164 of title 10, United
20 States Code or section 1402 of the Defense De-
21 pendents’ Education Act of 1978, a group of
22 schools, or a school district.

23 “(B) A local community-based organiza-
24 tion, population-specific organization, or faith-

1 based organization that has established exper-
2 tise in providing services to youth.

3 “(C) A community-based organization,
4 population-specific organization, university or
5 health care clinic, faith-based organization, or
6 other non-profit, nongovernmental organization.

7 “(D) A nonprofit, nongovernmental entity
8 providing services for runaway or homeless
9 youth affected by domestic violence, dating vio-
10 lence, sexual assault, or stalking.

11 “(E) Healthcare entities eligible for reim-
12 bursement under title XVIII of the Social Secu-
13 rity Act, including providers that target the
14 special needs of children and youth.

15 “(F) Any other agencies, population-spe-
16 cific organizations, or nonprofit, nongovern-
17 mental organizations with the capacity to pro-
18 vide necessary expertise to meet the goals of the
19 program.

20 “(d) GRANTEE REQUIREMENTS.—

21 “(1) IN GENERAL.—Applicants for grants
22 under this section shall prepare and submit to the
23 Director an application at such time, in such man-
24 ner, and containing such information as the Director
25 may require that demonstrates the capacity of the

1 applicant and partnering organizations to undertake
2 the project.

3 “(2) POLICIES AND PROCEDURES.—Applicants
4 under this section shall establish and implement
5 policies, practices, and procedures that—

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

9 “(B) protect the confidentiality and pri-
10 vacy of adult and youth victim information,
11 particularly in the context of parental or third
12 party involvement and consent, mandatory re-
13 porting duties, and working with other service
14 providers;

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

21 “(D) document how prevention programs
22 are coordinated with service programs in the
23 community.

1 “(3) PREFERENCE.—In selecting grant recipi-
 2 ents under this section, the Attorney General shall
 3 give preference to applicants that—

4 “(A) include outcome-based evaluation;
 5 and

6 “(B) identify any other community, school,
 7 or State-based efforts that are working on do-
 8 mestic violence, dating violence, sexual assault,
 9 or stalking prevention and explain how the
 10 grantee or partnership will add value, coordi-
 11 nate with other programs, and not duplicate ex-
 12 isting efforts.

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

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 17 is authorized to be appropriated to carry out this section
 18 \$15,000,000 for each of fiscal years 2012 through 2016.

19 “(g) ALLOTMENT.—

20 “(1) IN GENERAL.—Not less than 25 percent of
 21 the total amounts appropriated under this section in
 22 each fiscal year shall be used for each set of pur-
 23 poses described in paragraphs (1), (2), and (3) of
 24 subsection (a).

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

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

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

9 (2) Section 403 of the Violence Against Women
10 and Department of Justice Reauthorization Act of
11 2005 (42 U.S.C. 14045c).

12 **TITLE V—STRENGTHENING THE**
13 **HEALTHCARE SYSTEM’S RE-**
14 **SPONSE TO DOMESTIC VIO-**
15 **LENCE, DATING VIOLENCE,**
16 **SEXUAL ASSAULT, AND**
17 **STALKING**

18 **SEC. 501. CONSOLIDATION OF GRANTS TO STRENGTHEN**
19 **THE HEALTHCARE SYSTEM’S RESPONSE TO**
20 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
21 **SEXUAL ASSAULT, AND STALKING.**

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

1 **“SEC. 399P. GRANTS TO STRENGTHEN THE HEALTHCARE**
2 **SYSTEM’S RESPONSE TO DOMESTIC VIO-**
3 **LENCE, DATING VIOLENCE, SEXUAL ASSAULT,**
4 **AND STALKING.**

5 “(a) IN GENERAL.—The Secretary shall award
6 grants for—

7 “(1) the development or enhancement and im-
8 plementation of interdisciplinary training for health
9 professionals, public health staff, and allied health
10 professionals;

11 “(2) the development or enhancement and im-
12 plementation of education programs for medical,
13 nursing, dental, and other health profession students
14 and residents to prevent and respond to domestic vi-
15 olence, dating violence, sexual assault, and stalking;
16 and

17 “(3) the development or enhancement and im-
18 plementation of comprehensive statewide strategies
19 to improve the response of clinics, public health fa-
20 cilities, hospitals, and other health settings (includ-
21 ing behavioral and mental health programs) to do-
22 mestic violence, dating violence, sexual assault, and
23 stalking.

24 “(b) USE OF FUNDS.—

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

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

4 “(i) are designed to train medical,
5 psychology, dental, social work, nursing,
6 and other health profession students, in-
7 terns, residents, fellows, or current health
8 care providers to identify and provide
9 health care services (including mental or
10 behavioral health care services and refer-
11 rals to appropriate community services) to
12 individuals who are or who have been vic-
13 tims of domestic violence, dating violence,
14 sexual assault, or stalking; and

15 “(ii) plan and develop culturally com-
16 petent clinical training components for in-
17 tegration into approved internship, resi-
18 dency, and fellowship training or con-
19 tinuing medical or other health education
20 training that address physical, mental, and
21 behavioral health issues, including protec-
22 tive factors, related to domestic violence,
23 dating violence, sexual assault, stalking,
24 and other forms of violence and abuse,
25 focus on reducing health disparities and

1 preventing violence and abuse, and include
2 the primacy of victim safety and confiden-
3 tiality;

4 “(B) design and implement comprehensive
5 strategies to improve the response of the health
6 care system to domestic or sexual violence in
7 clinical and public health settings, hospitals,
8 clinics, and other health settings (including be-
9 havioral and mental health), under subsection
10 (a)(3) through—

11 “(i) the implementation, dissemina-
12 tion, and evaluation of policies and proce-
13 dures to guide health professionals and
14 public health staff in identifying and re-
15 sponding to domestic violence, dating vio-
16 lence, sexual assault, and stalking, includ-
17 ing strategies to ensure that health infor-
18 mation is maintained in a manner that
19 protects the patient’s privacy and safety,
20 and safely uses health information tech-
21 nology to improve documentation, identi-
22 fication, assessment, treatment, and follow-
23 up care;

24 “(ii) the development of on-site access
25 to services to address the safety, medical,

1 and mental health needs of patients by in-
2 creasing the capacity of existing health
3 care professionals and public health staff
4 to address domestic violence, dating vio-
5 lence, sexual assault, and stalking, or by
6 contracting with or hiring domestic or sex-
7 ual assault advocates to provide such serv-
8 ices or to model other services appropriate
9 to the geographic and cultural needs of a
10 site;

11 “(iii) the development of measures
12 and methods for the evaluation of the
13 practice of identification, intervention, and
14 documentation regarding victims of domes-
15 tic violence, dating violence, sexual assault,
16 and stalking, including the development
17 and testing of quality improvement meas-
18 urements; and

19 “(iv) the provision of training and fol-
20 low-up technical assistance to health care
21 professionals, and public health staff, and
22 allied health professionals to identify, as-
23 sess, treat, and refer clients who are vic-
24 tims of domestic violence, dating violence,
25 sexual assault, or stalking, including using

1 tools and training materials already devel-
2 oped.

3 “(2) PERMISSIBLE USES.—

4 “(A) CHILD AND ELDER ABUSE.—To the
5 extent consistent with the purpose of this sec-
6 tion, a grantee may use amounts received under
7 this section to address, as part of a comprehen-
8 sive programmatic approach implemented under
9 the grant, issues relating to child or elder
10 abuse.

11 “(B) RURAL AREAS.—Grants funded
12 under paragraphs (1) and (2) of subsection (a)
13 may be used to offer to rural areas community-
14 based training opportunities, which may include
15 the use of distance learning networks and other
16 available technologies needed to reach isolated
17 rural areas, for medical, nursing, and other
18 health profession students and residents on do-
19 mestic violence, dating violence, sexual assault,
20 stalking, and, as appropriate, other forms of vi-
21 olence and abuse.

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

24 “(i) the development of training mod-
25 ules and policies that address the overlap

of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse, as well as childhood exposure to domestic and sexual violence;

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

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

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

“(c) REQUIREMENTS FOR GRANTEEES.—

“(1) CONFIDENTIALITY AND SAFETY.—

1 “(A) IN GENERAL.—Grantees under this
2 section shall ensure that all programs developed
3 with grant funds address issues of confiden-
4 tiality and patient safety and comply with appli-
5 cable confidentiality and nondisclosure require-
6 ments under section 40002(b)(2) of the Vio-
7 lence Against Women Act of 1994 and the
8 Family Violence Prevention and Services Act,
9 and that faculty and staff associated with deliv-
10 ering educational components are fully trained
11 in procedures that will protect the immediate
12 and ongoing security and confidentiality of the
13 patients, patient records, and staff. Such grant-
14 ees shall consult entities with demonstrated ex-
15 pertise in the confidentiality and safety needs of
16 victims of domestic violence, dating violence,
17 sexual assault, and stalking on the development
18 and adequacy of confidentiality and security pro-
19 cedures, and provide documentation of such
20 consultation.

21 “(B) ADVANCE NOTICE OF INFORMATION
22 DISCLOSURE.—Grantees under this section shall
23 provide to patients advance notice about any
24 circumstances under which information may be
25 disclosed, such as mandatory reporting laws,

1 and shall give patients the option to receive in-
2 formation and referrals without affirmatively
3 disclosing abuse.

4 “(2) LIMITATION ON ADMINISTRATIVE EX-
5 PENSES.—A grantee shall use not more than 10 per-
6 cent of the amounts received under a grant under
7 this section for administrative expenses.

8 “(3) APPLICATION.—

9 “(A) PREFERENCE.—In selecting grant re-
10 cipients under this section, the Secretary shall
11 give preference to applicants based on the
12 strength of their evaluation strategies, with pri-
13 ority given to outcome based evaluations.

14 “(B) SUBSECTION (a)(1) AND (2) GRANT-
15 EES.—Applications for grants under para-
16 graphs (1) and (2) of subsection (a) shall in-
17 clude—

18 “(i) documentation that the applicant
19 represents a team of entities working col-
20 laboratively to strengthen the response of
21 the health care system to domestic vio-
22 lence, dating violence, sexual assault, or
23 stalking, and which includes at least one of
24 each of—

1 “(I) an accredited school of
2 allopathic or osteopathic medicine,
3 psychology, nursing, dentistry, social
4 work, or other health field;

5 “(II) a health care facility or sys-
6 tem; or

7 “(III) a government or nonprofit
8 entity with a history of effective work
9 in the fields of domestic violence, dat-
10 ing violence, sexual assault, or stalk-
11 ing; and

12 “(ii) strategies for the dissemination
13 and sharing of curricula and other edu-
14 cational materials developed under the
15 grant, if any, with other interested health
16 professions schools and national resource
17 repositories for materials on domestic vio-
18 lence, dating violence, sexual assault, and
19 stalking.

