

109TH CONGRESS  
1ST SESSION

# S. 1197

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## AN ACT

To reauthorize the Violence Against Women Act of 1994.

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

3       **SECTION 1. SHORT TITLE.**

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

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

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

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

2 “(a) DEFINITIONS.—In this title:

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

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

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

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

personnel’ mean persons working in the court,  
whether paid or volunteer, including—

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

“(B) court security personnel;

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

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

“(5) DOMESTIC VIOLENCE.—The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse

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

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

13 “(A) the length of the relationship;

14 “(B) the type of relationship; and

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

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

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

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

25 “(i) The length of the relationship.

1 “(ii) The type of relationship.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1 “(A) a first and last name;

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

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

6 “(D) a social security number; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(B) suffer substantial emotional distress.

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

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

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

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

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

1 violence or sexual assault within the territory;  
 2 or

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

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

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

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

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

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

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

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

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

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

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

19 “(C) any tribal nonprofit organization.

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



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

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

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

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

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

4           “(b) GRANT CONDITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24          (1) in subsection (b)—



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

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

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

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

15 (2) in subsection (d)—

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

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

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

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

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

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

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

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

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

1 (f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—

2 Section 2010 of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by  
4 adding at the end the following:

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

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

20 “(e) JUDICIAL NOTIFICATION.—

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

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

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

“(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

“(i) the period ending on the date on which the next session of the State legislature ends; or

“(ii) 2 years.

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

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

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

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

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

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

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

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

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

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

8 (2) in subsection (b)—

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

12 (B) in paragraph (1), by—

13 (i) striking “mandatory arrest or”;  
 14 and

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

17 (C) in paragraph (2), by—

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

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

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

6 (D) in paragraph (3), by—

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

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

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

17 (F) in paragraph (6), by—

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

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

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

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

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

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

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



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

6 (3) in subsection (c)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) in subsection (a), by—

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

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

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

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

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

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

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

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

5            (5) in subsection (f)—

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

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

11           (B) in paragraph (2)(A), by—

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

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

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

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

22           (1) in subsection (a)(2)(C)—

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

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

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

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

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

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

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

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

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

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

14 **“SEC. 41001. SHORT TITLE.**

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

18 **“SEC. 41002. PURPOSE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

22 **“SEC. 41005. TRIBAL CURRICULA.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **“SEC. 41102. PURPOSE AREAS.**

7 “Grants made under this subtitle may be used—

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

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

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

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



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

4 **“SEC. 41103. ELIGIBLE ENTITIES.**

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

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

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

16 “(3) States or State agencies;

17 “(4) local governments or agencies;

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

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

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

1 **“SEC. 41104. GRANT CONDITIONS.**

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

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

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

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

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

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

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

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

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

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

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

12 and

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

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

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

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

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

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

3 (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

12       (d) RESTRICTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) subsection (b)—

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

12 (B) in paragraph (2), by—

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

10 **“§ 2261A. Stalking**

11 “Whoever—

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

24 “(2) with the intent—

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

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

12                   “(i) that person;

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

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

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

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

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

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

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

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

15 **“§ 2265A. Repeat offenders**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 “(B) the type of relationship; and

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 201. FINDINGS.**

7 Congress finds the following:

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

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

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

17 (A) lost productivity;

18 (B) medical and mental health care;

19 (C) police and fire services;

20 (D) social services;

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

22 (F) reduced quality of life.

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

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

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

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

11                (A) the inability to support themselves;

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           “(C) nonprofit organizations;

7           “(D) faith-based organizations; and

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

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

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

17           “(2) ALLOCATION AND USE OF FUNDS.—

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

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

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

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

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

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

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

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

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

for racial and ethnic, and other underserved communities; and

“(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

“(3) APPLICATION.—

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

“(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

“(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from racial and ethnic and other underserved communities in the development of the application and the implementation of the plans;

“(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

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

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

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

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

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

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

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

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

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

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

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



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

4           “(4) DISTRIBUTION.—

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

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

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

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

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

1 “(1) GRANTS AUTHORIZED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(e) GRANTS TO TRIBES.—

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

20 “(2) ALLOCATION AND USE OF FUNDS.—

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

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

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

11       “(f) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in rural communities, by encouraging collaboration  
 2 among—

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

6 “(B) law enforcement agencies;

7 “(C) prosecutors;

8 “(D) courts;

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

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

13 “(G) educational institutions; and

14 “(H) health care providers;

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

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

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

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

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

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

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



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

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

7           “(d) ALLOTMENTS AND PRIORITIES.—

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

13          “(2) ALLOTMENT FOR SEXUAL ASSAULT.—

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

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

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

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

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

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

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

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4       “(c) ELIGIBLE ENTITIES.—

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

8                       “(A) a State;

9                       “(B) a unit of local government;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25               “(1) a State;



1 “(2) a unit of local government;

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

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

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

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

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

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

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

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

(2) in subsection (g)—

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

(B) by striking paragraph (2); and

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

(3) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

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

### **SEC. 301. FINDINGS.**

Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(c) USE OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

10 “(d) AWARDS BASIS.—

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

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

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

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



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

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

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

21       “(b) GRANT AUTHORITY.—

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

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

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

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

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

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

15                      “(C) may include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25               “(A) the staffs of courts;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23          “(i) GRANTEE REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

11                   “(D) may include a court; and

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

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

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

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

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

4               (2) in subsection (b)—

5                       (A) in paragraph (2)—

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

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

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

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

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

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

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



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

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

13          (5) in subsection (g), by—

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

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

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

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

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

23               (1) in paragraph (7)(B)—

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

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

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

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

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

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

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

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

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

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

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

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

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

10           (2) in subsection (a)—

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

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

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

18                   “(1) to provide”;

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

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

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

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

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

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

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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

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

23 **“SEC. 41301. FINDINGS.**

24       “Congress finds that—

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

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

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

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

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

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

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

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

8   **“SEC. 41302. PURPOSE.**

9           “The purpose of this subtitle is to—

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

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

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

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

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

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

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

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

12 “(a) GRANTS AUTHORIZED.—

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(a) GRANTS AUTHORIZED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(a) GRANTS AUTHORIZED.—

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

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

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

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

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

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

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

19          “(c) USE OF FUNDS.—

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

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



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

6 “(ii) that include at a minimum—

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

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

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

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

1 “(d) ELIGIBLE ENTITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6       (a) **PURPOSES.**—The Secretary of Health and  
 7 Human Services acting through the National Center for  
 8 Injury Prevention and Control at the Centers for Disease  
 9 Control Prevention shall make grants to entities, including  
 10 domestic and sexual assault coalitions and programs, re-  
 11 search organizations, tribal organizations, and academic  
 12 institutions to support research to examine prevention and  
 13 intervention programs to further the understanding of sex-  
 14 ual and domestic violence by and against adults, youth,  
 15 and children.

16       (b) **USE OF FUNDS.**—The research conducted under  
 17 this section shall include evaluation and study of best  
 18 practices for reducing and preventing violence against  
 19 women and children addressed by the strategies included  
 20 in Department of Health and Human Services-related pro-  
 21 visions this title, including strategies addressing racial,  
 22 ethnic, and other underserved communities.

23       (c) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 24 shall be authorized to be appropriated to carry out this

1 title \$2,000,000 for each of the fiscal years 2006 through  
2 2010.

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

9 **SEC. 501. FINDINGS.**

10 Congress makes the following findings:

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

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

18 (3) In addition to injuries sustained during vio-  
19 lent episodes, physical and psychological abuse is  
20 linked to a number of adverse physical and mental  
21 health effects. Women who have been abused are  
22 much more likely to suffer from chronic pain, diabe-  
23 tes, depression, unintended pregnancies, substance  
24 abuse and sexually transmitted infections, including  
25 HIV/AIDS.

1           (4) Health plans spend an average of \$1,775  
2           more a year on abused women than on general en-  
3           rollees.

4           (5) Each year about 324,000 pregnant women  
5           in the United States are battered by the men in  
6           their lives. This battering leads to complications of  
7           pregnancy, including low weight gain, anemia, infec-  
8           tions, and first and second trimester bleeding.

9           (6) Pregnant and recently pregnant women are  
10          more likely to be victims of homicide than to die of  
11          any other pregnancy-related cause, and evidence ex-  
12          ists that a significant proportion of all female homi-  
13          cide victims are killed by their intimate partners.

14          (7) Children who witness domestic violence are  
15          more likely to exhibit behavioral and physical health  
16          problems including depression, anxiety, and violence  
17          towards peers. They are also more likely to attempt  
18          suicide, abuse drugs and alcohol, run away from  
19          home, engage in teenage prostitution, and commit  
20          sexual assault crimes.

21          (8) Recent research suggests that women experi-  
22          encing domestic violence significantly increase their  
23          safety-promoting behaviors over the short- and long-  
24          term when health care providers screen for, identify,

1 and provide followup care and information to ad-  
2 dress the violence.

3 (9) Currently, only about 10 percent of primary  
4 care physicians routinely screen for intimate partner  
5 abuse during new patient visits and 9 percent rou-  
6 tinely screen for intimate partner abuse during peri-  
7 odic checkups.

8 (10) Recent clinical studies have proven the ef-  
9 fectiveness of a 2-minute screening for early detec-  
10 tion of abuse of pregnant women. Additional longitu-  
11 dinal studies have tested a 10-minute intervention  
12 that was proven highly effective in increasing the  
13 safety of pregnant abused women. Comparable re-  
14 search does not yet exist to support the effectiveness  
15 of screening men.

16 (11) Seventy to 81 percent of the patients stud-  
17 ied reported that they would like their healthcare  
18 providers to ask them privately about intimate part-  
19 ner violence.

20 **SEC. 502. PURPOSE.**

21 It is the purpose of this title to improve the health  
22 care system's response to domestic violence, dating vio-  
23 lence, sexual assault, and stalking through the training  
24 and education of health care providers, developing com-  
25 prehensive public health responses to violence against

1 women and children, increasing the number of women  
 2 properly screened, identified, and treated for lifetime expo-  
 3 sure to violence, and expanding research on effective inter-  
 4 ventions in the health care setting.