20 “(C) SUBSECTION (a)(3) GRANTEES.—An
21 entity desiring a grant under subsection (a)(3)
22 shall submit an application to the Secretary at
23 such time, in such a manner, and containing
24 such information and assurances as the Sec-
25 retary may require, including—

1 “(i) documentation that all training,
2 education, screening, assessment, services,
3 treatment, and any other approach to pa-
4 tient care will be informed by an under-
5 standing of violence and abuse victimiza-
6 tion and trauma-specific approaches that
7 will be integrated into prevention, interven-
8 tion, and treatment activities;

9 “(ii) strategies for the development
10 and implementation of policies to prevent
11 and address domestic violence, dating vio-
12 lence, sexual assault, and stalking over the
13 lifespan in health care settings;

14 “(iii) a plan for consulting with State
15 and tribal domestic violence or sexual as-
16 sault coalitions, national nonprofit victim
17 advocacy organizations, State or tribal law
18 enforcement task forces (where appro-
19 priate), and population specific organiza-
20 tions with demonstrated expertise in do-
21 mestic violence, dating violence, sexual as-
22 sault, or stalking;

23 “(iv) with respect to an application
24 for a grant under which the grantee will
25 have contact with patients, a plan, devel-

oped in collaboration with local victim service providers, to respond appropriately to and make correct referrals for individuals who disclose that they are victims of domestic violence, dating violence, sexual assault, stalking, or other types of violence, and documentation provided by the grantee of an ongoing collaborative relationship with a local victim service provider; and

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

“(d) ELIGIBLE ENTITIES.—

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

“(A) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic vio-

1 lence, dating violence, sexual assault, or stalk-
 2 ing, and lifetime exposure to violence and
 3 abuse;

4 “(B) an accredited school of allopathic or
 5 osteopathic medicine, psychology, nursing, den-
 6 tistry, social work, or allied health;

7 “(C) a health care provider membership or
 8 professional organization, or a health care sys-
 9 tem; or

10 “(D) a State, tribal, territorial, or local en-
 11 tity.

12 “(2) SUBSECTION (a)(3) GRANTEEES.—To be eli-
 13 gible to receive funding under subsection (a)(3), an
 14 entity shall be—

15 “(A) a State department (or other divi-
 16 sion) of health, a State, tribal, or territorial do-
 17 mestic violence or sexual assault coalition or
 18 victim service provider, or any other nonprofit,
 19 nongovernmental organization with a history of
 20 effective work in the fields of domestic violence,
 21 dating violence, sexual assault, or stalking, and
 22 health care, including physical or mental health
 23 care; or

24 “(B) a local victim service provider, a local
 25 department (or other division) of health, a local

1 health clinic, hospital, or health system, or any
2 other community-based organization with a his-
3 tory of effective work in the field of domestic vi-
4 olence, dating violence, sexual assault, or stalk-
5 ing and health care, including physical or men-
6 tal health care.

7 “(e) TECHNICAL ASSISTANCE.—

8 “(1) IN GENERAL.—Of the funds made avail-
9 able to carry out this section for any fiscal year, the
10 Secretary may make grants or enter into contracts
11 to provide technical assistance with respect to the
12 planning, development, and operation of any pro-
13 gram, activity or service carried out pursuant to this
14 section. Not more than 8 percent of the funds ap-
15 propriated under this section in each fiscal year may
16 be used to fund technical assistance under this sub-
17 section.

18 “(2) AVAILABILITY OF MATERIALS.—The Sec-
19 retary shall make publicly available materials devel-
20 oped by grantees under this section, including mate-
21 rials on training, best practices, and research and
22 evaluation.

23 “(3) REPORTING.—The Secretary shall publish
24 a biennial report on—

1 “(A) the distribution of funds under this
2 section; and

3 “(B) the programs and activities supported
4 by such funds.

5 “(f) RESEARCH AND EVALUATION.—

6 “(1) IN GENERAL.—Of the funds made avail-
7 able to carry out this section for any fiscal year, the
8 Secretary may use not more than 20 percent to
9 make a grant or enter into a contract for research
10 and evaluation of—

11 “(A) grants awarded under this section;
12 and

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

20 “(2) RESEARCH.—Research authorized in para-
21 graph (1) may include—

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 health status of individuals, families,
2 and populations, including underserved popu-
3 lations;

4 “(B) research to determine effective health
5 care interventions to respond to and prevent do-
6 mestic violence, dating violence, sexual assault,
7 and stalking;

8 “(C) research on the impact of domestic,
9 dating and sexual violence, childhood exposure
10 to such violence, and stalking on the health care
11 system, health care utilization, health care
12 costs, and health status; and

13 “(D) research on the impact of adverse
14 childhood experiences on adult experience with
15 domestic violence, dating violence, sexual as-
16 sault, stalking, and adult health outcomes, in-
17 cluding how to reduce or prevent the impact of
18 adverse childhood experiences through the
19 health care setting.

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated to carry out this section
22 \$10,000,000 for each of fiscal years 2012 through 2016.

23 “(h) DEFINITIONS.—Except as otherwise provided
24 herein, the definitions provided for in section 40002 of the

1 Violence Against Women Act of 1994 shall apply to this
2 section.”.

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

4 (1) Section 40297 of the Violence Against
5 Women Act of 1994 (42 U.S.C. 13973).

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

8 **TITLE VI—SAFE HOMES FOR VIC-**
9 **TIMS OF DOMESTIC VIO-**
10 **LENCE, DATING VIOLENCE,**
11 **SEXUAL ASSAULT, AND**
12 **STALKING**

13 **SEC. 601. HOUSING PROTECTIONS FOR VICTIMS OF DOMES-**
14 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
15 **ASSAULT, AND STALKING.**

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

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

21 **“CHAPTER 1—GRANT PROGRAMS”;**

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

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

(4) by adding at the end the following:

“CHAPTER 2—HOUSING RIGHTS

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

“(a) DEFINITIONS.—In this chapter:

“(1) AFFILIATED INDIVIDUAL.—The term ‘affiliated individual’ means, with respect to an individual—

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

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

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

“(3) COVERED HOUSING PROGRAM.—The term ‘covered housing program’ means—

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

3 “(B) the program under section 811 of the
4 Cranston-Gonzalez National Affordable Hous-
5 ing Act (42 U.S.C. 8013);

6 “(C) the program under subtitle D of title
7 VIII of the Cranston-Gonzalez National Afford-
8 able Housing Act (42 U.S.C. 12901 et seq.);

9 “(D) the program under subtitle A of title
10 IV of the McKinney-Vento Homeless Assistance
11 Act (42 U.S.C. 11360 et seq.);

12 “(E) the program under subtitle A of title
13 II of the Cranston-Gonzalez National Afford-
14 able Housing Act (42 U.S.C. 12741 et seq.);

15 “(F) the program under paragraph (3) of
16 section 221(d) of the National Housing Act (12
17 U.S.C. 1715l(d)) that bears interest at a rate
18 determined under the proviso under paragraph
19 (5) of such section 221(d);

20 “(G) the program under section 236 of the
21 National Housing Act (12 U.S.C. 1715z-1);

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

1 “(I) rural housing assistance provided
 2 under sections 514, 515, 516, 533, and 538 of
 3 the Housing Act of 1949 (42 U.S.C. 1484,
 4 1485, 1486, 1490m, and 1490p-2); and

5 “(J) the low income housing tax credit
 6 program under section 42 of the Internal Rev-
 7 enue Code of 1986.

8 “(b) PROHIBITED BASIS FOR DENIAL OR TERMI-
 9 NATION OF ASSISTANCE OR EVICTION.—

10 “(1) IN GENERAL.—An applicant for or tenant
 11 of housing assisted under a covered housing program
 12 may not be denied admission to, denied assistance
 13 under, terminated from participation in, or evicted
 14 from the housing on the basis that the applicant or
 15 tenant is or has been a victim of domestic violence,
 16 dating violence, sexual assault, or stalking, if the ap-
 17 plicant or tenant otherwise qualifies for admission,
 18 assistance, participation, or occupancy.

19 “(2) CONSTRUCTION OF LEASE TERMS.—An in-
 20 cident of actual or threatened domestic violence, dat-
 21 ing violence, sexual assault, or stalking shall not be
 22 construed as—

23 “(A) a serious or repeated violation of a
 24 lease for housing assisted under a covered hous-

ing program by the victim or threatened victim
of such incident; or

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

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

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

“(B) BIFURCATION.—

“(i) IN GENERAL.—Notwithstanding
subparagraph (A), a public housing agency

1 or owner or manager of housing assisted
2 under a covered housing program may bi-
3 furcate a lease for the housing in order to
4 evict, remove, or terminate assistance to
5 any individual who is a tenant or lawful oc-
6 cupant of the housing and who engages in
7 criminal activity directly relating to domes-
8 tic violence, dating violence, sexual assault,
9 or stalking against an affiliated individual
10 or other individual, without evicting, re-
11 moving, terminating assistance to, or oth-
12 erwise penalizing a victim of such criminal
13 activity who is also a tenant or lawful oc-
14 cupant of the housing.

15 “(ii) EFFECT OF EVICTION ON OTHER
16 TENANTS.—If public housing agency or
17 owner or manager of housing assisted
18 under a covered housing program evicts,
19 removes, or terminates assistance to an in-
20 dividual under clause (i), and the indi-
21 vidual is the sole tenant eligible to receive
22 assistance under a covered housing pro-
23 gram, the public housing agency or owner
24 or manager of housing assisted under the
25 covered housing program shall provide any

1 remaining tenant an opportunity to estab-
2 lish eligibility for the covered housing pro-
3 gram. If a tenant described in the pre-
4 ceding sentence cannot establish eligibility,
5 the public housing agency or owner or
6 manager of the housing shall provide the
7 tenant a reasonable time, as determined by
8 the appropriate agency, to find new hous-
9 ing or to establish eligibility for housing
10 under another covered housing program.