5 **SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFES-**  
 6 **SIONALS IN DOMESTIC AND SEXUAL VIO-**  
 7 **LENCE.**

8 Part D of title VII of the Public Health Service Act  
 9 (42 U.S.C. 294 et seq.) is amended by adding at the end  
 10 the following:

11 **“SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION**  
 12 **ON DOMESTIC VIOLENCE AND OTHER TYPES**  
 13 **OF VIOLENCE AND ABUSE.**

14 “(a) GRANTS.—The Secretary, acting through the  
 15 Director of the Health Resources and Services Adminis-  
 16 tration, shall award grants under this section to develop  
 17 interdisciplinary training and education programs that  
 18 provide undergraduate, graduate, post-graduate medical,  
 19 nursing (including advanced practice nursing students),  
 20 and other health professions students with an under-  
 21 standing of, and clinical skills pertinent to, domestic vio-  
 22 lence, sexual assault, stalking, and dating violence.

23 “(b) ELIGIBILITY.—To be eligible to receive a grant  
 24 under this section an entity shall—



1           “(1) be an accredited school of allopathic or os-  
2       teopathic medicine;

3           “(2) prepare and submit to the Secretary an  
4       application at such time, in such manner, and con-  
5       taining such information as the Secretary may re-  
6       quire, including—

7           “(A) information to demonstrate that the  
8       applicant includes the meaningful participation  
9       of a school of nursing and at least one other  
10      school of health professions or graduate pro-  
11      gram in public health, dentistry, social work,  
12      midwifery, or behavioral and mental health;

13          “(B) strategies for the dissemination and  
14      sharing of curricula and other educational ma-  
15      terials developed under the grant to other inter-  
16      ested medical and nursing schools and national  
17      resource repositories for materials on domestic  
18      violence and sexual assault; and

19          “(C) a plan for consulting with, and com-  
20      pensating community-based coalitions or indi-  
21      viduals who have experience and expertise in  
22      issues related to domestic violence, sexual as-  
23      sault, dating violence, and stalking for services  
24      provided under the program carried out under  
25      the grant.

1 “(c) USE OF FUNDS.—

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

4 “(A) fund interdisciplinary training and  
5 education projects that are designed to train  
6 medical, nursing, and other health professions  
7 students and residents to identify and provide  
8 health care services (including mental or behav-  
9 ioral health care services and referrals to appro-  
10 priate community services) to individuals who  
11 are or who have experienced domestic violence,  
12 sexual assault, and stalking or dating violence;  
13 and

14 “(B) plan and develop culturally competent  
15 clinical components for integration into ap-  
16 proved residency training programs that ad-  
17 dress health issues related to domestic violence,  
18 sexual assault, dating violence, and stalking,  
19 along with other forms of violence as appro-  
20 priate, and include the primacy of victim safety  
21 and confidentiality.

22 “(2) PERMISSIVE USES.—Amounts provided  
23 under a grant under this section may be used to—

24 “(A) offer community-based training op-  
25 portunities in rural areas for medical, nursing,

1 and other students and residents on domestic  
 2 violence, sexual assault, stalking, and dating vi-  
 3 olence, and other forms of violence and abuse,  
 4 which may include the use of distance learning  
 5 networks and other available technologies need-  
 6 ed to reach isolated rural areas; or

7 “(B) provide stipends to students from ra-  
 8 cial and ethnic population groups who are  
 9 underrepresented in the health professions as  
 10 necessary to promote and enable their partici-  
 11 pation in clerkships, preceptorships, or other  
 12 offsite training experiences that are designed to  
 13 develop health care clinical skills related to do-  
 14 mestic violence, sexual assault, dating violence,  
 15 and stalking.

16 “(3) REQUIREMENTS.—

17 “(A) CONFIDENTIALITY AND SAFETY.—  
 18 Grantees under this section shall ensure that all  
 19 educational programs developed with grant  
 20 funds address issues of confidentiality and pa-  
 21 tient safety, and that faculty and staff associ-  
 22 ated with delivering educational components are  
 23 fully trained in procedures that will protect the  
 24 immediate and ongoing security of the patients,  
 25 patient records, and staff. Advocacy-based coali-

tions or other expertise available in the community shall be consulted on the development and adequacy of confidentiality and security procedures, and shall be fairly compensated by grantees for their services.

“(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

“(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

“(d) REQUIREMENTS OF GRANTEES.—

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

“(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education,

1 shall contribute non-Federal funds, either directly or  
 2 through in-kind contributions, to the costs of the ac-  
 3 tivities to be funded under the grant in an amount  
 4 that is not less than 25 percent of the total cost of  
 5 such activities.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 is authorized to be appropriated to carry out this section,  
 8 \$3,000,000 for each of fiscal years 2006 through 2010.  
 9 Amounts appropriated under this subsection shall remain  
 10 available until expended.”.

11 **SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES**  
 12 **TO DOMESTIC VIOLENCE, DATING VIOLENCE,**  
 13 **SEXUAL ASSAULT, AND STALKING GRANTS.**

14 Part P of title III of the Public Health Service Act  
 15 (42 U.S.C. 280g et seq.) is amended by adding at the end  
 16 the following:

17 **“SEC. 3990. GRANTS TO FOSTER PUBLIC HEALTH RE-**  
 18 **SPONSES TO DOMESTIC VIOLENCE, DATING**  
 19 **VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

20 “(a) AUTHORITY TO AWARD GRANTS.—

21 “(1) IN GENERAL.—The Secretary, acting  
 22 through the Director of the Centers for Disease  
 23 Control and Prevention, shall award grants to eligi-  
 24 ble State, tribal, territorial, or local entities to  
 25 strengthen the response of State, tribal, territorial,

1 or local health care systems to domestic violence,  
 2 dating violence, sexual assault, and stalking.

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

5 “(A) be—

6 “(i) a State department (or other divi-  
 7 sion) of health, a State domestic or sexual  
 8 assault coalition or service-based program,  
 9 State law enforcement task force, or any  
 10 other nonprofit, nongovernmental, tribal,  
 11 territorial, or State entity with a history of  
 12 effective work in the fields of domestic vio-  
 13 lence, dating violence, sexual assault or  
 14 stalking, and health care; or

15 “(ii) a local, nonprofit domestic vio-  
 16 lence, dating violence, sexual assault, or  
 17 stalking service-based program, a local de-  
 18 partment (or other division) of health, a  
 19 local health clinic, hospital, or health sys-  
 20 tem, or any other nonprofit, tribal, or local  
 21 entity with a history of effective work in  
 22 the field of domestic or sexual violence and  
 23 health;

24 “(B) prepare and submit to the Secretary  
 25 an application at such time, in such manner,

1           and containing such agreements, assurances,  
2           and information as the Secretary determines to  
3           be necessary to carry out the purposes for  
4           which the grant is to be made; and

5           “(C) demonstrate that the entity is rep-  
6           resenting a team of organizations and agencies  
7           working collaboratively to strengthen the re-  
8           sponse of the health care system involved to do-  
9           mestic violence, dating violence, sexual assault,  
10          or stalking and that such team includes domes-  
11          tic violence, dating violence, sexual assault or  
12          stalking and health care organizations.

13          “(3) DURATION.—A program conducted under  
14          a grant awarded under this section shall not exceed  
15          2 years.

16          “(b) USE OF FUNDS.—

17               “(1) IN GENERAL.—An entity shall use  
18          amounts received under a grant under this section to  
19          design and implement comprehensive strategies to  
20          improve the response of the health care system in-  
21          volved to domestic or sexual violence in clinical and  
22          public health settings, hospitals, clinics, managed  
23          care settings (including behavioral and mental  
24          health), and other health settings.

1           “(2) MANDATORY STRATEGIES.—Strategies im-  
2           plemented under paragraph (1) shall include the fol-  
3           lowing:

4                   “(A) The implementation, dissemination,  
5                   and evaluation of policies and procedures to  
6                   guide health care professionals and behavioral  
7                   and public health staff in responding to domes-  
8                   tic violence, dating violence, sexual assault, and  
9                   stalking, including strategies to ensure that  
10                  health information is maintained in a manner  
11                  that protects the patient’s privacy and safety  
12                  and prohibits insurance discrimination.

13                   “(B) The development of on-site access to  
14                   services to address the safety, medical, mental  
15                   health, and economic needs of patients either by  
16                   increasing the capacity of existing health care  
17                   professionals and behavioral and public health  
18                   staff to address domestic violence, dating vio-  
19                   lence, sexual assault, and stalking, by con-  
20                   tracting with or hiring domestic or sexual as-  
21                   sault advocates to provide the services, or to  
22                   model other services appropriate to the geo-  
23                   graphic and cultural needs of a site.

24                   “(C) The evaluation of practice and the in-  
25                   stitutionalization of identification, intervention,



1 and documentation including quality improve-  
2 ment measurements.

3 “(D) The provision of training and fol-  
4 lowup technical assistance to health care profes-  
5 sionals, behavioral and public health staff, and  
6 allied health professionals to identify, assess,  
7 treat, and refer clients who are victims of do-  
8 mestic violence, dating violence, sexual violence,  
9 or stalking.

10 “(3) PERMISSIVE STRATEGIES.—Strategies im-  
11 plemented under paragraph (1) may include the fol-  
12 lowing:

13 “(A) Where appropriate, the development  
14 of training modules and policies that address  
15 the overlap of child abuse, domestic violence,  
16 dating violence, sexual assault, and stalking and  
17 elder abuse as well as childhood exposure to do-  
18 mestic violence.

19 “(B) The creation, adaptation, and imple-  
20 mentation of public education campaigns for  
21 patients concerning domestic violence, dating vi-  
22 olence, sexual assault, and stalking prevention.

23 “(C) The development, adaptation, and  
24 dissemination of domestic violence, dating vio-  
25 lence, sexual assault, and stalking education

1 materials to patients and health care profes-  
 2 sionals and behavioral and public health staff.

3 “(D) The promotion of the inclusion of do-  
 4 mestic violence, dating violence, sexual assault,  
 5 and stalking into health professional training  
 6 schools, including medical, dental, nursing  
 7 school, social work, and mental health cur-  
 8 riculum.

9 “(E) The integration of domestic violence,  
 10 dating violence, sexual assault, and stalking  
 11 into health care accreditation and professional  
 12 licensing examinations, such as medical, dental,  
 13 social work, and nursing boards.

14 “(c) ALLOCATION OF FUNDS.—Funds appropriated  
 15 under this section shall be distributed equally between  
 16 State and local programs.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
 18 is authorized to be appropriated to award grants under  
 19 this section, \$5,000,000 for each of fiscal years 2006  
 20 through 2010.”.

21 **SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN**  
 22 **THE HEALTHCARE SETTING.**

23 Subtitle B of the Violence Against Women Act of  
 24 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as  
 25 amended by the Violence Against Women Act of 2000

1 (114 Stat. 1491 et seq.), and as amended by this Act,  
 2 is further amended by adding at the end the following:

3 **“CHAPTER 11—RESEARCH ON EFFECTIVE**  
 4 **INTERVENTIONS TO ADDRESS VIO-**  
 5 **LENCE AGAINST WOMEN**

6 **“SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN**  
 7 **THE HEALTH CARE SETTING.**

8 “(a) PURPOSE.—The Secretary, acting through the  
 9 Director of the Centers for Disease Control and Preven-  
 10 tion and the Director of the Agency for Healthcare Re-  
 11 search and Quality, shall award grants and contracts to  
 12 fund research on effective interventions in the health care  
 13 setting that prevent domestic violence, dating violence, and  
 14 sexual assault across the lifespan and that prevent the  
 15 health effects of such violence and improve the safety and  
 16 health of individuals who are currently being victimized.

17 “(b) USE OF FUNDS.—Research conducted with  
 18 amounts received under a grant or contract under this sec-  
 19 tion shall include the following:

20 “(1) With respect to the authority of the Cen-  
 21 ters for Disease Control and Prevention—

22 “(A) research on the effects of domestic vi-  
 23 olence, dating violence, sexual assault, and  
 24 childhood exposure to domestic, dating, or sex-  
 25 ual violence, on health behaviors, health condi-

1           tions, and the health status of individuals, fami-  
 2           lies, and populations; and

3           “(B) research and testing of best messages  
 4           and strategies to mobilize public and health  
 5           care provider action concerning the prevention  
 6           of domestic, dating, or sexual violence; and

7           “(2) With respect to the authority of the Agen-  
 8           cy for Healthcare Research and Quality—

9           “(A) research on the impact on the health  
 10          care system, health care utilization, health care  
 11          costs, and health status of domestic violence,  
 12          dating violence, and childhood exposure to do-  
 13          mestic and dating violence, sexual violence and  
 14          stalking and childhood exposure; and

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

21          “(c) USE OF DATA.—Research funded under this sec-  
 22          tion shall be utilized by eligible entities under section  
 23          3990 of the Public Health Service Act.

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

4 **TITLE VI—HOUSING OPPORTU-**  
 5 **NITIES AND SAFETY FOR BAT-**  
 6 **TERED WOMEN AND CHIL-**  
 7 **DREN**

8 **SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS**  
 9 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**  
 10 **SEXUAL ASSAULT, AND STALKING.**

11 The Violence Against Women Act of 1994 (42 U.S.C.  
 12 13701 et seq.) is amended by adding at the end the fol-  
 13 lowing:

14 **“Subtitle N—Addressing the Hous-**  
 15 **ing Needs of Victims of Domes-**  
 16 **tic Violence, Dating Violence,**  
 17 **Sexual Assault, and Stalking**

18 **“SEC. 41401. FINDINGS.**

19 “Congress finds that:

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

24 “(2) 92 percent of homeless women have experi-  
 25 enced severe physical or sexual abuse at some point

1 in their lives. Of all homeless women and children,  
2 60 percent had been abused by age 12, and 63 per-  
3 cent have been victims of intimate partner violence  
4 as adults.

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

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

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

1 less families went unmet due to the lack of available  
2 emergency shelter beds.

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

7 “(7) Victims of domestic violence often return  
8 to abusive partners because they cannot find long-  
9 term housing.

10 “(8) There are not enough Federal housing  
11 rent vouchers available to accommodate the number  
12 of people in need of long-term housing. Some people  
13 remain on the waiting list for Federal housing rent  
14 vouchers for years, while some lists are closed.

15 “(9) Transitional housing resources and serv-  
16 ices provide an essential continuum between emer-  
17 gency shelter provision and independent living. A  
18 majority of women in transitional housing programs  
19 stated that had these programs not existed, they  
20 would have likely gone back to abusive partners.

21 “(10) Because abusers frequently manipulate fi-  
22 nances in an effort to control their partners, victims  
23 often lack steady income, credit history, landlord ref-  
24 erences, and a current address, all of which are nec-  
25 essary to obtain long-term permanent housing.

1           “(11) Victims of domestic violence in rural  
 2           areas face additional barriers, challenges, and  
 3           unique circumstances, such as geographical isolation,  
 4           poverty, lack of public transportation systems, short-  
 5           ages of health care providers, under-insurance or  
 6           lack of health insurance, difficulty ensuring con-  
 7           fidentiality in small communities, and decreased ac-  
 8           cess to many resources (such as advanced education,  
 9           job opportunities, and adequate childcare).

10           “(12) Congress and the Secretary of Housing  
 11           and Urban Development have recognized in recent  
 12           years that families experiencing domestic violence  
 13           have unique needs that should be addressed by those  
 14           administering the Federal housing programs.

15   **“SEC. 41402. PURPOSE.**

16           “The purpose of this subtitle is to reduce domestic  
 17           violence, dating violence, sexual assault, and stalking, and  
 18           to prevent homelessness by—

19           “(1) protecting the safety of victims of domestic  
 20           violence, dating violence, sexual assault, and stalking  
 21           who reside in homeless shelters, public housing, as-  
 22           sisted housing, Indian housing, or other emergency,  
 23           transitional, permanent, or affordable housing, and  
 24           ensuring that such victims have meaningful access to



1 the criminal justice system without jeopardizing such  
2 housing;

3 “(2) creating long-term housing solutions that  
4 develop communities and provide sustainable living  
5 solutions for victims of domestic violence, dating vio-  
6 lence, sexual assault, and stalking;

7 “(3) building collaborations among victim serv-  
8 ice providers, homeless service providers, housing  
9 providers, and housing agencies to provide appro-  
10 priate services, interventions, and training to ad-  
11 dress the housing needs of victims of domestic vio-  
12 lence, dating violence, sexual assault, and stalking;  
13 and

14 “(4) enabling public and assisted housing agen-  
15 cies, tribally designated housing entities, private  
16 landlords, property management companies, and  
17 other housing providers and agencies to respond ap-  
18 propriately to domestic violence, dating violence, sex-  
19 ual assault, and stalking, while maintaining a safe  
20 environment for all housing residents.

21 **“SEC. 41403. DEFINITIONS.**

22 “For purposes of this subtitle—

23 “(1) the term ‘assisted housing’ means housing  
24 assisted—

1           “(A) under sections 213, 220, 221(d)(3),  
 2           221(d)(4), 223(e), 231, or 236 of the National  
 3           Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or  
 4           1715z-1);

5           “(B) under section 101 of the Housing  
 6           and Urban Development Act of 1965 (12  
 7           U.S.C. 1701s);

8           “(C) under section 202 of the Housing Act  
 9           of 1959 (12 U.S.C. 1701q);

10          “(D) under section 811 of the Cranston-  
 11          Gonzales National Affordable Housing Act (42  
 12          U.S.C. 8013);

13          “(E) under title II of the Cranston-  
 14          Gonzales National Affordable Housing Act (42  
 15          U.S.C. 12701 et seq.);

16          “(F) under subtitle D of title VIII of the  
 17          Cranston-Gonzalez National Affordable Hous-  
 18          ing Act (42 U.S.C. 12901 et seq.);

19          “(G) under title I of the Housing and  
 20          Community Development Act of 1974 (42  
 21          U.S.C. 5301 et seq.); or

22          “(H) under section 8 of the United States  
 23          Housing Act of 1937 (42 U.S.C. 1437f);

24          “(2) the term ‘continuum of care’ means a com-  
 25          munity plan developed to organize and deliver hous-

1       ing and services to meet the specific needs of people  
 2       who are homeless as they move to stable housing  
 3       and achieve maximum self-sufficiency;

4           “(3) the term ‘Indian housing’ means housing  
 5       assistance described in the Native American Hous-  
 6       ing Assistance and Self-Determination Act of 1996  
 7       (25 U.S.C. 4101 et seq.);

8           “(4) the term ‘low-income housing assistance  
 9       voucher’ means housing assistance described in sec-  
 10      tion 8 of the United States Housing Act of 1937 (42  
 11      U.S.C. 1437f);

12          “(5) the term ‘public housing’ means housing  
 13      described in section 3(b)(1) of the United States  
 14      Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

15          “(6) the term ‘public housing agency’ means an  
 16      agency described in section 3(b)(6) of the United  
 17      States Housing Act of 1937 (42 U.S.C.  
 18      1437a(b)(6));

19          “(7) the terms ‘homeless’, ‘homeless individual’,  
 20      and ‘homeless person’—

21           “(A) mean an individual who lacks a fixed,  
 22      regular, and adequate nighttime residence; and

23           “(B) includes—

24           “(i) an individual who—

1                   “(I) is sharing the housing of  
 2                   other persons due to loss of housing,  
 3                   economic hardship, or a similar rea-  
 4                   son;

5                   “(II) is living in a motel, hotel,  
 6                   trailer park, or campground due to  
 7                   the lack of alternative adequate ac-  
 8                   commodations;

9                   “(III) is living in an emergency  
 10                  or transitional shelter;

11                  “(IV) is abandoned in a hospital;  
 12                  or

13                  “(V) is awaiting foster care  
 14                  placement;

15                  “(ii) an individual who has a primary  
 16                  nighttime residence that is a public or pri-  
 17                  vate place not designed for or ordinarily  
 18                  used as a regular sleeping accommodation  
 19                  for human beings; or

20                  “(iii) migratory children (as defined in  
 21                  section 1309 of the Elementary and Sec-  
 22                  ondary Education Act of 1965; 20 U.S.C.  
 23                  6399) who qualify as homeless under this  
 24                  section because the children are living in

1 circumstances described in this paragraph;

2 and

3 “(8) the term ‘homeless service provider’ means  
 4 a nonprofit, nongovernmental homeless service pro-  
 5 vider, such as a homeless shelter, a homeless service  
 6 or advocacy program, a tribal organization serving  
 7 homeless individuals, or coalition or other nonprofit,  
 8 nongovernmental organization carrying out a com-  
 9 munity-based homeless or housing program that has  
 10 a documented history of effective work concerning  
 11 homelessness.

12 **“SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-  
 13 TERM HOUSING FOR VICTIMS.**

14 “(a) GRANTS AUTHORIZED.—

15 “(1) IN GENERAL.—The Secretary of Health  
 16 and Human Services, acting through the Adminis-  
 17 tration of Children and Families, in consultation  
 18 with the Secretary of Housing and Urban Develop-  
 19 ment, shall award grants, contracts, or cooperative  
 20 agreements for a period of not less than 2 years to  
 21 eligible entities to develop long-term housing options  
 22 for adult and youth victims of domestic violence,  
 23 dating violence, sexual assault, and stalking who are  
 24 currently homeless or at risk for becoming homeless.