11 “(C) RULES OF CONSTRUCTION.—Nothing
12 in subparagraph (A) shall be construed—

13 “(i) to limit the authority of a public
14 housing agency or owner or manager of
15 housing assisted under a covered housing
16 program, when notified of a court order, to
17 comply with a court order with respect
18 to—

19 “(I) the rights of access to or
20 control of property, including civil
21 protection orders issued to protect a
22 victim of domestic violence, dating vio-
23 lence, sexual assault, or stalking; or

1 “(II) the distribution or posses-
2 sion of property among members of a
3 household in a case;

4 “(ii) to limit any otherwise available
5 authority of a public housing agency or
6 owner or manager of housing assisted
7 under a covered housing program to evict
8 or terminate assistance to a tenant for any
9 violation of a lease not premised on the act
10 of violence in question against the tenant
11 or an affiliated person of the tenant, if the
12 public housing agency or owner or man-
13 ager does not subject an individual who is
14 or has been a victim of domestic violence,
15 dating violence, or stalking to a more de-
16 manding standard than other tenants in
17 determining whether to evict or terminate;

18 “(iii) to limit the authority to termi-
19 nate assistance to a tenant or evict a ten-
20 ant from housing assisted under a covered
21 housing program if a public housing agen-
22 cy or owner or manager of the housing can
23 demonstrate that an actual and imminent
24 threat to other tenants or individuals em-
25 ployed at or providing service to the prop-

erty would be present if the assistance is
not terminated or the tenant is not evicted;
or

“(iv) to supersede any provision of
any Federal, State, or local law that pro-
vides greater protection than this section
for victims of domestic violence, dating vio-
lence, sexual assault, or stalking.

“(c) DOCUMENTATION.—

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

“(2) FAILURE TO PROVIDE CERTIFICATION.—

“(A) IN GENERAL.—If an applicant or ten-
ant does not provide the documentation re-
quested under paragraph (1) within 14 business
days after the tenant receives a request in writ-
ing for such certification from a public housing

1 agency or owner or manager of housing assisted
2 under a covered housing program, nothing in
3 this chapter may be construed to limit the au-
4 thority of the public housing agency or owner or
5 manager to—

6 “(i) deny admission by the applicant
7 or tenant to the covered program;

8 “(ii) deny assistance under the cov-
9 ered program to the applicant or tenant;

10 “(iii) terminate the participation of
11 the applicant or tenant in the covered pro-
12 gram; or

13 “(iv) evict the applicant, the tenant,
14 or a lawful occupant that commits viola-
15 tions of a lease.

16 “(B) EXTENSION.—A public housing agen-
17 cy or owner or manager of housing may extend
18 the 14-day deadline under subparagraph (A) at
19 its discretion.

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

22 “(A) a certification form approved by the
23 appropriate agency that—

1 “(i) states that an applicant or tenant
2 is a victim of domestic violence, dating vio-
3 lence, sexual assault, or stalking;

4 “(ii) states that the incident of domes-
5 tic violence, dating violence, sexual assault,
6 or stalking that is the ground for protec-
7 tion under subsection (b) meets the re-
8 quirements under subsection (b); and

9 “(iii) includes the name of the indi-
10 vidual who committed the domestic vio-
11 lence, dating violence, sexual assault, or
12 stalking, if the name is known and safe to
13 provide;

14 “(B) a document that—

15 “(i) is signed by—

16 “(I) an employee, agent, or vol-
17 unteer of a victim service provider, an
18 attorney, a medical professional, or a
19 mental health professional from whom
20 an applicant or tenant has sought as-
21 sistance relating to domestic violence,
22 dating violence, sexual assault, or
23 stalking, or the effects of the abuse;
24 and

25 “(II) the applicant or tenant; and

1 “(ii) states under penalty of perjury
2 that the individual described in clause
3 (i)(I) believes that the incident of domestic
4 violence, dating violence, sexual assault, or
5 stalking that is the ground for protection
6 under subsection (b) meets the require-
7 ments under subsection (b);

8 “(C) a record of a Federal, State, tribal,
9 territorial, or local law enforcement agency,
10 court, or administrative agency; or

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

16 “(4) CONFIDENTIALITY.—Any information sub-
17 mitted to a public housing agency or owner or man-
18 ager under this subsection, including the fact that
19 an individual is a victim of domestic violence, dating
20 violence, sexual assault, or stalking shall be main-
21 tained in confidence by the public housing agency or
22 owner or manager and may not be entered into any
23 shared database or disclosed to any other entity or
24 individual, except to the extent that the disclosure
25 is—

1 “(A) requested or consented to by the indi-
2 vidual in writing;

3 “(B) required for use in an eviction pro-
4 ceeding under subsection (b); or

5 “(C) otherwise required by applicable law.

6 “(5) DOCUMENTATION NOT REQUIRED.—Noth-
7 ing in this subsection shall be construed to require
8 a public housing agency or owner or manager of
9 housing assisted under a covered housing program
10 to request that an individual submit documentation
11 of the status of the individual as a victim of domes-
12 tic violence, dating violence, sexual assault, or stalk-
13 ing.

14 “(6) COMPLIANCE NOT SUFFICIENT TO CON-
15 STITUTE EVIDENCE OF UNREASONABLE ACT.—Com-
16 pliance with subsection (b) by a public housing agen-
17 cy or owner or manager of housing assisted under
18 a covered housing program based on documentation
19 received under this subsection, shall not be sufficient
20 to constitute evidence of an unreasonable act or
21 omission by the public housing agency or owner or
22 manager or an employee or agent of the public hous-
23 ing agency or owner or manager. Nothing in this
24 paragraph shall be construed to limit the liability of
25 a public housing agency or owner or manager of

1 housing assisted under a covered housing program
2 for failure to comply with subsection (b).

3 “(7) RESPONSE TO CONFLICTING CERTIFI-
4 CATION.—If a public housing agency or owner or
5 manager of housing assisted under a covered hous-
6 ing program receives documentation under this sub-
7 section that contains conflicting information, the
8 public housing agency or owner or manager may re-
9 quire an applicant or tenant to submit third-party
10 documentation, as described in subparagraph (B),
11 (C), or (D) of paragraph (3).

12 “(8) PREEMPTION.—Nothing in this subsection
13 shall be construed to supersede any provision of any
14 Federal, State, or local law that provides greater
15 protection than this subsection for victims of domes-
16 tic violence, dating violence, sexual assault, or stalk-
17 ing.

18 “(d) NOTIFICATION.—

19 “(1) DEVELOPMENT.—The Secretary of Hous-
20 ing and Urban Development shall develop a notice of
21 the rights of individuals under this section, including
22 the right to confidentiality and the limits thereof.

23 “(2) PROVISION.—Each public housing agency
24 or owner or manager of housing assisted under a
25 covered housing program shall provide the notice de-

1 veloped under paragraph (1), together with the form
2 described in subsection (c)(3)(A), to an applicant for
3 or tenants of housing assisted under a covered hous-
4 ing program—

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

8 “(B) at the time the individual is admitted
9 to a dwelling unit assisted under the covered
10 housing program;

11 “(C) with any notification of eviction or
12 notification of termination of assistance; and

13 “(D) in multiple languages, consistent with
14 guidance issued by the Secretary of Housing
15 and Urban Development in accordance with Ex-
16 ecutive Order 13166 (42 U.S.C. 2000d–1 note;
17 relating to access to services for persons with
18 limited English proficiency).

19 “(e) EMERGENCY TRANSFERS.—Each appropriate
20 agency shall adopt a model emergency transfer plan for
21 use by public housing agencies and owners or managers
22 of housing assisted under covered housing programs
23 that—

24 “(1) allows tenants who are victims of domestic
25 violence, dating violence, sexual assault, or stalking

1 to transfer to another available and safe dwelling
2 unit assisted under a covered housing program if—

3 “(A) the tenant expressly requests the
4 transfer; and

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

10 “(ii) in the case of a tenant who is a victim
11 of sexual assault, the sexual assault occurred on
12 the premises during the 90 day period pre-
13 ceding the request for transfer; and

14 “(2) incorporates reasonable confidentiality
15 measures to ensure that the public housing agency
16 or owner or manager does not disclose the location
17 of the dwelling unit of a tenant to a person that
18 commits an act of domestic violence, dating violence,
19 sexual assault, or stalking against the tenant.

20 “(f) POLICIES AND PROCEDURES FOR EMERGENCY
21 TRANSFER.—The Secretary of Housing and Urban Devel-
22 opment shall establish policies and procedures under
23 which a victim requesting an emergency transfer under
24 subsection (e) may receive, subject to the availability of
25 tenant protection vouchers, assistance under section 8(o)

1 of the United States Housing Act of 1937 (42 U.S.C.
2 1437f(o)).

3 “(g) IMPLEMENTATION.—The appropriate agency
4 with respect to each covered housing program shall imple-
5 ment this section, as this section applies to the covered
6 housing program.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) SECTION 6.—Section 6 of the United States
9 Housing Act of 1937 (42 U.S.C. 1437d) is amend-
10 ed—

11 (A) in subsection (c)—

12 (i) by striking paragraph (3); and

13 (ii) by redesignating paragraphs (4)
14 and (5) as paragraphs (3) and (4), respec-
15 tively;

16 (B) in subsection (l)—

17 (i) in paragraph (5), by striking “,
18 and that an incident or incidents of actual
19 or threatened domestic violence, dating vio-
20 lence, or stalking will not be construed as
21 a serious or repeated violation of the lease
22 by the victim or threatened victim of that
23 violence and will not be good cause for ter-
24 minating the tenancy or occupancy rights
25 of the victim of such violence”; and

1 (ii) in paragraph (6), by striking “;
 2 except that” and all that follows through
 3 “stalking.”; and
 4 (C) by striking subsection (u).

5 (2) SECTION 8.—Section 8 of the United States
 6 Housing Act of 1937 (42 U.S.C. 1437f) is amend-
 7 ed—

8 (A) in subsection (c), by striking para-
 9 graph (9);

10 (B) in subsection (d)(1)—

11 (i) in subparagraph (A), by striking
 12 “and that an applicant or participant is or
 13 has been a victim of domestic violence, dat-
 14 ing violence, or stalking is not an appro-
 15 priate basis for denial of program assist-
 16 ance or for denial of admission if the appli-
 17 cant otherwise qualifies for assistance or
 18 admission”; and

19 (ii) in subparagraph (B)—

20 (I) in clause (ii), by striking “,
 21 and that an incident or incidents of
 22 actual or threatened domestic vio-
 23 lence, dating violence, or stalking will
 24 not be construed as a serious or re-
 25 peated violation of the lease by the

1 victim or threatened victim of that vi-
 2 olence and will not be good cause for
 3 terminating the tenancy or occupancy
 4 rights of the victim of such violence”;
 5 and

6 (II) in clause (iii), by striking “,
 7 except that:” and all that follows
 8 through “stalking.”;

9 (C) in subsection (f)—

10 (i) in paragraph (6), by adding “and”
 11 at the end;

12 (ii) in paragraph (7), by striking the
 13 semicolon at the end and inserting a pe-
 14 riod; and

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

17 (D) in subsection (o)—

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

20 (ii) in paragraph (7)—

21 (I) in subparagraph (C), by strik-
 22 ing “and that an incident or incidents
 23 of actual or threatened domestic vio-
 24 lence, dating violence, or stalking shall
 25 not be construed as a serious or re-

1 peated violation of the lease by the
 2 victim or threatened victim of that vi-
 3 olence and shall not be good cause for
 4 terminating the tenancy or occupancy
 5 rights of the victim of such violence”;
 6 and

7 (II) in subparagraph (D), by
 8 striking “; except that” and all that
 9 follows through “stalking.”; and

10 (iii) by striking paragraph (20); and

11 (E) by striking subsection (ee).