1           “(2) AMOUNT.—The Secretary of Health and  
2       Human Services shall award funds in amounts—

3                   “(A) not less than \$25,000 per year; and

4                   “(B) not more than \$1,000,000 per year.

5       “(b) ELIGIBLE ENTITIES.—To be eligible to receive  
6 funds under this section, an entity shall demonstrate that  
7 it is a coalition or partnership, applying jointly, that—

8                   “(1) shall include a domestic violence victim  
9       service provider;

10                  “(2) shall include—

11                          “(A) a homeless service provider;

12                          “(B) a nonprofit, nongovernmental com-  
13 munity housing development organization or a  
14 Department of Agriculture rural housing service  
15 program; or

16                          “(C) in the absence of a homeless service  
17 provider on tribal lands or nonprofit, non-  
18 governmental community housing development  
19 organization on tribal lands, a tribally des-  
20 ignated housing entity or tribal housing consor-  
21 tium;

22                   “(3) may include a dating violence, sexual as-  
23 sault, or stalking victim service provider;

24                   “(4) may include housing developers, housing  
25 corporations, State housing finance agencies, other

1       housing agencies, and associations representing  
2       landlords;

3           “(5) may include a public housing agency or  
4       tribally designated housing entity;

5           “(6) may include tenant organizations in public  
6       or tribally designated housing, as well as nonprofit,  
7       nongovernmental tenant organizations;

8           “(7) may include other nonprofit, nongovern-  
9       mental organizations participating in the Depart-  
10      ment of Housing and Urban Development’s Con-  
11      tinuum of Care process;

12          “(8) may include a State, tribal, territorial, or  
13      local government or government agency; and

14          “(9) may include any other agencies or non-  
15      profit, nongovernmental organizations with the ca-  
16      pacity to provide effective help to adult and youth  
17      victims of domestic violence, dating violence, sexual  
18      assault, or stalking.

19      “(c) APPLICATION.—Each eligible entity seeking  
20      funds under this section shall submit an application to the  
21      Secretary of Health and Human Services at such time,  
22      in such manner, and containing such information as the  
23      Secretary of Health and Human Services may require.

24      “(d) USE OF FUNDS.—

1           “(1) IN GENERAL.—Funds awarded to eligible  
2           entities under subsection (a) shall be used to design  
3           or replicate and implement new activities, services,  
4           and programs to develop long-term housing options  
5           for adult and youth victims of domestic violence,  
6           dating violence, sexual assault, or stalking, and their  
7           dependents, who are currently homeless or at risk of  
8           becoming homeless.

9           “(2) ACTIVITIES, SERVICES, PROGRAMS.—Such  
10          activities, services, or programs described in para-  
11          graph (1)—

12               “(A) shall participate in the Department of  
13          Housing and Urban Development’s Continuum  
14          of Care process, unless such a process does not  
15          exist in the community to be served;

16               “(B) shall develop sustainable long-term  
17          housing in the community by—

18                   “(i) coordinating efforts and resources  
19                  among the various groups and organiza-  
20                  tions comprised in the entity to access ex-  
21                  isting private and public funding;

22                   “(ii) assisting with the placement of  
23                  individuals and families in long-term hous-  
24                  ing; and



1                   “(iii) providing services to help indi-  
2                   viduals or families find and maintain long-  
3                   term housing, including financial assist-  
4                   ance and support services;

5                   “(3) may develop partnerships with individuals,  
6                   organizations, corporations, or other entities that  
7                   provide capital costs for the purchase,  
8                   preconstruction, construction, renovation, repair, or  
9                   conversion of affordable housing units;

10                  “(4) may use funds for the administrative ex-  
11                  penses related to the continuing operation, upkeep,  
12                  maintenance, and use of housing described in para-  
13                  graph (3); and

14                  “(5) may provide to the community information  
15                  about housing and housing programs, and the proc-  
16                  ess to locate and obtain long-term housing.

17                  “(e) LIMITATION.—Funds provided under paragraph  
18 (a) shall not be used for construction, modernization or  
19 renovation.

20                  “(f) UNDERSERVED POPULATIONS AND PRIOR-  
21 ITIES.—In awarding grants under this section, the Sec-  
22 retary of Health and Human Services shall—

23                  “(1) give priority to linguistically and culturally  
24                  specific services;

1           “(2) give priority to applications from entities  
2           that include a sexual assault service provider as de-  
3           scribed in subsection (b)(3); and

4           “(3) award a minimum of 15 percent of the  
5           funds appropriated under this section in any fiscal  
6           year to tribal organizations.

7           “(g) DEFINITIONS.—For purposes of this section:

8           “(1) AFFORDABLE HOUSING.—The term ‘af-  
9           fordable housing’ means housing that complies with  
10          the conditions set forth in section 215 of the Cran-  
11          ston-Gonzalez National Affordable Housing Act (42  
12          U.S.C. 12745).

13          “(2) LONG-TERM HOUSING.—The term ‘long-  
14          term housing’ means housing that is sustainable, ac-  
15          cessible, affordable, and safe for the foreseeable fu-  
16          ture and is—

17               “(A) rented or owned by the individual;

18               “(B) subsidized by a voucher or other pro-  
19          gram which is not time-limited and is available  
20          for as long as the individual meets the eligibility  
21          requirements for the voucher or program; or

22               “(C) provided directly by a program, agen-  
23          cy, or organization and is not time-limited and  
24          is available for as long as the individual meets

1           the eligibility requirements for the program,  
2           agency, or organization.

3           “(h) EVALUATION, MONITORING, ADMINISTRATION,  
4 AND TECHNICAL ASSISTANCE.—For purposes of this  
5 section—

6           “(1) up to 5 percent of the funds appropriated  
7       under subsection (i) for each fiscal year may be used  
8       by the Secretary of Health and Human Services for  
9       evaluation, monitoring, and administration costs  
10      under this section; and

11          “(2) up to 8 percent of the funds appropriated  
12      under subsection (i) for each fiscal year may be used  
13      to provide technical assistance to grantees under this  
14      section.

15          “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated \$10,000,000 for each  
17 of fiscal years 2006 through 2010 to carry out the provi-  
18 sions of this section.

19 **“SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST**  
20 **WOMEN IN PUBLIC AND ASSISTED HOUSING.**

21          “(a) PURPOSE.—It is the purpose of this section to  
22 assist eligible grantees in responding appropriately to do-  
23 mestic violence, dating violence, sexual assault, and stalk-  
24 ing so that the status of being a victim of such a crime

1 is not a reason for the denial or loss of housing. Such  
 2 assistance shall be accomplished through—

3 “(1) education and training of eligible entities;

4 “(2) development and implementation of appro-  
 5 priate housing policies and practices;

6 “(3) enhancement of collaboration with victim  
 7 service providers and tenant organizations; and

8 “(4) reduction of the number of victims of such  
 9 crimes who are evicted or denied housing because of  
 10 crimes and lease violations committed or directly  
 11 caused by the perpetrators of such crimes.

12 “(b) GRANTS AUTHORIZED.—

13 “(1) IN GENERAL.—The Attorney General, act-  
 14 ing through the Director of the Violence Against  
 15 Women Office of the Department of Justice (‘Direc-  
 16 tor’), and in consultation with the Secretary of  
 17 Housing and Urban Development (‘Secretary’), and  
 18 the Secretary of Health and Human Services, acting  
 19 through the Administration for Children, Youth and  
 20 Families (‘ACYF’), shall award grants and contracts  
 21 for not less than 2 years to eligible grantees to pro-  
 22 mote the full and equal access to and use of housing  
 23 by adult and youth victims of domestic violence, dat-  
 24 ing violence, sexual assault, and stalking.

1           “(2) AMOUNTS.—Not less than 15 percent of  
 2           the funds appropriated to carry out this section shall  
 3           be available for grants to tribally designated housing  
 4           entities.

5           “(3) AWARD BASIS.—The Attorney General  
 6           shall award grants and contracts under this section  
 7           on a competitive basis.

8           “(4) LIMITATION.—Appropriated funds may  
 9           only be used for the purposes described in subsection  
 10          (f).

11          “(c) ELIGIBLE GRANTEES.—

12           “(1) IN GENERAL.—Eligible grantees are—

13                  “(A) public housing agencies;

14                  “(B) principally managed public housing  
 15                  resident management corporations, as deter-  
 16                  mined by the Secretary;

17                  “(C) public housing projects owned by  
 18                  public housing agencies;

19                  “(D) agencies and authorities receiving as-  
 20                  sistance under the Native American Housing  
 21                  Assistance and Self-Determination Act of 1996  
 22                  (25 U.S.C. 4101 et seq.); and

23                  “(E) private, for-profit, and nonprofit own-  
 24                  ers or managers of assisted housing.

1           “(2) SUBMISSION REQUIRED FOR ALL GRANT-  
2       EES.—To receive assistance under this section, an  
3       eligible grantee shall certify that—

4           “(A) its policies and practices do not pro-  
5       hibit or limit a resident’s right to summon po-  
6       lice or other emergency assistance in response  
7       to domestic violence, dating violence, sexual as-  
8       sault, or stalking;

9           “(B) programs and services are developed  
10      that give a preference in admission to adult and  
11      youth victims of such violence, consistent with  
12      local housing needs, and applicable law and the  
13      Secretary’s instructions;

14          “(C) it does not discriminate against any  
15      person—

16          “(i) because that person is or is per-  
17      ceived to be, or has a family or household  
18      member who is or is perceived to be, a vic-  
19      tim of such violence; or

20          “(ii) because of the actions or threat-  
21      ened actions of the individual who the vic-  
22      tim, as certified in subsection (e), states  
23      has committed or threatened to commit  
24      acts of such violence against the victim, or

1           against the victim’s family or household  
2           member;

3           “(D) plans are developed that establish  
4           meaningful consultation and coordination with  
5           local victim service providers, tenant organiza-  
6           tions, linguistically and culturally specific serv-  
7           ice providers, State domestic violence and sex-  
8           ual assault coalitions, and, where they exist,  
9           tribal domestic violence and sexual assault coa-  
10          litions; and

11          “(E) its policies and practices will be in  
12          compliance with those described in this para-  
13          graph within the later of 1 year or a period se-  
14          lected by the Attorney General in consultation  
15          with the Secretary and ACYF.

16          “(d) APPLICATION.—Each eligible entity seeking a  
17          grant under this section shall submit an application to the  
18          Attorney General at such a time, in such a manner, and  
19          containing such information as the Attorney General may  
20          require.

21          “(e) CERTIFICATION.—

22               “(1) IN GENERAL.—A public housing agency,  
23          tribally designated housing entity, or assisted hous-  
24          ing provider receiving funds under this section may  
25          request that an individual claiming relief under this

1 section certify that the individual is a victim of do-  
 2 mestic violence, dating violence, sexual assault, or  
 3 stalking. The individual shall provide a copy of such  
 4 certification to the public housing agency, tribally  
 5 designated housing entity, or assisted housing pro-  
 6 vider within a reasonable period of time after the  
 7 agency or authority requests such certification.

8 “(2) CONTENTS.—An individual may satisfy the  
 9 certification requirement of paragraph (1) by—

10 “(A) providing the public housing agency,  
 11 tribally designated housing entity, or assisted  
 12 housing provider with documentation, signed by  
 13 an employee, agent, or volunteer of a victim  
 14 service provider, an attorney, a member of the  
 15 clergy, a medical professional, or any other pro-  
 16 fessional from whom the victim has sought as-  
 17 sistance in addressing domestic violence, dating  
 18 violence, sexual assault, or stalking, or the ef-  
 19 fects of abuse; or

20 “(B) producing a Federal, State, tribal,  
 21 territorial, or local police or court record.

22 “(3) LIMITATION.—Nothing in this subsection  
 23 shall be construed to require any housing agency, as-  
 24 sisted housing provider, tribally designated housing  
 25 entity, owner, or manager to demand that an indi-



vidual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

“(4) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by such housing authority, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

“(i) requested or consented to by the individual in writing; or

“(ii) otherwise required by applicable law.

1           “(B) NOTIFICATION.—An individual shall  
2           be notified of the limits of such confidentiality  
3           and informed in advance about circumstances  
4           in which the housing agency, assisted housing  
5           provider, tribally designated housing entity,  
6           owner, or manager will be compelled to disclose  
7           the individual’s information.

8           “(f) USE OF FUNDS.—Grants and contracts awarded  
9           pursuant to subsection (a) shall provide to eligible entities  
10          personnel, training, and technical assistance to develop  
11          and implement policies, practices, and procedures, making  
12          physical improvements or changes, and developing or en-  
13          hancing collaborations for the purposes of—

14               “(1) enabling victims of domestic violence, dat-  
15          ing violence, sexual assault, and stalking with other-  
16          wise disqualifying rental, credit, or criminal histories  
17          to be eligible to obtain housing or housing assist-  
18          ance, if such victims would otherwise qualify for  
19          housing or housing assistance and can provide docu-  
20          mented evidence that demonstrates the causal con-  
21          nection between such violence or abuse and the vic-  
22          tims’ negative histories;

23               “(2) permitting applicants for housing or hous-  
24          ing assistance to provide incomplete rental and em-  
25          ployment histories, otherwise required as a condition

1 of admission or assistance, if the victim believes that  
2 providing such rental and employment history would  
3 endanger the victim's or the victim children's safety;

4 “(3) protecting victims' confidentiality, includ-  
5 ing protection of victims' personally identifying in-  
6 formation, address, or rental history;

7 “(4) assisting victims who need to leave a pub-  
8 lic housing, Indian housing, or assisted housing unit  
9 quickly to protect their safety, including those who  
10 are seeking transfer to a new public housing unit,  
11 Indian housing unit, or assisted housing unit, wheth-  
12 er in the same or a different neighborhood or juris-  
13 diction;

14 “(5) enabling the public housing agency, trib-  
15 ally designated housing entity, or assisted housing  
16 provider, or the victim, to remove, consistent with  
17 applicable State law, the perpetrator of domestic vio-  
18 lence, dating violence, sexual assault, or stalking  
19 without evicting, removing, or otherwise penalizing  
20 the victim;

21 “(6) enabling the public housing agency, trib-  
22 ally designated housing entity, or assisted housing  
23 provider to comply with court orders, including civil  
24 protection orders issued to protect the victim, when  
25 notified and issued to address the distribution or

1       possession of property among the household mem-  
 2       bers in cases where a family breaks up;

3           “(7) developing and implementing more effec-  
 4       tive security policies, protocols, and services;

5           “(8) allotting not more than 15 percent of  
 6       funds awarded under the grant to make physical im-  
 7       provements;

8           “(9) training personnel to more effectively iden-  
 9       tify and respond to victims of domestic violence, dat-  
 10      ing violence, sexual assault, and stalking; and

11          “(10) effectively providing notice to applicants  
 12      and residents of the above housing policies, prac-  
 13      tices, and procedures.

14      “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 15   are authorized to be appropriated \$10,000,000 for each  
 16   of fiscal years 2006 through 2010 to carry out the provi-  
 17   sions of this section.

18      “(h) TECHNICAL ASSISTANCE.—Up to 12 percent of  
 19   the amount appropriated under subsection (g) for each fis-  
 20   cal year shall be used by the Attorney General for tech-  
 21   nical assistance costs under this section.”.

1 **SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS**  
 2 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**  
 3 **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**  
 4 **ING.**

5 (a) IN GENERAL.—Section 40299 of the Violence  
 6 Against Women Act of 1994 (42 U.S.C. 13975) is  
 7 amended—

8 (1) in subsection (a)—

9 (A) by inserting “the Department of Hous-  
 10 ing and Urban Development, and the Depart-  
 11 ment of Health and Human Services,” after  
 12 “Department of Justice,”;

13 (B) by inserting “, including domestic vio-  
 14 lence and sexual assault victim service pro-  
 15 viders, domestic violence and sexual assault coa-  
 16 litions, other nonprofit, nongovernmental orga-  
 17 nizations, or community-based and culturally  
 18 specific organizations, that have a documented  
 19 history of effective work concerning domestic vi-  
 20 olence, dating violence, sexual assault, or stalk-  
 21 ing” after “other organizations”; and

22 (C) in paragraph (1), by inserting “, dat-  
 23 ing violence, sexual assault, or stalking” after  
 24 “domestic violence”;

25 (2) in subsection (b)—

1 (A) by redesignating paragraphs (1) and  
 2 (2) as paragraphs (2) and (3), respectively;

3 (B) in paragraph (3), as redesignated, by  
 4 inserting “, dating violence, sexual assault, or  
 5 stalking” after “violence”;

6 (C) by inserting before paragraph (2), as  
 7 redesignated, the following:

8 “(1) transitional housing, or acquire land or  
 9 buildings, or rehabilitate or construct buildings for  
 10 the purpose of providing transitional housing to per-  
 11 sons described in subsection (a), including funding  
 12 for—

13 “(A) the predevelopment cost and capital  
 14 expenses involved in the development of transi-  
 15 tional housing; and

16 “(B) the operating expenses of newly de-  
 17 veloped or existing transitional housing.”; and

18 (D) in paragraph (3)(B) as redesignated,  
 19 by inserting “Participation in the support serv-  
 20 ices shall be voluntary. Receipt of the benefits  
 21 of the housing assistance described in para-  
 22 graph (2) shall not be conditioned upon the  
 23 participation of the youth, adults, or their de-  
 24 pendents in any or all of the support services  
 25 offered them.” after “assistance.”;

1 (3) in paragraph (1) of subsection (c), by strik-  
 2 ing “18 months” and inserting “24 months”;

3 (4) in subsection (d)(2)—

4 (A) by striking “and” at the end of sub-  
 5 paragraph (A);

6 (B) by redesignating subparagraph (B) as  
 7 subparagraph (C); and

8 (C) by inserting after subparagraph (A)  
 9 the following:

10 “(B) provide assurances that any sup-  
 11 portive services offered to participants in pro-  
 12 grams developed under subsection (b)(3) are  
 13 voluntary and that refusal to receive such serv-  
 14 ices shall not be grounds for termination from  
 15 the program or eviction from the victim’s hous-  
 16 ing; and”;

17 (5) in subsection (e)(2)—

18 (A) in subparagraph (A), by inserting  
 19 “purpose and” before “amount”;

20 (B) in clause (ii) of subparagraph (C), by  
 21 striking “and”;

22 (C) in subparagraph (D), by striking the  
 23 period and inserting “; and”; and

24 (D) by adding at the end the following new  
 25 subparagraph:

1 “(E) the client population served and the  
 2 number of individuals requesting services that  
 3 the transitional housing program is unable to  
 4 serve as a result of a lack of resources.”; and  
 5 (6) in subsection (g)—

6 (A) in paragraph (1), by striking  
 7 “\$30,000,000” and inserting “\$40,000,000”;

8 (B) in paragraph (1), by striking “2004”  
 9 and inserting “2006”;

10 (C) in paragraph (1), by striking “2008.”  
 11 and inserting “2010”;

12 (D) in paragraph (2), by striking “not  
 13 more than 3 percent” and inserting “up to 5  
 14 percent”;

15 (E) in paragraph (2), by inserting “evalua-  
 16 tion, monitoring, technical assistance,” before  
 17 “salaries”; and

18 (F) in paragraph (3), by adding at the end  
 19 the following new subparagraphs:

20 “(C) UNDERSERVED POPULATIONS.—

21 “(i) A minimum of 7 percent of the  
 22 total amount appropriated in any fiscal  
 23 year shall be allocated to tribal organiza-  
 24 tions serving adult and youth victims of



1 domestic violence, dating violence, sexual  
2 assault, or stalking, and their dependents.

3 “(ii) Priority shall be given to projects  
4 developed under subsection (b) that pri-  
5 marily serve racial, ethnic, or other under-  
6 served populations.”.