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

15 (A) to limit the rights or remedies avail-
 16 able to any person under section 6 or 8 of the
 17 United States Housing Act of 1937 (42 U.S.C.
 18 1437d and 1437f), as in effect on the day be-
 19 fore the date of enactment of this Act;

20 (B) to limit any right, remedy, or proce-
 21 dure otherwise available under any provision of
 22 part 5, 91, 880, 882, 883, 884, 886, 891, 903,
 23 960, 966, 982, or 983 of title 24, Code of Fed-
 24 eral Regulations, that—

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

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

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

**SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS
FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-
ING VIOLENCE, SEXUAL ASSAULT, AND
STALKING.**

Chapter 11 of the Violence Against Women Act of 1994 (42 U.S.C. 13975 et seq.) is amended—

(1) in the chapter heading, by striking “**CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT**” and inserting “**VICTIMS OF DO-**

1 **MESTIC VIOLENCE, DATING VIO-**
 2 **LENCE, SEXUAL ASSAULT, OR STALK-**
 3 **ING**”; and

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

5 (A) in the header, by striking “**CHILD**
 6 **VICTIMS OF DOMESTIC VIOLENCE, STALK-**
 7 **ING, OR SEXUAL ASSAULT**” and inserting
 8 “**VICTIMS OF DOMESTIC VIOLENCE, DAT-**
 9 **ING VIOLENCE, SEXUAL ASSAULT, OR**
 10 **STALKING**”;

11 (B) in subsection (a)(1), by striking “flee-
 12 ing”; and

13 (C) in subsection (g)—

14 (i) in paragraph (1), by striking
 15 “\$40,000,000 for each of fiscal years 2007
 16 through 2011” and inserting “\$35,000,000
 17 for each of fiscal years 2012 through
 18 2016”; and

19 (ii) in paragraph (3)—

20 (I) in subparagraph (A), by strik-
 21 ing “eligible” and inserting “quali-
 22 fied”; and

23 (II) by adding at the end the fol-
 24 lowing:

“(D) QUALIFIED APPLICATION DEFINED.—In this paragraph, the term ‘qualified application’ means an application that—

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

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

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

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

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

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

(1) in section 14044(i) (42 U.S.C. 14043e–3(i)), by striking “\$10,000,000 for each of fiscal years 2007 through 2011” and inserting

1 “\$4,000,000 for each of fiscal years 2012 through
2 2016”; and

3 (2) in section 41405(g) (42 U.S.C. 14043e–
4 4(g)), by striking “\$10,000,000 for each of fiscal
5 years 2007 through 2011” and inserting
6 “\$4,000,000 for each of fiscal years 2012 through
7 2016”.

8 **TITLE VII—ECONOMIC SECURITY** 9 **FOR VICTIMS OF VIOLENCE**

10 **SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE** 11 **RESPONSES TO ASSIST VICTIMS OF DOMES-** 12 **TIC AND SEXUAL VIOLENCE.**

13 Section 41501(e) of the Violence Against Women Act
14 of 1994 (42 U.S.C. 14043f(e)) is amended by striking
15 “fiscal years 2007 through 2011” and inserting “fiscal
16 years 2012 through 2016”.

17 **TITLE VIII—IMMIGRATION** 18 **PROVISIONS**

19 **SEC. 801. APPLICATION OF SPECIAL RULE FOR BATTERED** 20 **SPOUSE OR CHILD.**

21 Section 240A(b)(2) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1229b) is amended by striking sub-
23 paragraph (D) and inserting the following:

24 “(D) CREDIBLE EVIDENCE CONSID-
25 ERED.—In adjudicating applications under this

1 paragraph, the Secretary of Homeland Security
2 shall consider any credible evidence relevant to
3 the application, including credible evidence sub-
4 mitted by a national of the United States or an
5 alien lawfully admitted for permanent residence
6 accused of the conduct described in subpara-
7 graph (A)(i). The determination of what evi-
8 dence is credible and the weight to be given
9 that evidence shall be within the sole discretion
10 of the Secretary of Homeland Security.

11 “(E) FRAUD DETECTION EFFORTS.—

12 “(i) IN GENERAL.—Upon filing of an
13 application under this paragraph, the Di-
14 rector of United States Citizenship and
15 Immigration Services shall—

16 “(I) review such an application
17 for completeness and clear indicators
18 of fraud or misrepresentation of mate-
19 rial fact;

20 “(II) conduct an in-person inter-
21 view of the alien who filed the applica-
22 tion; and

23 “(III) facilitate cooperation be-
24 tween the service center that adju-
25 dicates all applications under this

1 paragraph and the local service cen-
2 ters that have the resources to inves-
3 tigate and interview the applicant to
4 review any evidence that may pertain
5 to the application.

6 “(ii) GUIDELINES.—The Director may
7 issue guidelines for alternatives to the in-
8 person interview so long as the guidelines
9 do not jeopardize national security and in-
10 clude measures to detect fraud and abuse.

11 “(iii) EVIDENCE.—The Director may
12 gather other evidence and interview other
13 witnesses, including the accused United
14 States citizen or legal permanent resident,
15 if such individual consents to be inter-
16 viewed.

17 “(F) PRIORITY OF ONGOING IMMIGRATION
18 AND LAW ENFORCEMENT INVESTIGATIONS OR
19 PROSECUTIONS.—

20 “(i) DETERMINATION.—During the
21 adjudication of an application under this
22 paragraph, the Director shall determine
23 whether any Federal, State, territorial,
24 tribal, or local law enforcement agency has

1 undertaken an investigation or prosecution
2 of the petitioning alien for—

3 “(I) conduct relating to the bat-
4 tering or abuse alleged by the peti-
5 tioning alien under this paragraph;

6 “(II) a violation of any immigra-
7 tion law; or

8 “(III) a violation of any other
9 criminal law.

10 “(ii) USE OF INFORMATION.—If such
11 an investigation or prosecution was com-
12 menced, the investigative officer of United
13 States Citizenship and Immigration Serv-
14 ices shall—

15 “(I) obtain as much information
16 as possible about the investigation or
17 prosecution; and

18 “(II) consider that information
19 as part of the adjudication of the ap-
20 plication.

21 “(iii) PENDING INVESTIGATION.—If
22 such an investigation or prosecution is
23 pending, the adjudication of the applica-
24 tion shall be stayed pending the conclusion
25 of the investigation or prosecution. If no

1 investigation has been undertaken or if a
2 prosecutor's office has not commenced a
3 prosecution after the matter was referred
4 to it, that fact shall be considered by the
5 investigative officer as part of the adju-
6 dication of the application.

7 “(iv) EFFECT OF DETERMINATION TO
8 REMOVE OR INDICT.—If such an investiga-
9 tion determines that the alien is removable,
10 or if the alien is indicted, the application
11 under this paragraph shall be denied.

12 “(v) EFFECT OF NOT GUILTY DETER-
13 MINATION.—If an investigation has been
14 undertaken and a determination was made
15 that a prosecution was not warranted or if
16 a criminal proceeding finds the United
17 States citizen or legal permanent resident
18 not guilty of the charges, such determina-
19 tion shall be binding and the application
20 under this paragraph shall be denied.

21 “(G) EFFECT OF MATERIAL MISREPRE-
22 SENTATION.—If an alien makes a material mis-
23 representation during the application process
24 under this paragraph, the Secretary of Home-
25 land Security shall—

1 “(i) deny the application and remove
2 the alien on an expedited basis; and

3 “(ii) make the alien ineligible for any
4 taxpayer funded benefits or immigration
5 benefits.”.

6 **SEC. 802. CLARIFICATION OF THE REQUIREMENTS APPLI-**
7 **CABLE TO U VISAS.**

8 Section 214(p)(1) of the Immigration and Nationality
9 Act (8 U.S.C. 1184(p)(1)) is amended as follows:

10 (1) By striking “The petition” and inserting
11 the following:

12 “(A) IN GENERAL.—The petition”.

13 (2) By adding at the end the following:

14 “(B) CERTIFICATION REQUIREMENTS.—
15 Each certification submitted under subpara-
16 graph (A) shall confirm under penalty of per-
17 jury that—

18 “(i) the petitioner reported the crimi-
19 nal activity to a law enforcement agency
20 within 120 days of its occurrence;

21 “(ii) the statute of limitations for
22 prosecuting an offense based on the crimi-
23 nal activity has not lapsed;

1 “(iii) the criminal activity is actively
 2 under investigation or a prosecution has
 3 been commenced; and

4 “(iv) the petitioner has provided to a
 5 law enforcement agency information that
 6 will assist in identifying the perpetrator of
 7 the criminal activity, or the perpetrator’s
 8 identity is known.

9 “(C) REQUIREMENT FOR CERTIFI-
 10 CATION.—No application for a visa under sec-
 11 tion 101(a)(15)(U) may be granted unless ac-
 12 companied by the certification as described in
 13 this paragraph.”.

14 **SEC. 803. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A**
 15 **CITIZEN.**

16 (a) IN GENERAL.—Section 214 of the Immigration
 17 and Naturalization Act (8 U.S.C. 1184) is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (1), by striking “crime.”
 20 and inserting “crime described in paragraph
 21 (3)(B) and information on any permanent pro-
 22 tection or restraining order issued against the
 23 petitioner related to any specified crime de-
 24 scribed in paragraph (3)(B)(i).”; and

1 (B) in paragraph (3)(B)(i), by striking
 2 “abuse, and stalking.” And inserting “abuse,
 3 stalking, or an attempt to commit any such
 4 crime.”; and
 5 (2) in subsection (r)—

6 (A) in paragraph (1), by striking “crime.”
 7 and inserting “crime described in paragraph
 8 (5)(B) and information on any permanent pro-
 9 tection or restraining order issued against the
 10 petitioner related to any specified crime de-
 11 scribed in subsection (5)(B)(i).”; and

12 (B) in paragraph (5)(B)(i), by striking
 13 “abuse, and stalking.” and inserting “abuse,
 14 stalking, or an attempt to commit any such
 15 crime.”.

16 (b) PROVISION OF INFORMATION TO K NON-IMMI-
 17 GRANTS.—Section 883 of the International Marriage
 18 Broker Regulation Act of 2005 (8 U.S.C. 1375a) is
 19 amended in subsection (b)(1)(A), by striking “or” after
 20 “orders” and inserting “and”.