7 **SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING**  
8 **REQUIREMENT.**

9 Section 5A of the United States Housing Act of 1937  
10 (42 U.S.C. 1437c–1) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “para-  
13 graph (2)” and inserting “paragraph (3)”;

14 (B) by redesignating paragraph (2) as  
15 paragraph (3); and

16 (C) by inserting after paragraph (1) the  
17 following:

18 “(2) STATEMENT OF GOALS.—The 5-year plan  
19 shall include a statement by any public housing  
20 agency of the goals, objectives, policies, or programs  
21 that will enable the housing authority to serve the  
22 needs of child and adult victims of domestic violence,  
23 dating violence, sexual assault, or stalking.”;

24 (2) in subsection (d), by redesignating para-  
25 graphs (13), (14), (15), (16), (17), and (18), as

1 paragraphs (14), (15), (16), (17), (18), and (19), re-  
 2 spectively; and

3 (3) by inserting after paragraph (12) the fol-  
 4 lowing:

5 “(13) DOMESTIC VIOLENCE, DATING VIOLENCE,  
 6 SEXUAL ASSAULT, OR STALKING PROGRAMS.—A de-  
 7 scription of—

8 “(A) any activities, services, or programs  
 9 provided or offered by an agency, either directly  
 10 or in partnership with other service providers,  
 11 to child or adult victims of domestic violence,  
 12 dating violence, sexual assault, or stalking;

13 “(B) any activities, services, or programs  
 14 provided or offered by a public housing agency  
 15 that helps child and adult victims of domestic  
 16 violence, dating violence, sexual assault, or  
 17 stalking, to obtain or maintain housing; and

18 “(C) any activities, services, or programs  
 19 provided or offered by a public housing agency  
 20 to prevent domestic violence, dating violence,  
 21 sexual assault, and stalking, or to enhance vic-  
 22 tim safety in assisted families.”.

23 **SEC. 604. HOUSING STRATEGIES.**

24 Section 105(b)(1) of the Cranston-Gonzalez National  
 25 Affordable Housing Act (42 U.S.C. 12705(b)(1)) is

1 amended by inserting after “immunodeficiency syn-  
 2 drome,” the following: “victims of domestic violence, dat-  
 3 ing violence, sexual assault, and stalking”.

4 **SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOME-**  
 5 **LESS ASSISTANCE ACT.**

6 Section 423 of the Stewart B. McKinney Homeless  
 7 Assistance Act (42 U.S.C. 11383) is amended—

8 (1) by adding at the end of subsection (a) the  
 9 following:

10 “(8) CONFIDENTIALITY.—

11 “(A) IN GENERAL.—In the course of  
 12 awarding grants or implementing programs  
 13 under this subsection, the Secretary shall in-  
 14 struct any recipient or subgrantee not to dis-  
 15 close to any person, agency, or entity any per-  
 16 sonally identifying information about any client  
 17 where the Secretary, recipient, or subgrantee  
 18 believes based upon reasonable evidence that  
 19 the client is either a child or an adult victim of  
 20 domestic violence, dating violence, sexual as-  
 21 sault, or stalking, and has immediate safety  
 22 concerns, or is the parent or guardian of a child  
 23 victim of domestic violence, dating violence, sex-  
 24 ual assault, or stalking, and has immediate  
 25 safety concerns. The Secretary shall not require

1 or ask a recipient or subgrantee of any other  
2 Federal or State program to disclose personally  
3 identifying information about any clients where  
4 the persons, agencies, or entities implementing  
5 those programs believe, based upon reasonable  
6 evidence, that those clients either are child or  
7 adult victims of domestic violence, dating vio-  
8 lence, sexual assault, or stalking, and has im-  
9 mediate safety concerns or are the parents or  
10 guardians of child victims of domestic violence,  
11 dating violence, sexual assault, or stalking, and  
12 has immediate safety concerns. The Secretary  
13 shall instruct any recipient or subgrantee under  
14 this subsection or any recipient or subgrantee  
15 of any other Federal or State program partici-  
16 pating in the Homeless Management Informa-  
17 tion System that personally identifying informa-  
18 tion about any client may only be disclosed if  
19 the program seeking to disclose such informa-  
20 tion has obtained informed, reasonably time-  
21 limited, written consent from the client to  
22 whom the information relates. The Secretary  
23 may require or ask any recipient or subgrantee  
24 to share nonpersonally identifying data in the  
25 aggregate regarding services to clients and non-

1 personally identifying demographic information  
 2 in order to comply with the data collection re-  
 3 quirements of the Homeless Management Infor-  
 4 mation System.

5 “(B) PERSONALLY IDENTIFYING INFORMA-  
 6 TION OR PERSONAL INFORMATION.—The term  
 7 ‘personally identifying information’ or ‘personal  
 8 information’ means individually identifying in-  
 9 formation for or about an individual including  
 10 information likely to disclose the location of a  
 11 victim of domestic violence, dating violence, sex-  
 12 ual assault, or stalking, including—

13 “(i) a first and last name;

14 “(ii) a home or other physical address;

15 “(iii) contact information (including a  
 16 postal, e-mail or Internet protocol address,  
 17 or telephone or facsimile number);

18 “(iv) a social security number; and

19 “(v) any other information, including  
 20 date of birth, racial or ethnic background,  
 21 or religious affiliation, that, in combination  
 22 with any of clauses (i) through (iv), would  
 23 serve to identify any individual.”.

1 **SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING AS-**  
2 **SISTANCE VOUCHER PROGRAM.**

3 Section 8 of the United States Housing Act of 1937  
4 (42 U.S.C. 1437f) is amended—

5 (1) in subsection (c)—

6 (A) in the first sentence by inserting “;  
7 miscellaneous provisions” after “monthly assist-  
8 ance payments”; and

9 (B) by adding at the end the following new  
10 paragraph:

11 “(9)(A) That an applicant or participant is or  
12 has been a victim of domestic violence, dating vio-  
13 lence, or stalking is not an appropriate basis for de-  
14 nial of program assistance or for denial of admis-  
15 sion.

16 “(B) An incident or incidents of actual or  
17 threatened domestic violence, dating violence, or  
18 stalking will not be construed as a serious or re-  
19 peated violation of the lease by the victim or threat-  
20 ened victim of that violence and shall not be good  
21 cause for terminating the tenancy or occupancy  
22 rights of the victim of such violence.

23 “(C)(i) Criminal activity directly relating to do-  
24 mestic violence, dating violence, or stalking, engaged  
25 in by a member of a tenant’s household or any guest  
26 or other person under the tenant’s control shall not

1 be cause for termination of tenancy or occupancy  
2 rights if the tenant or an immediate member of the  
3 tenant's family is the victim or threatened victim of  
4 that domestic violence, dating violence, or stalking.

5 “(ii) A public housing agency or an owner or  
6 manager under this section may bifurcate a lease  
7 under this section, in order to evict, remove, or ter-  
8minate assistance to any individual who is a tenant  
9 or lawful occupant and who engages in criminal acts  
10 of physical violence against family members or oth-  
11ers, without evicting, removing, terminating assist-  
12ance to, or otherwise penalizing the victim of such  
13 violence who is also a tenant or lawful occupant.

14 “(iii) Nothing in clause (i) may be construed to  
15 limit the authority of a public housing agency,  
16 owner, or manager, when notified, to comply with  
17 court orders, including civil protection orders issued  
18 to protect the victim and issued to address the dis-  
19tribution or possession of property among the house-  
20hold members in cases where a family breaks up.

21 “(iv) Nothing in clause (i) limits any otherwise  
22 available authority of an owner or manager to evict  
23 or the public housing agency or assisted housing  
24 provider to terminate voucher assistance to a tenant  
25 for any violation of a lease not premised on the act

1 or acts of violence in question against the tenant or  
 2 a member of the tenant’s household, provided that  
 3 the owner or manager does not subject an individual  
 4 who is or has been a victim of domestic violence,  
 5 dating violence, or stalking to a more demanding  
 6 standard than other tenants in determining whether  
 7 to evict or terminate.

8 “(v) Nothing in clause (i) may be construed to  
 9 limit the authority of an owner or manager to evict  
 10 any tenant or lawful occupant if the owner or man-  
 11 ager can demonstrate an actual and imminent threat  
 12 to other tenants or those employed at or providing  
 13 service to the property if that tenant is not evicted  
 14 or terminated from assistance.

15 “(vi) Nothing in this section shall be construed  
 16 to supersede any provision of any Federal, State, or  
 17 local law that provides greater protection than this  
 18 section for victims of domestic violence, dating vio-  
 19 lence, or stalking.”.

20 (2) in subsection (d)—

21 (A) in paragraph (1)(A), by inserting after  
 22 “public housing agency” the following: “and  
 23 that an applicant is or has been a victim of do-  
 24 mestic violence, dating violence, or stalking is



1 not an appropriate basis for denial of program  
2 assistance or for denial of admission”;

3 (B) in paragraph (1)(B)(ii), by inserting  
4 after “other good cause” the following: “, and  
5 that an incident or incidents of actual or  
6 threatened domestic violence, dating violence, or  
7 stalking will not be construed as a serious or  
8 repeated violation of the lease by the victim or  
9 threatened victim of that violence and will not  
10 be good cause for terminating the tenancy or  
11 occupancy rights of the victim of such vio-  
12 lence”; and

13 (C) in paragraph (1)(B)(iii), by inserting  
14 after “termination of tenancy” the following: “,  
15 except that (I) criminal activity directly relating  
16 to domestic violence, dating violence, or stalk-  
17 ing, engaged in by a member of a tenant’s  
18 household or any guest or other person under  
19 the tenant’s control, shall not be cause for ter-  
20 mination of the tenancy or occupancy rights, if  
21 the tenant or immediate member of the tenant’s  
22 family is a victim of that domestic violence, dat-  
23 ing violence, or stalking; (II) a public housing  
24 agency or an owner or manager under this sec-  
25 tion may bifurcate a lease under this section, in

1 order to evict, remove, or terminate assistance  
2 to any individual who is a tenant or lawful oc-  
3 cupant and who engages in criminal acts of  
4 physical violence against family members or  
5 others, without evicting, removing, terminating  
6 assistance to, or otherwise penalizing the victim  
7 of such violence who is also a tenant or lawful  
8 occupant; (III) nothing in subclause (I) may be  
9 construed to limit the authority of a public  
10 housing agency, owner, or manager, when noti-  
11 fied, to comply with court orders, including civil  
12 protection orders issued to protect the victim  
13 and issued to address the distribution or pos-  
14 session of property among the household mem-  
15 bers in cases where a family breaks up; (IV)  
16 nothing in subclause (I) limits any otherwise  
17 available authority of an owner or manager to  
18 evict or the public housing agency or assisted  
19 housing provider to terminate voucher assist-  
20 ance to a tenant for any violation of a lease not  
21 premised on the act or acts of violence in ques-  
22 tion against the tenant or a member of the ten-  
23 ant's household, provided that the owner or  
24 manager does not subject an individual who is  
25 or has been a victim of domestic violence, dat-

ing violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance, to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”;

(3) in subsection (f)—

(A) in paragraph (6), by striking “and”;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

1 “(8) the term ‘domestic violence’ has the same  
2 meaning given the term in section 40002 of the Vio-  
3 lence Against Women Act of 1994;

4 “(9) the term ‘dating violence’ has the same  
5 meaning given the term in section 40002 of the Vio-  
6 lence Against Women Act of 1994; and

7 “(10) the term ‘stalking’ means engaging in a  
8 course of conduct directed at a specific person that  
9 would cause a reasonable person to—

10 “(A) fear for his or her safety or the safety  
11 of others; or

12 “(B) suffer significant emotional or phys-  
13 ical distress; and

14 “(11) the term ‘sexual assault’ has the same  
15 meaning given the term in section 40002 of the Vio-  
16 lence Against Women Act of 1994.”;

17 (4) in subsection (o)—

18 (A) by inserting at the end of paragraph  
19 (6)(B) the following new sentence: “That an  
20 applicant is or has been a victim of domestic vi-  
21 olence, dating violence, or stalking is not an ap-  
22 propriate basis for denial of program assistance  
23 by or for denial of admission, and that nothing  
24 in this section shall be construed to supersede  
25 any provision of any Federal, State, or local law

1           that provides greater protection than this sec-  
 2           tion for victims of domestic violence, dating vio-  
 3           lence, or stalking.”;

4           (B) in paragraph (7)(C), by inserting after  
 5           “other good cause” the following: “, and that  
 6           an incident or incidents of actual or threatened  
 7           domestic violence, dating violence, or stalking  
 8           shall not be construed as a serious or repeated  
 9           violation of the lease by the victim or threat-  
 10          ened victim of that violence and shall not be  
 11          good cause for terminating the tenancy or occu-  
 12          pancy rights of the victim of such violence”;

13          (C) in paragraph (7)(D), by inserting after  
 14          “termination of tenancy” the following: “; ex-  
 15          cept that (i) criminal activity directly relating  
 16          to domestic violence, dating violence, or stalk-  
 17          ing, engaged in by a member of a tenant’s  
 18          household or any guest or other person under  
 19          the tenant’s control shall not be cause for ter-  
 20          mination of the tenancy or occupancy rights, if  
 21          the tenant or immediate member of the tenant’s  
 22          family is a victim of that domestic violence, dat-  
 23          ing violence, or stalking; (ii) a public housing  
 24          agency or an owner or manager under this sec-  
 25          tion may bifurcate a lease under this section, in

1 order to evict, remove, or terminate assistance  
2 to any individual who is a tenant or lawful oc-  
3 cupant and who engages in criminal acts of  
4 physical violence against family members or  
5 others, without evicting, removing, terminating  
6 assistance to, or otherwise penalizing the victim  
7 of such violence who is also a tenant or lawful  
8 occupant; (iii) nothing in clause (i) may be con-  
9 strued to limit the authority of a public housing  
10 agency, owner, or manager, when notified, to  
11 comply with court orders, including civil protec-  
12 tion orders issued to protect the victim and  
13 issued to address the distribution or possession  
14 of property among the household member sin  
15 cases where a family breaks up; (iv) nothing in  
16 clause (i) limits any otherwise available author-  
17 ity of an owner or manager to evict or the pub-  
18 lic housing agency or assisted housing provider  
19 to terminate voucher assistance to a tenant for  
20 any violation of a lease not premised on the act  
21 or acts of violence in question against the ten-  
22 ant or a member of the tenant's household, pro-  
23 vided that the owner or manager does not sub-  
24 ject an individual who is or has been a victim  
25 of domestic violence, dating violence, or stalking

to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”; and

(D) by adding at the end the following new paragraph:

“(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

“(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of

1 an incident or incidents of actual or threatened  
2 domestic violence, dating violence, or stalking  
3 against that participant.

4 “(B) CONSTRUAL OF LEASE PROVI-  
5 SIONS.—Criminal activity directly relating to  
6 domestic violence, dating violence, or stalking  
7 shall not be considered a serious or repeated  
8 violation of the lease by the victim or threat-  
9 ened victim of that criminal activity justifying  
10 termination of assistance to the victim or  
11 threatened victim.

12 “(C) TERMINATION ON THE BASIS OF  
13 CRIMINAL ACTIVITY.—Criminal activity directly  
14 relating to domestic violence, dating violence, or  
15 stalking shall not be considered cause for termi-  
16 nation of assistance for any participant or im-  
17 mediate member of a participant’s family who  
18 is a victim of the domestic violence, dating vio-  
19 lence, or stalking.

20 “(D) EXCEPTIONS.—

21 “(i) PUBLIC HOUSING AUTHORITY  
22 RIGHT TO TERMINATE FOR CRIMINAL  
23 ACTS.—Nothing in subparagraphs (A),  
24 (B), or (C) may be construed to limit the  
25 authority of the public housing agency to



1 terminate voucher assistance to individuals  
 2 who engage in criminal acts of physical vi-  
 3 olence against family members or others.

4 “(ii) PUBLIC HOUSING AUTHORITY  
 5 RIGHT TO TERMINATE ASSISTANCE FOR  
 6 IMMINENT THREAT.—Nothing in subpara-  
 7 graphs (A), (B), or (C) may be construed  
 8 to limit the authority of a public housing  
 9 agency to terminate assistance to any indi-  
 10 vidual who has been evicted from housing  
 11 assisted under the program based on a  
 12 showing that he or she presented an actual  
 13 and imminent threat to other tenants or to  
 14 staff of the owner or public housing agen-  
 15 cy.

16 “(iii) COMPLIANCE WITH COURT OR-  
 17 DERS.—Nothing in subparagraphs (A),  
 18 (B), or (C) may be construed to limit the  
 19 authority of a public housing agency, when  
 20 notified, to comply with court orders, in-  
 21 cluding civil protection orders issued to  
 22 protect the victim and issued to address  
 23 the distribution possession of property  
 24 among the household members in cases  
 25 where a family breaks up.

1           “(iv) PUBLIC HOUSING AUTHORITY RIGHT  
2           TO TERMINATE VOUCHER ASSISTANCE FOR  
3           ACTS OF VIOLENCE.—Nothing in subpara-  
4           graphs (A), (B), or (C) limit any otherwise  
5           available authority of the public housing agency  
6           to terminate voucher assistance to a tenant for  
7           any violation of a lease not premised on the act  
8           or acts of violence in question against the ten-  
9           ant or a member of the tenant’s household, pro-  
10          vided that the owner or manager does not sub-  
11          ject an individual who is or has been a victim  
12          of domestic violence, dating violence, or stalking  
13          to a more demanding standard than other ten-  
14          ants in determining whether to evict or termi-  
15          nate.

16          “(v) PUBLIC HOUSING AUTHORITY RIGHT  
17          TO TERMINATE VOUCHER ASSISTANCE FOR IM-  
18          MINENT THREAT.—Nothing in subparagraphs  
19          (A), (B), (C) may be construed to limit the au-  
20          thority of the public housing agency to termi-  
21          nate voucher assistance to a tenant if the public  
22          housing agency can demonstrate an actual and  
23          imminent threat to other tenants or those em-  
24          ployed at or providing service to the property or

1 public housing agency if that tenant is not  
 2 evicted or terminated from assistance.

3 “(vi) PREEMPTION.—Nothing in this sec-  
 4 tion shall be construed to supersede any provi-  
 5 sion of any Federal, State, or local law that  
 6 provides greater protection than this section for  
 7 victims of domestic violence, dating violence, or  
 8 stalking.”;

9 (5) in subsection (r)(5), by inserting after “vio-  
 10 lation of a lease” the following: “, except that a fam-  
 11 ily may receive a voucher from a public housing  
 12 agency and move to another jurisdiction under the  
 13 tenant-based assistance program if the family has  
 14 complied with all other obligations of the section 8  
 15 program and has moved out of the assisted dwelling  
 16 unit in order to protect the health or safety of an  
 17 individual who is or has been the victim of domestic  
 18 violence, dating violence, or stalking and who reason-  
 19 ably believed he or she was imminently threatened  
 20 by harm from further violence if he or she remained  
 21 in the assisted dwelling unit”; and

22 (6) by adding at the end the following new sub-  
 23 section:

24 “(ee) CERTIFICATION AND CONFIDENTIALITY.—

25 “(1) CERTIFICATION.—

“(A) IN GENERAL.—An owner, manager, public housing agency, or assisted housing provider responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide such certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider requests such certification.

“(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to ter-

1           minate voucher assistance for, any tenant or  
 2           lawful occupant that commits violations of a  
 3           lease. The owner, manager, public housing  
 4           agency, or assisted housing provider may extend  
 5           the 14-day deadline at their discretion.

6           “(C) CONTENTS.—An individual may sat-  
 7           isfy the certification requirement of subpara-  
 8           graph (A) by—

9           “(i) providing the requesting owner,  
 10          manager, public housing agency, or as-  
 11          sisted housing provider with documentation  
 12          signed by an employee, agent, or volunteer  
 13          of a victim service provider, an attorney, a  
 14          member of the clergy, a medical profes-  
 15          sional, or any other professional, from  
 16          whom the victim has sought assistance in  
 17          addressing domestic violence, dating vio-  
 18          lence, sexual assault, or stalking, or the ef-  
 19          fects of the abuse, in which the profes-  
 20          sional attests under penalty of perjury (28  
 21          U.S.C. 1746) to the professional’s belief  
 22          that the incident or incidents in question  
 23          are bona fide incidents of abuse, and the  
 24          victim of domestic violence, dating violence,

1           or stalking has signed or attested to the  
2           documentation; or

3           “(ii) producing a Federal, State, trib-  
4           al, territorial, or local police or court  
5           record.

6           “(D) LIMITATION.—Nothing in this sub-  
7           section shall be construed to require an owner,  
8           manager, public housing agency, or assisted  
9           housing provider to demand that an individual  
10          produce official documentation or physical proof  
11          of the individual’s status as a victim of domes-  
12          tic violence, dating violence, sexual assault, or  
13          stalking in order to receive any of the benefits  
14          provided in this section. At their discretion, the  
15          owner, manager, public housing agency, or as-  
16          sisted housing provider may provide benefits to  
17          an individual based solely on the individual’s  
18          statement or other corroborating evidence.

19          “(E) COMPLIANCE NOT SUFFICIENT TO  
20          CONSTITUTE EVIDENCE OF UNREASONABLE  
21          ACT.—Compliance with this statute by an  
22          owner, manager, public housing agency, or as-  
23          sisted housing provider based on the certifi-  
24          cation specified in paragraph (1)(A) and (B) of  
25          this subsection or based solely on the victim’s

statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manager, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(9), or (r)(5).