21 **SEC. 804. REGULATION OF INTERNATIONAL MARRIAGE**
 22 **BROKERS.**

23 (a) IMPLEMENTATION OF THE INTERNATIONAL MAR-
 24 RIAGE BROKER ACT OF 2005.—Not later than 90 days
 25 after the date of the enactment of this Act, the Attorney

1 General shall submit to Congress a report that includes
 2 the name of the component of the Department of Justice
 3 responsible for prosecuting violations of the International
 4 Marriage Broker Act of 2005 (subtitle D of Public Law
 5 109-162; 119 Stat. 3066) and the amendments made by
 6 this title.

7 (b) REGULATION OF INTERNATIONAL MARRIAGE
 8 BROKERS.—Section 833(d) of the International Marriage
 9 Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is
 10 amended as follows:

11 (1) By amending paragraph (1) to read as fol-
 12 lows:

13 “(1) PROHIBITION ON MARKETING OF OR TO
 14 CHILDREN.—

15 “(A) IN GENERAL.—An international mar-
 16 riage broker shall not provide any individual or
 17 entity with personal contact information, photo-
 18 graph, or general information about the back-
 19 ground or interests of any individual under the
 20 age of 18.

21 “(B) COMPLIANCE.—To comply with the
 22 requirements of subparagraph (A), an inter-
 23 national marriage broker shall—

24 “(i) obtain a valid copy of each for-
 25 eign national client’s birth certificate or

1 other proof of age document issued by an
 2 appropriate government entity;

3 “(ii) indicate on such certificate or
 4 document the date it was received by the
 5 international marriage broker;

6 “(iii) retain the original of such cer-
 7 tificate or document for 5 years after such
 8 date of receipt; and

9 “(iv) produce such certificate or docu-
 10 ment upon request to an appropriate au-
 11 thority charged with the enforcement of
 12 this paragraph.”.

13 (2) In paragraph (2)(B)(ii), by striking “or
 14 stalking.” and inserting “stalking, or an attempt to
 15 commit any such crime.”.

16 (3) In paragraph (5)(B)—

17 (A) by striking “In circumstances” and in-
 18 serting the following:

19 “(i) IN GENERAL.—In cir-
 20 cumstances”; and

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

22 “(ii) FRAUDULENT FAILURES OF
 23 UNITED STATES CLIENTS TO MAKE RE-
 24 QUIRED SELF-DISCLOSURES.—A person
 25 who knowingly and with intent to defraud

1 another person outside the United States
2 in order to recruit, solicit, entice, or induce
3 that other person into entering a dating or
4 matrimonial relationship, makes false or
5 fraudulent representations regarding the
6 disclosures described in clause (i), (ii), (iii),
7 or (iv) of subsection (d)(2)(B), including
8 by failing to make any such disclosures,
9 shall be fined in accordance with title 18,
10 United States Code, imprisoned for not
11 more than 1 year, or both.”.

12 **SEC. 805. GAO REPORT.**

13 (a) REQUIREMENT FOR REPORT.—Not later than 1
14 year after the date of the enactment of this Act, the Comp-
15 troller General of the United States shall submit to the
16 Committee on the Judiciary of the Senate and the Com-
17 mittee on the Judiciary of the House of Representatives
18 a report regarding the adjudication of petitions and appli-
19 cations under section 101(a)(15)(U) of the Immigration
20 and Nationality Act (8 U.S.C. 1101(a)(15)(U)) and the
21 self-petitioning process for VAWA self-petitioners (as that
22 term is defined in section 101(a)(51) of the Immigration
23 and Nationality Act (8 U.S.C. 1101(a)(51))).

24 (b) CONTENTS.—The report required by subsection
25 (a) shall—

1 (1) assess the efficiency and reliability of the
 2 process for reviewing such petitions and applications,
 3 including whether the process includes adequate
 4 safeguards against fraud and abuse; and

5 (2) identify possible improvements to the adju-
 6 dications of petitions and applications in order to re-
 7 duce fraud and abuse.

8 **SEC. 806. DISCLOSURE OF INFORMATION FOR NATIONAL**
 9 **SECURITY PURPOSES.**

10 (a) INFORMATION SHARING.—Section 384(b) of the
 11 Illegal Immigration Reform and Immigrant Responsibility
 12 Act of 1996 (8 U.S.C. 1367(b)) is amended—

13 (1) in paragraph (1)—

14 (A) by inserting “Secretary of Homeland
 15 Security or the” before “Attorney General
 16 may”; and

17 (B) by inserting “Secretary’s or the” be-
 18 fore “Attorney General’s discretion”;

19 (2) in paragraph (2)—

20 (A) by inserting “Secretary of Homeland
 21 Security or the” before “Attorney General
 22 may”;

23 (B) by inserting “Secretary or the” before
 24 “Attorney General for”; and

1 (C) by inserting “in a manner that pro-
2 tects the confidentiality of such information”
3 after “law enforcement purpose”;

4 (3) in paragraph (5), by striking “Attorney
5 General is” and inserting “Secretary of Homeland
6 Security and the Attorney General are”; and

7 (4) by adding at the end a new paragraph as
8 follows:

9 “(8) Notwithstanding subsection (a)(2), the
10 Secretary of Homeland Security, the Secretary of
11 State, or the Attorney General may provide in the
12 discretion of either such Secretary or the Attorney
13 General for the disclosure of information to national
14 security officials to be used solely for a national se-
15 curity purpose in a manner that protects the con-
16 fidentiality of such information.”.

17 (b) GUIDELINES.—Section 384(d) of the Illegal Im-
18 migration Reform and Immigrant Responsibility Act of
19 1996 (8 U.S.C. 1367(d)) is amended by inserting “and
20 severe forms of trafficking in persons or criminal activity
21 listed in section 101(a)(15)(U) of the Immigration and
22 Nationality Act (8 U.S.C. 1101(a)(15)(u))” after “domes-
23 tic violence”.

24 (c) IMPLEMENTATION.—Not later than 180 days
25 after the date of enactment of this Act, the Attorney Gen-

1 eral and Secretary of Homeland Security shall provide the
 2 guidance required by section 384(d) of the Illegal Immi-
 3 gration Reform and Immigrant Responsibility Act of 1996
 4 (8 U.S.C. 1367(d)), consistent with the amendments made
 5 by subsections (a) and (b).

6 (d) CLERICAL AMENDMENT.—Section 384(a)(1) of
 7 the Illegal Immigration Reform and Immigrant Responsi-
 8 bility Act of 1986 is amended by striking “241(a)(2)” in
 9 the matter following subparagraph (F) and inserting
 10 “237(a)(2)”.

11 **TITLE IX—SAFETY FOR INDIAN** 12 **WOMEN**

13 **SEC. 901. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

14 Section 2015(a) of title I of the Omnibus Crime Con-
 15 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
 16 10(a)) is amended—

17 (1) in paragraph (2), by inserting “sex traf-
 18 ficking,” after “sexual assault,”;

19 (2) in paragraph (4), by inserting “sex traf-
 20 ficking,” after “sexual assault,”;

21 (3) in paragraph (5), by striking “and stalking”
 22 and all that follows and inserting “sexual assault,
 23 sex trafficking, and stalking,”;

24 (4) in paragraph (7)—

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

3 (B) by striking “and” at the end;
 4 (5) in paragraph (8)—

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

7 (B) by striking the period at the end and
 8 inserting a semicolon; and
 9 (6) by adding at the end the following:

10 “(9) provide services to address the needs of
 11 youth who are victims of domestic violence, dating
 12 violence, sexual assault, sex trafficking, or stalking
 13 and the needs of children exposed to domestic vio-
 14 lence, dating violence, sexual assault, or stalking, in-
 15 cluding support for the nonabusing parent or the
 16 caretaker of the child; and

17 “(10) develop and promote legislation and poli-
 18 cies that enhance best practices for responding to
 19 violent crimes against Indian women, including the
 20 crimes of domestic violence, dating violence, sexual
 21 assault, sex trafficking, and stalking.”.

22 **SEC. 902. GRANTS TO INDIAN TRIBAL COALITIONS.**

23 Section 2001(d) of title I of the Omnibus Crime Con-
 24 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg(d))
 25 is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (B), by striking
3 “and” at the end;

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

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

7 “(D) developing and promoting State,
8 local, or tribal legislation and policies that en-
9 hance best practices for responding to violent
10 crimes against Indian women, including the
11 crimes of domestic violence, dating violence,
12 sexual assault, stalking, and sex trafficking.”;
13 and

14 (2) in paragraph (2)(B), by striking “individ-
15 uals or”.

16 **SEC. 903. CONSULTATION.**

17 Section 903 of the Violence Against Women and De-
18 partment of Justice Reauthorization Act of 2005 (42
19 U.S.C. 14045d) is amended—

20 (1) in subsection (a)—

21 (A) by striking “and the Violence Against
22 Women Act of 2000” and inserting “, the Vio-
23 lence Against Women Act of 2000”; and

1 (B) by inserting “, and the Violence
2 Against Women Reauthorization Act of 2011”
3 before the period at the end;
4 (2) in subsection (b)—

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

10 (B) in paragraph (2), by striking “and
11 stalking” and inserting “stalking, and sex traf-
12 ficking”; and

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

14 “(c) ANNUAL REPORT.—The Attorney General shall
15 submit to Congress an annual report on the annual con-
16 sultations required under subsection (a) that—

17 “(1) contains the recommendations made under
18 subsection (b) by Indian tribes during the year cov-
19 ered by the report;

20 “(2) describes actions taken during the year
21 covered by the report to respond to recommenda-
22 tions made under subsection (b) during the year or
23 a previous year; and

24 “(3) describes how the Attorney General will
25 work in coordination and collaboration with Indian

1 tribes, the Secretary of Health and Human Services,
 2 and the Secretary of the Interior to address the rec-
 3 ommendations made under subsection (b).

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

8 **SEC. 904. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**
 9 **UTE.**

10 (a) IN GENERAL.—Section 113 of title 18, United
 11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) by striking paragraph (1) and insert-
 14 ing the following:

15 “(1) Assault with intent to commit murder or
 16 a violation of section 2241 or 2242, by a fine under
 17 this title, imprisonment for not more than 20 years,
 18 or both.”;

19 (B) in paragraph (2), by striking “felony
 20 under chapter 109A” and inserting “violation
 21 of section 2241 or 2242”;

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

24 (D) in paragraph (4), by striking “six
 25 months” and inserting “1 year”;

1 (E) in paragraph (5), by striking “1 year,”
 2 and inserting “5 years,”;

3 (F) in paragraph (7)—

4 (i) by striking “substantial bodily in-
 5 jury to an individual who has not attained
 6 the age of 16 years” and inserting “sub-
 7 stantial bodily injury to a spouse or inti-
 8 mate partner, a dating partner, or an indi-
 9 vidual who has not attained the age of 16
 10 years”; and

11 (ii) by striking “fine” and inserting
 12 “a fine”; and

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

14 “(8) Assault of a spouse, intimate partner, or
 15 dating partner by strangling, suffocating, or at-
 16 tempting to strangle or suffocate, by a fine under
 17 this title, imprisonment for not more than 10 years,
 18 or both.”; and

19 (2) in subsection (b)—

20 (A) by striking “(b) As used in this sub-
 21 section—” and inserting the following:

22 “(b) DEFINITIONS.—In this section—”;

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

1 (C) in paragraph (2), by striking the pe-
 2 riod at the end and inserting a semicolon; and

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

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

7 “(4) the term ‘strangling’ means knowingly or
 8 recklessly impeding the normal breathing or circula-
 9 tion of the blood of a person by applying pressure
 10 to the throat or neck, regardless of whether that
 11 conduct results in any visible injury or whether there
 12 is any intent to kill or protractedly injure the victim;
 13 and

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

20 (b) INDIAN MAJOR CRIMES.—Section 1153(a) of title
 21 18, United States Code, is amended by striking “assault
 22 with intent to commit murder, assault with a dangerous
 23 weapon, assault resulting in serious bodily injury (as de-
 24 fined in section 1365 of this title)” and inserting “a felony
 25 assault under section 113”.

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

4 **SEC. 905. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
 5 **INDIAN WOMEN.**

6 (a) IN GENERAL.—Section 904(a) of the Violence
 7 Against Women and Department of Justice Reauthoriza-
 8 tion Act of 2005 (42 U.S.C. 3796gg–10 note) is amend-
 9 ed—

10 (1) in paragraph (1)—

11 (A) by striking “The National” and insert-
 12 ing “Not later than 2 years after the date of
 13 enactment of the Violence Against Women Re-
 14 authorization Act of 2011, the National”; and

15 (B) by inserting “and in Native villages”
 16 (as defined in section 3 of the Alaska Native
 17 Claims Settlement Act (43 U.S.C. 1602))” be-
 18 fore the period at the end;

19 (2) in paragraph (2)(A)—

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

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

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

25 “(vi) sex trafficking.”;

1 (3) in paragraph (4), by striking “this Act” and
2 inserting “the Violence Against Women Reauthoriza-
3 tion Act of 2011”; and

4 (4) in paragraph (5), by striking “this section
5 \$1,000,000 for each of fiscal years 2007 and 2008”
6 and inserting “this subsection \$500,000 for each of
7 fiscal years 2012 and 2013”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
9 905(b)(2) of the Violence Against Women and Depart-
10 ment of Justice Reauthorization Act of 2005 (28 U.S.C.
11 534 note) is amended by striking “fiscal years 2007
12 through 2011” and inserting “fiscal years 2012 through
13 2016”.

14 **SEC. 906. EFFECTIVE DATE.**

15 The amendments made by this title shall take effect
16 on the date of enactment of this Act.

17 **SEC. 907. TRIBAL PROTECTION ORDERS.**

18 Section 2265(e) of title 18, United States Code, is
19 amended—

20 (1) in the subsection heading, by striking
21 “COURT JURISDICTION” and inserting “PROTEC-
22 TION ORDERS”;

23 (2) by striking “For purposes of this section”
24 and inserting the following:

1 “(1) TRIBAL COURT JURISDICTION.—For pur-
2 poses of this section and subject to paragraph (2)”;
3 and

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

5 “(2) UNITED STATES COURT JURISDICTION.—

6 “(A) IN GENERAL.—An Indian tribe may
7 petition a district court of the United States in
8 whose district the tribe is located for an appro-
9 priately tailored protection order excluding any
10 person from areas within the Indian country of
11 the tribe.

12 “(B) REQUIRED SHOWING.—The court
13 shall issue a protection order prohibiting the
14 person identified in a petition under subpara-
15 graph (A) from entering all or part of the In-
16 dian country of the tribe upon a showing that—

17 “(i) the person identified in the peti-
18 tion has assaulted an Indian spouse or in-
19 timate partner who resides or works in
20 such Indian country, or an Indian child
21 who resides with or is in the care or cus-
22 tody of such spouse or intimate partner;
23 and

24 “(ii) a protection order is reasonably
25 necessary to protect the safety and well-

1 being of the spouse, intimate partner, or
 2 child described in clause (i).

3 “(C) FACTORS TO CONSIDER.—In deter-
 4 mining the areas from which the person identi-
 5 fied in a protection order issued under subpara-
 6 graph (B) shall be excluded, the court shall
 7 consider all appropriate factors, including the
 8 places of residence, work, or school of—

9 “(i) the person identified in the pro-
 10 tection order; and

11 “(ii) the spouse, intimate partner, or
 12 child described in subparagraph (B)(i).

13 “(D) PENALTY FOR WILLFUL VIOLA-
 14 TION.—A person who willfully violates a protec-
 15 tion order issued under subparagraph (B) shall
 16 be punished as provided in section 2261(b).”.

17 **TITLE X—VIOLENT CRIME** 18 **AGAINST WOMEN**

19 **SEC. 1001. CRIMINAL PROVISIONS RELATING TO SEXUAL** 20 **ABUSE.**

21 (a) SEXUAL ABUSE OF A MINOR OR WARD.—Section
 22 2243(b) of title 18, United States Code, is amended to
 23 read as follows:

24 “(b) OF A WARD.—

1 “(1) OFFENSES.—It shall be unlawful for any
2 person to knowingly engage, or knowingly attempt to
3 engage, in a sexual act with another person who is—

4 “(A) in official detention or supervised by,
5 or otherwise under the control of, the United
6 States—

7 “(i) during arrest;

8 “(ii) during pretrial release;

9 “(iii) while in official detention or cus-
10 tody; or

11 “(iv) while on probation, supervised
12 release, or parole;

13 “(B) under the professional custodial, su-
14 pervisory, or disciplinary control or authority of
15 the person engaging or attempting to engage in
16 the sexual act; and

17 “(C) at the time of the sexual act—

18 “(i) in the special maritime and terri-
19 torial jurisdiction of the United States;

20 “(ii) in a Federal prison, or in any
21 prison, institution, or facility in which per-
22 sons are held in custody by direction of, or
23 pursuant to a contract or agreement with,
24 the United States; or

1 “(iii) under supervision or other con-
2 trol by the United States, or by direction
3 of, or pursuant to a contract or agreement
4 with, the United States.

5 “(2) PENALTIES.—A person that violates para-
6 graph (1) shall—

7 “(A) be fined under this title, imprisoned
8 for not more than 15 years, or both; and

9 “(B) if, in the course of committing the
10 violation of paragraph (1), the person engages
11 in conduct that would constitute an offense
12 under section 2241 or 2242 if committed in the
13 special maritime and territorial jurisdiction of
14 the United States, be subject to the penalties
15 provided for under section 2241 or 2242, re-
16 spectively.”.

17 (b) PENALTIES FOR SEXUAL ABUSE.—

18 (1) IN GENERAL.—Chapter 13 of title 18,
19 United States Code, is amended by adding at the
20 end the following:

21 **“§ 250. Penalties for sexual abuse**

22 “(a) OFFENSE.—It shall be unlawful for any person,
23 in the course of committing an offense under this chapter
24 or under section 901 of the Fair Housing Act (42 U.S.C.
25 3631) to engage in conduct that would constitute an of-

1 fense under chapter 109A if committed in the special mar-
 2 itime and territorial jurisdiction of the United States.

3 “(b) PENALTIES.—A person that violates subsection
 4 (a) shall be subject to the penalties under the provision
 5 of chapter 109A that would have been violated if the con-
 6 duct was committed in the special maritime and territorial
 7 jurisdiction of the United States, unless a greater penalty
 8 is otherwise authorized by law.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
 10 MENT.—The table of sections for chapter 13 of title
 11 18, United States Code, is amended by adding at
 12 the end the following:

“250. Penalties for sexual abuse.”.

13 **SEC. 1002. SEXUAL ABUSE IN CUSTODIAL SETTINGS.**

14 (a) SUITS BY PRISONERS.—Section 7(e) of the Civil
 15 Rights of Institutionalized Persons Act (42 U.S.C.
 16 1997e(e)) is amended by inserting before the period at the
 17 end the following: “or the commission of a sexual act (as
 18 defined in section 2246 of title 18, United States Code)”.

19 (b) UNITED STATES AS DEFENDANT.—Section
 20 1346(b)(2) of title 28, United States Code, is amended
 21 by inserting before the period at the end the following:
 22 “or the commission of a sexual act (as defined in section
 23 2246 of title 18)”.

1 (c) ADOPTION AND EFFECT OF NATIONAL STAND-
2 ARDS.—Section 8 of the Prison Rape Elimination Act of
3 2003 (42 U.S.C. 15607) is amended—

4 (1) by redesignating subsection (c) as sub-
5 section (e); and

6 (2) by inserting after subsection (b) the fol-
7 lowing:

8 “(c) APPLICABILITY TO DETENTION FACILITIES OP-
9 ERATED BY THE DEPARTMENT OF HOMELAND SECU-
10 RITY.—

11 “(1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of the Violence Against
13 Women Reauthorization Act of 2011, the Secretary
14 of Homeland Security shall publish a final rule
15 adopting national standards for the detection, pre-
16 vention, reduction, and punishment of rape and sex-
17 ual assault in facilities that maintain custody of
18 aliens detained for a violation of the immigrations
19 laws of the United States.

20 “(2) APPLICABILITY.—The standards adopted
21 under paragraph (1) shall apply to detention facili-
22 ties operated by the Department of Homeland Secu-
23 rity and to detention facilities operated under con-
24 tract with the Department.

1 “(3) COMPLIANCE.—The Secretary of Home-
2 land Security shall—

3 “(A) assess compliance with the standards
4 adopted under paragraph (1) on a regular
5 basis; and

6 “(B) include the results of the assessments
7 in performance evaluations of facilities com-
8 pleted by the Department of Homeland Secu-
9 rity.

10 “(4) CONSIDERATIONS.—In adopting standards
11 under paragraph (1), the Secretary of Homeland Se-
12 curity shall give due consideration to the rec-
13 ommended national standards provided by the Com-
14 mission under section 7(e).

15 “(d) APPLICABILITY TO CUSTODIAL FACILITIES OP-
16 ERATED BY THE DEPARTMENT OF HEALTH AND HUMAN
17 SERVICES.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of the Violence Against
20 Women Reauthorization Act of 2011, the Secretary
21 of Health and Human Services shall publish a final
22 rule adopting national standards for the detection,
23 prevention, reduction, and punishment of rape and
24 sexual assault in facilities that maintain custody of
25 unaccompanied alien children (as defined in section

1 462(g) of the Homeland Security Act of 2002 (6
2 U.S.C. 279(g))).

3 “(2) APPLICABILITY.—The standards adopted
4 under paragraph (1) shall apply to facilities operated
5 by the Department of Health and Human Services
6 and to facilities operated under contract with the
7 Department.

8 “(3) COMPLIANCE.—The Secretary of Health
9 and Human Services shall—

10 “(A) assess compliance with the standards
11 adopted under paragraph (1) on a regular
12 basis; and

13 “(B) include the results of the assessments
14 in performance evaluations of facilities com-
15 pleted by the Department of Health and
16 Human Services.

17 “(4) CONSIDERATIONS.—In adopting standards
18 under paragraph (1), the Secretary of Health and
19 Human Services shall give due consideration to the
20 recommended national standards provided by the
21 Commission under section 7(e).”.

22 **SEC. 1003. REPORT ON COMPLIANCE WITH THE DNA FIN-**
23 **GERPRINT ACT OF 2005.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after date of the enactment of this Act, the Secretary of

1 Homeland Security shall prepare and submit to the Com-
2 mittee on the Judiciary of the Senate and the Committee
3 on the Judiciary of the House of Representatives a report
4 that—

5 (1) describes, in detail, the measures and proce-
6 dures taken by the Secretary to comply with any
7 regulation promulgated pursuant to section 3(e)(1)
8 of the DNA Analysis Backlog Elimination Act of
9 2000 (42 U.S.C. 14135a(e)(1)); and

10 (2) provides a detailed explanation of the cir-
11 cumstances and specific cases, if available, in
12 which—

13 (A) the Secretary failed to comply with any
14 regulation promulgated pursuant to such sec-
15 tion 3(e)(1);

16 (B) the Secretary requested the Attorney
17 General approve additional limitations to, or ex-
18 ceptions from, any regulation promulgated pur-
19 suant to such section 3(e)(1); or

20 (C) the Secretary consulted with the Attor-
21 ney General to determine that the collection of
22 DNA samples is not feasible because of oper-
23 ational exigencies or resource limitations.

1 **SEC. 1004. REDUCING THE RAPE KIT BACKLOG.**

2 Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended
3 by adding at the end the following:
4

5 “(C) For each of fiscal years 2012 through
6 2014, not less than 75 percent of the total
7 grant amounts shall be awarded for a combination of purposes under paragraphs (2) and (3)
8 of subsection (a).”.

10 **SEC. 1005. REPORT ON CAPACITY UTILIZATION.**

11 (a) REPORT REQUIRED.—Not later than 2 years
12 after the date of the enactment of this Act, the Comptroller General of the United States shall prepare a study
13 on the availability of services for victims of domestic violence, dating violence, sexual assault, and stalking.
14

15 (b) CONTENT.—The report required by subsection
16 (a) shall address the following:
17

18 (1) The services or categories of services that
19 are currently being offered or provided to victims of
20 domestic violence, dating violence, sexual assault,
21 and stalking.

22 (2) The approximate number of victims receiving these services.
23

24 (3) The approximate number of victims, and
25 the percentage of the total population of victims,
26 who request services but are not provided services.

1 (4) The reasons why victims are not provided
2 services, including—

3 (A) shelter or service organization lack of
4 resources;

5 (B) shelter or organization limitations not
6 associated with funding;

7 (C) geographical, logistical, or physical
8 barriers;

9 (D) characteristics of the perpetrator; and

10 (E) characteristics or background of the
11 victim.

12 (5) For any refusal to provide services to a vic-
13 tim, the reasons for the denial of services, including
14 victim characteristics or background, including—

15 (A) employment history;

16 (B) criminal history;

17 (C) illegal or prescription drug use;

18 (D) financial situation;

19 (E) status of the victim as a parent;

20 (F) personal hygiene;

21 (G) current or past disease or illness;

22 (H) religious association or belief;

23 (I) physical characteristics of the victim or
24 the provider facility

25 (J) gender;

1 (K) race;

2 (L) national origin or status as alien;

3 (M) failure to follow shelter or organiza-
4 tion rules or procedures;

5 (N) previous contact or experiences with
6 the shelter or service organization; or

7 (O) any other victim characteristic or
8 background that is determined to be the cause
9 of the denial of services.

10 (6) The frequency or prevalence of denial of
11 services from organizations who receive Federal
12 funds.

13 (7) The frequency or prevalence of denial of
14 service from organizations who do not receive Fed-
15 eral funds.

16 **SEC. 1006. MANDATORY MINIMUM SENTENCE FOR AGGRA-**
17 **VATED SEXUAL ABUSE.**

18 Section 2241 of title 18, United States Code, is
19 amended—

20 (1) in subsection (a), in the undesignated mat-
21 ter following paragraph (2), by striking “any term
22 of years or life” and inserting “not less than 10
23 years or imprisoned for life”; and

24 (2) in subsection (b), in the undesignated mat-
25 ter following paragraph (2), by striking “any term

1 of years or life” and inserting “not less than 5 years
2 or imprisoned for life”.

3 **SEC. 1007. REMOVAL OF DRUNK DRIVERS.**

4 (a) IN GENERAL.—Section 101(a)(43)(F) of the Im-
5 migration and Nationality Act (8 U.S.C. 1101(a)(43)(F))
6 is amended by striking “for which the term of imprison-
7 ment” and inserting “, including a third drunk driving
8 conviction, regardless of the States in which the convic-
9 tions occurred or whether the offenses are classified as
10 misdemeanors or felonies under State or Federal law, for
11 which the term of imprisonment is”.

12 (b) EFFECTIVE DATE AND APPLICATION.—

13 (1) EFFECTIVE DATE.—The amendment made
14 by subsection (a) shall take effect on the date of the
15 enactment of this Act.

16 (2) APPLICATION.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), the amendment made by
19 subsection (a) shall apply to a conviction for
20 drunk driving that occurred before, on, or after
21 such date.

22 (B) TWO OR MORE PRIOR CONVICTIONS.—

23 An alien who has received two or more convic-
24 tions for drunk driving prior to the date of the
25 enactment of this Act may not be subject to re-

1 moval for the commission of an aggravated fel-
 2 ony pursuant to section 101(a)(43)(F) of the
 3 Immigration and Nationality Act (8 U.S.C.
 4 1101(a)(43)(F)), as amended by subsection (a),
 5 on the basis of such convictions until the date
 6 that the alien is convicted of a drunk driving of-
 7 fense after such date of enactment.

8 **SEC. 1008. ENHANCED PENALTIES FOR INTERSTATE DO-**
 9 **MESTIC VIOLENCE RESULTING IN DEATH,**
 10 **LIFE-THREATENING BODILY INJURY, PERMA-**
 11 **NENT DISFIGUREMENT, AND SERIOUS BOD-**
 12 **ILY INJURY.**

13 Section 2261(b) of title 18, United States Code, is
 14 amended—

15 (1) in paragraph (1), by inserting “not less
 16 than 15 years” after “any term of years”;

17 (2) in paragraph (2), by striking “20 years”
 18 and inserting “25 years”; and

19 (3) in paragraph (3), by striking “10 years”
 20 and inserting “15 years”.

21 **SEC. 1009. FINDING FUGITIVE SEX OFFENDERS ACT.**

22 (a) IN GENERAL.—Section 3486(a)(1) of title 18,
 23 United States Code, is amended—

24 (1) in subparagraph (A)—

1 (A) in clause (i)(II), by striking “or” at
 2 the end;

3 (B) by redesignating clause (ii) as clause
 4 (iii); and

5 (C) by inserting after clause (i) the fol-
 6 lowing:

7 “(ii) an unregistered sex offender con-
 8 ducted by the United States Marshals
 9 Service, the Director of the United States
 10 Marshals Service; or”; and

11 (2) in subparagraph (D)—

12 (A) by striking “paragraph, the term” and
 13 inserting the following: “paragraph—

14 “(i) the term”;

15 (B) by striking the period at the end and
 16 inserting “; and”; and

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

18 “(ii) the term ‘sex offender’ means an
 19 individual required to register under the
 20 Sex Offender Registration and Notification
 21 Act (42 U.S.C. 16901 et seq.).”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 Section 3486(a) of title 18, United States Code, is amend-
 24 ed—

1 (1) in paragraph (6)(A), by striking “United
2 State” and inserting “United States”;

3 (2) in paragraph (9), by striking “(1)(A)(ii)”
4 and inserting “(1)(A)(iii)”; and

5 (3) in paragraph (10), by striking “paragraph
6 (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

7 (c) SUBPOENA AUTHORITY.—Section 566(e)(1) of
8 title 28, United States Code, is amended—

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

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

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

14 “(C) issue administrative subpoenas in ac-
15 cordance with section 3486 of title 18, solely for
16 the purpose of investigating unregistered sex of-
17 fenders (as defined in such section 3486).”.

18 **SEC. 1010. MINIMUM PENALTIES FOR THE POSSESSION OF**
19 **CHILD PORNOGRAPHY.**

20 (a) CERTAIN ACTIVITIES RELATING TO MATERIAL
21 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—

22 Section 2252(b)(2) of title 18, United States Code, is
23 amended by inserting after “but if” the following: “any
24 visual depiction involved in the offense involved a pre-
25 pubescent minor or a minor who had not attained 12 years

1 of age, such person shall be fined under this title and im-
 2 prisoned for not less than 1 year nor more than 20 years,
 3 or if”.

4 (b) CERTAIN ACTIVITIES RELATING TO MATERIAL
 5 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
 6 Section 2252A(b)(2) of title 18, United States Code, is
 7 amended by inserting after “but, if” the following: “any
 8 image of child pornography involved in the offense in-
 9 volved a prepubescent minor or a minor who had not at-
 10 tained 12 years of age, such person shall be fined under
 11 this title and imprisoned for not less than 1 year nor more
 12 than 20 years, or if”.

13 **SEC. 1011. AUDIT OF OFFICE FOR VICTIMS OF CRIME.**

14 (a) AUDIT.—The Comptroller General of the United
 15 States shall conduct an objective and credible audit of the
 16 expenditure of funds by the Office for Victims of Crime
 17 (in this section referred to as the “Office”) from the Crime
 18 Victims Fund established under section 1402 of the Vic-
 19 tims of Crime Act of 1984 (42 U.S.C. 10601) (in this
 20 section referred to as the “Fund”).

21 (b) REPORT.—Not later than 9 months after the date
 22 of enactment of this Act, the Comptroller General shall
 23 submit to the Committee on the Judiciary of the Senate
 24 and the Committee on the Judiciary of the House of Rep-

1 representatives a report regarding the audit conducted under
2 subsection (a) that—

3 (1) addresses whether the Office provides
4 amounts from the Fund to individuals or entities
5 that support individuals who are not victims of
6 crime;

7 (2) addresses whether the Office is authorized
8 to provide amounts from the Fund to individuals or
9 entities described in paragraph (1);

10 (3) addresses whether the Office provides
11 amounts from the Fund for legal services for victims
12 of crime; and

13 (4) if the Office no longer provides amounts
14 from the Fund for the services described in para-
15 graph (3), contains an explanation for why the Of-
16 fice no longer provides amounts for such services.

17 **TITLE XI—THE SAFER ACT**

18 **SEC. 1101. SHORT TITLE.**

19 This title may be cited as the “Sexual Assault Foren-
20 sic Evidence Registry Act of 2012” or the “SAFER Act
21 of 2012”.

22 **SEC. 1102. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL** 23 **ASSAULT EVIDENCE BACKLOGS.**

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

1 (1) in subsection (a), by adding at the end the
2 following new paragraph:

3 “(6) To conduct an audit consistent with sub-
4 section (n) of the samples of sexual assault evidence
5 that are in the possession of the State or unit of
6 local government and are awaiting testing.”;

7 (2) in subsection (c), by adding at the end the
8 following new paragraph:

9 “(4) ALLOCATION OF GRANT AWARDS FOR AU-
10 DITS.—For each of fiscal years 2012 through 2016,
11 not less than 7 percent of the grant amounts distrib-
12 uted under paragraph (1) shall be awarded for the
13 purpose described in subsection (a)(6).”; and

14 (3) by adding at the end the following new sub-
15 section:

16 “(n) USE OF FUNDS FOR AUDITING SEXUAL AS-
17 SAULT EVIDENCE BACKLOGS.—

18 “(1) ELIGIBILITY.—The Attorney General may
19 award a grant under this section to a State or unit
20 of local government for the purpose described in
21 subsection (a)(6) only if the State or unit of local
22 government—

23 “(A) submits a plan for performing the
24 audit of samples described in such subsection;
25 and

1 “(B) includes in such plan a good-faith es-
2 timate of the number of such samples.

3 “(2) GRANT CONDITIONS.—A State or unit of
4 local government receiving a grant for the purpose
5 described in subsection (a)(6) shall—

6 “(A) not later than 1 year after receiving
7 such grant—

8 “(i) complete the audit referred to in
9 paragraph (1)(A) in accordance with the
10 plan submitted under such paragraph; and

11 “(ii) for each sample of sexual assault
12 evidence identified in such audit, subject to
13 paragraph (4), enter into the Sexual As-
14 sault Forensic Evidence Registry estab-
15 lished under subsection (o) the information
16 listed in subsection (o)(2);

17 “(B) not later than 21 days after receiving
18 possession of a sample of sexual assault evi-
19 dence that was not in the possession of the
20 State or unit of local government at the time of
21 such audit, subject to paragraph (4), enter into
22 the Sexual Assault Forensic Evidence Registry
23 the information listed in subsection (o)(2) with
24 respect to the sample; and

1 “(C) not later than 30 days after a change
 2 in the status referred to in subsection
 3 (o)(2)(A)(v) of a sample with respect to which
 4 the State or unit of local government has en-
 5 tered information into such Registry, update
 6 such status.

7 “(3) EXTENSION OF INITIAL DEADLINE.—The
 8 Attorney General may grant an extension of the
 9 deadline under paragraph (2)(A) to a State or unit
 10 of local government that demonstrates that more
 11 time is required for compliance with such paragraph.

12 “(4) SAMPLES EXEMPT FROM REGISTRY RE-
 13 QUIREMENT.—A State or unit of local government is
 14 not required under paragraph (2) to enter into the
 15 Registry described in such paragraph information
 16 with respect to a sample of sexual assault evidence
 17 if—

18 “(A) the sample is not considered criminal
 19 evidence (such as a sample collected anony-
 20 mously from a victim who is unwilling to make
 21 a criminal complaint); or

22 “(B) the sample relates to a sexual assault
 23 for which the prosecution of each perpetrator is
 24 barred by a statute of limitations.

25 “(5) DEFINITIONS.—In this subsection:

1 “(A) AWAITING TESTING.—The term
2 ‘awaiting testing’ means, with respect to a sam-
3 ple of sexual assault evidence, that—

4 “(i) the sample has been collected and
5 is in the possession of a State or unit of
6 local government;

7 “(ii) DNA and other appropriate fo-
8 rensic analyses have not been performed on
9 such sample; and

10 “(iii) the sample is related to a crimi-
11 nal case or investigation in which final dis-
12 position has not yet been reached.

13 “(B) FINAL DISPOSITION.—The term ‘final
14 disposition’ means, with respect to a criminal
15 case or investigation to which a sample of sex-
16 ual assault evidence relates—

17 “(i) the conviction or acquittal of all
18 suspected perpetrators of the crime in-
19 volved;

20 “(ii) a determination by the State or
21 unit of local government in possession of
22 the sample that the case is unfounded; or

23 “(iii) a declaration by the victim of
24 the crime involved that the act constituting
25 the basis of the crime was not committed.

1 “(C) POSSESSION.—

2 “(i) IN GENERAL.—The term ‘possession’, used with respect to possession of a
3 sample of sexual assault evidence by a
4 State or unit of local government, includes
5 possession by an individual who is acting
6 as an agent of the State or unit of local
7 government for the collection of the sam-
8 ple.
9

10 “(ii) RULE OF CONSTRUCTION.—
11 Nothing in clause (i) shall be construed to
12 create or amend any Federal right or privi-
13 lege for a private laboratory described in
14 regulations promulgated under section
15 210303 of the DNA Identification Act of
16 1994 (42 U.S.C. 14131).”.

17 **SEC. 1103. SEXUAL ASSAULT FORENSIC EVIDENCE REG-**
18 **ISTRY.**

19 (a) IN GENERAL.—Section 2 of the DNA Analysis
20 Backlog Elimination Act of 2000 (42 U.S.C. 14135), as
21 amended by section 1102 of this title, is further amended
22 by adding at the end the following new subsection:

23 “(o) SEXUAL ASSAULT FORENSIC EVIDENCE REG-
24 ISTRY.—

1 “(1) IN GENERAL.—Subject to subsection (j),
2 not later than 1 year after the date of enactment of
3 the SAFER Act of 2012, the Attorney General shall
4 establish a Sexual Assault Forensic Evidence Reg-
5 istry (in this subsection referred to as the ‘Registry’)
6 that—

7 “(A) allows States and units of local gov-
8 ernment to enter information into the Registry
9 about samples of sexual assault evidence that
10 are in the possession of such States or units of
11 local government and are awaiting testing; and

12 “(B) tracks the testing and processing of
13 such samples.

14 “(2) INFORMATION IN REGISTRY.—

15 “(A) IN GENERAL.—A State or unit of
16 local government that chooses to enter informa-
17 tion into the Registry about a sample of sexual
18 assault evidence shall include the following in-
19 formation:

20 “(i) The date of the sexual assault to
21 which the sample relates.

22 “(ii) The city, county, or other appro-
23 priate locality in which the sexual assault
24 occurred.

1 “(iii) The date on which the sample
2 was collected.

3 “(iv) The date on which information
4 relating to the sample was entered into the
5 Registry.

6 “(v) The status of the progression of
7 the sample through testing and other
8 stages of the evidentiary handling process,
9 including the identity of the entity in pos-
10 session of the sample.

11 “(vi) The date or dates after which
12 the State or unit of local government
13 would be barred by any applicable statutes
14 of limitations from prosecuting a perpe-
15 trator of the sexual assault for the sexual
16 assault.

17 “(vii) Such other information as the
18 Attorney General considers appropriate.

19 “(B) PERSONALLY IDENTIFIABLE INFOR-
20 MATION.—The Attorney General shall ensure
21 that the Registry does not include personally
22 identifiable information or details about a sex-
23 ual assault that might lead to the identification
24 of the individuals involved, except for the infor-
25 mation listed in subparagraph (A).

1 “(3) SAMPLE IDENTIFICATION NUMBER.—

2 “(A) IN GENERAL.—A State or unit of
3 local government that chooses to enter informa-
4 tion about a sample of sexual assault evidence
5 into the Registry shall assign to the sample a
6 unique numeric or alphanumeric identifier.

7 “(B) UNIQUE IDENTIFIER REQUIRED.—In
8 assigning the identifier under subparagraph
9 (A), a State or unit of local government may
10 use a case-numbering system used for other
11 purposes, but the Attorney General shall ensure
12 that the identifier assigned to each sample is
13 unique with respect to all samples entered by
14 all States and units of local government.

15 “(4) UPDATE OF INFORMATION.—A State or
16 unit of local government that chooses to enter infor-
17 mation about a sample of sexual assault evidence
18 into the Registry shall, not later than 30 days after
19 a change in the status of the sample referred to in
20 paragraph (2)(A)(v), update such status.

21 “(5) INTERNET ACCESS.—The Attorney Gen-
22 eral shall make publicly available aggregate non-indi-
23 vidualized and non-personally identifying data gath-
24 ered from the Registry, to allow for comparison of

1 backlog data by States and units of local govern-
2 ment, on an appropriate Internet website.

3 “(6) TECHNICAL ASSISTANCE.—The Attorney
4 General shall—

5 “(A) provide a means by which an entity
6 that does not have access to the Internet may
7 enter information into the Registry; and

8 “(B) provide the technical assistance nec-
9 essary to allow States and units of local govern-
10 ment to participate in the Registry.”.

11 (b) FUNDING.—Section 2(j) of the DNA Analysis
12 Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is
13 amended—

14 (1) by inserting “and for carrying out sub-
15 section (o)” after “for grants under subsection (a)”;
16 and

17 (2) by adding at the end the following new sen-
18 tence: “For each of fiscal years 2012 through 2016,
19 not less than 1 percent of the amount authorized to
20 be appropriated under the previous sentence for such
21 fiscal year shall be for carrying out subsection (o).”

22 **SEC. 1104. REPORTS TO CONGRESS.**

23 Not later than 90 days after the end of each fiscal
24 year for which a grant is made for the purpose described
25 in section 2(a)(6) of the DNA Analysis Backlog Elimination

1 nation Act of 2000, as added by section 1102 of this title,
2 the Attorney General shall submit to Congress a report
3 that—

4 (1) lists the States and units of local govern-
5 ment that have been awarded such grants and the
6 amount of the grant received by each such State or
7 unit of local government;

8 (2) states the number of extensions granted by
9 the Attorney General under section 2(n)(3) of the
10 DNA Analysis Backlog Elimination Act of 2000, as
11 added by section 1102 of this title; and

12 (3) summarizes the processing status of the
13 samples of sexual assault evidence about which in-
14 formation has been entered into the Sexual Assault
15 Forensic Evidence Registry established under section
16 2(o) of the DNA Analysis Backlog Elimination Act
17 of 2000, as added by section 1103(a) of this title,
18 including the number of samples that have not been
19 tested.

Calendar No. 364

112TH CONGRESS
2^D Session

S. 2338

A BILL

To reauthorize the Violence Against Women Act of
1994.

APRIL 24, 2012

Ordered read the second time and placed on the calendar