“(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information provided to an owner, manager, public housing agency, or assisted housing provider pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by an owner,

1 manager, public housing agency, or assisted  
 2 housing provider, and shall neither be entered  
 3 into any shared database nor provided to any  
 4 related entity, except to the extent that disclo-  
 5 sure is—

6 “(i) requested or consented to by the  
 7 individual in writing; or

8 “(ii) otherwise required by applicable  
 9 law.

10 “(B) NOTIFICATION.—An individual must  
 11 be notified of the limits of such confidentiality  
 12 and informed in advance about circumstances  
 13 in which the person or entity will be compelled  
 14 to disclose the individual’s information.”.

15 **SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PRO-**  
 16 **GRAM.**

17 Section 6 of the United States Housing Act of 1937  
 18 (42 U.S.C. 1437d) is amended—

19 (1) in subsection (c), by redesignating para-  
 20 graph (3) and (4), as paragraphs (4) and (5), re-  
 21 spectively;

22 (2) by inserting after paragraph (2) the fol-  
 23 lowing:

24 “(3) the public housing agency shall not deny  
 25 admission to the project to any applicant on the



1 basis that the applicant is or has been a victim of  
2 domestic violence, dating violence, or stalking and  
3 that nothing in this section shall be construed to su-  
4 persede any provision of any Federal, State, or local  
5 law that provides greater protection than this section  
6 for victims of domestic violence, dating violence, or  
7 stalking”;

8 (3) in subsection (l)(5), by inserting after  
9 “other good cause” the following: “, and that an in-  
10 cident or incidents of actual or threatened domestic  
11 violence, dating violence, or stalking will not be con-  
12 strued as a serious or repeated violation of the lease  
13 by the victim or threatened victim of that violence  
14 and will not be good cause for terminating the ten-  
15 ancy or occupancy rights of the victim of such vio-  
16 lence”;

17 (4) in subsection (l)(6), by inserting after “ter-  
18 mination of tenancy” the following: “; except that  
19 (A) criminal activity directly relating to domestic vi-  
20 olence, dating violence, or stalking, engaged in by a  
21 member of a tenant’s household or any guest or  
22 other person under the tenant’s control, shall not be  
23 cause for termination of the tenancy or occupancy  
24 rights, if the tenant or immediate member of the  
25 tenant’s family is a victim of that domestic violence,

1 dating violence, or stalking; (B) a public housing  
2 agency under this section may bifurcate a lease  
3 under this section, in order to evict, remove, or ter-  
4 minate assistance to any individual who is a tenant  
5 or lawful occupant and who engages in criminal acts  
6 of physical violence against family members or oth-  
7 ers, without evicting, removing, terminating assist-  
8 ance to, or otherwise penalizing the victim of such  
9 violence who is also a tenant or lawful occupant; (C)  
10 nothing in subparagraph (A) may be construed to  
11 limit the authority of a public housing agency, when  
12 notified, to comply with court orders, including civil  
13 protection orders issued to protect the victim and  
14 issued to address the distribution or possession of  
15 property among the household members in cases  
16 where a family breaks up; (D) nothing in subpara-  
17 graph (A) limits any otherwise available authority of  
18 a public housing agency to evict a tenant for any  
19 violation of a lease not premised on the act or acts  
20 of violence in question against the tenant or a mem-  
21 ber of the tenant's household, provided that the  
22 owner or manager does not subject an individual  
23 who is or has been a victim of domestic violence,  
24 dating violence, or stalking to a more demanding  
25 standard than other tenants in determining whether

1 to evict or terminate; (E) nothing in subparagraph  
 2 (A) may be construed to limit the authority of a  
 3 public housing agency to terminate the tenancy of  
 4 any tenant if the public housing agency can dem-  
 5 onstrate an actual and imminent threat to other ten-  
 6 ants or those employed at or providing service to the  
 7 property if that tenant’s tenancy is not terminated;  
 8 and (F) nothing in this section shall be construed to  
 9 supersede any provision of any Federal, State, or  
 10 local law that provides greater protection than this  
 11 section for victims of domestic violence, dating vio-  
 12 lence, or stalking.”; and

13 (5) by inserting at the end of subsection (t) the  
 14 following new subsection:

15 “(u) CERTIFICATION AND CONFIDENTIALITY.—

16 “(1) CERTIFICATION.—

17 “(A) IN GENERAL.—A public housing  
 18 agency responding to subsection (l) (5) and (6)  
 19 may request that an individual certify via a  
 20 HUD approved certification form that the indi-  
 21 vidual is a victim of domestic violence, dating  
 22 violence, or stalking, and that the incident or  
 23 incidents in question are bona fide incidents of  
 24 such actual or threatened abuse and meet the  
 25 requirements set forth in the aforementioned

1 paragraphs. The individual shall provide such  
2 certification within 14 business days after the  
3 public housing agency requests such certifi-  
4 cation.

5 “(B) FAILURE TO PROVIDE CERTIFI-  
6 CATION.—If the individual does not provide the  
7 certification within 14 business days after the  
8 public housing agency has requested such cer-  
9 tification in writing, nothing in this subsection  
10 may be construed to limit the authority of the  
11 public housing agency to evict any tenant or  
12 lawful occupant that commits violations of a  
13 lease. The public housing agency may extend  
14 the 14-day deadline at its discretion.

15 “(C) CONTENTS.—An individual may sat-  
16 isfy the certification requirement of subpara-  
17 graph (A) by—

18 “(i) providing the requesting public  
19 housing agency with documentation signed  
20 by an employee, agent, or volunteer of a  
21 victim service provider, an attorney, a  
22 member of the clergy, a medical profes-  
23 sional, or any other professional from  
24 whom the victim has sought assistance in  
25 addressing domestic violence, dating vio-

1 lence, or stalking, or the effects of the  
 2 abuse, in which the professional attests  
 3 under penalty of perjury (28 U.S.C. 1746)  
 4 to the professional's belief that the incident  
 5 or incidents in question are bona fide inci-  
 6 dents of abuse, and the victim of domestic  
 7 violence, dating violence, or stalking has  
 8 signed or attested to the documentation; or

9 “(ii) producing a Federal, State, trib-  
 10 al, territorial, or local police or court  
 11 record.

12 “(D) LIMITATION.—Nothing in this sub-  
 13 section shall be construed to require any public  
 14 housing agency to demand that an individual  
 15 produce official documentation or physical proof  
 16 of the individual's status as a victim of domes-  
 17 tic violence, dating violence, or stalking in order  
 18 to receive any of the benefits provided in this  
 19 section. At the public housing agency's discre-  
 20 tion, a public housing agency may provide bene-  
 21 fits to an individual based solely on the individ-  
 22 ual's statement or other corroborating evidence.

23 “(E) PREEMPTION.—Nothing in this sec-  
 24 tion shall be construed to supersede any provi-  
 25 sion of any Federal, State, or local law that

1 provides greater protection than this section for  
2 victims of domestic violence, dating violence, or  
3 stalking.

4 “(F) COMPLIANCE NOT SUFFICIENT TO  
5 CONSTITUTE EVIDENCE OF UNREASONABLE  
6 ACT.—Compliance with this statute by a public  
7 housing agency, or assisted housing provider  
8 based on the certification specified in subpara-  
9 graphs (A) and (B) of this subsection or based  
10 solely on the victim’s statement or other cor-  
11 roborating evidence, as permitted by subpara-  
12 graph (D) of this subsection, shall not alone be  
13 sufficient to constitute evidence of an unreason-  
14 able act or omission by an owner, manager,  
15 public housing agency, or assisted housing pro-  
16 vider, or employee thereof. Nothing in this sub-  
17 paragraph shall be construed to limit liability  
18 for failure to comply with the requirements of  
19 subsection l(5) and (6).

20 “(2) CONFIDENTIALITY.—

21 “(A) IN GENERAL.—All information pro-  
22 vided to any public housing agency pursuant to  
23 paragraph (1), including the fact that an indi-  
24 vidual is a victim of domestic violence, dating  
25 violence, or stalking, shall be retained in the

1 strictest confidence by such public housing  
 2 agency, and shall neither be entered into any  
 3 shared database nor provided to any related en-  
 4 tity, except to the extent that disclosure is—

5 “(i) requested or consented to by the  
 6 individual in writing; or

7 “(ii) otherwise required by applicable  
 8 law.

9 “(B) NOTIFICATION.—An individual must  
 10 be notified of the limits of such confidentiality  
 11 and informed in advance about circumstances  
 12 in which the person or entity will be compelled  
 13 to disclose the individual’s information.

14 “(3) DEFINITIONS.—For purposes of this sub-  
 15 section, subsection (c)(3), and subsection (l)(5) and  
 16 (6)—

17 “(A) the term ‘domestic violence’ has the  
 18 same meaning given the term in section 40002  
 19 of the Violence Against Women Act of 1994;

20 “(B) the term ‘dating violence’ has the  
 21 same meaning given the term in section 40002  
 22 of the Violence Against Women Act of 1994;  
 23 and

1 “(C) the term ‘stalking’ means engaging in  
 2 a course of conduct directed at a specific person  
 3 that would cause a reasonable person to—

4 “(i) fear for his or her safety or the  
 5 safety of others; or

6 “(ii) suffer significant emotional dis-  
 7 tress.”.

8 **TITLE VII—PROVIDING ECO-**  
 9 **NOMIC SECURITY FOR VIC-**  
 10 **TIMS OF VIOLENCE**

11 **SEC. 701. GRANT FOR NATIONAL CLEARINGHOUSE AND RE-**  
 12 **SOURCE CENTER ON WORKPLACE RE-**  
 13 **SPONSES TO ASSIST VICTIMS OF DOMESTIC**  
 14 **AND SEXUAL VIOLENCE.**

15 Subtitle N of the Violence Against Women Act of  
 16 1994 (Public Law 103–322; 108 Stat. 1902) is amended  
 17 by adding at the end the following:

18 **“Subtitle O—National Clearing-**  
 19 **house and Resource Center**

20 **“SEC. 41501. GRANT FOR NATIONAL CLEARINGHOUSE AND**  
 21 **RESOURCE CENTER ON WORKPLACE RE-**  
 22 **SPONSES TO ASSIST VICTIMS OF DOMESTIC**  
 23 **AND SEXUAL VIOLENCE.**

24 “(a) **AUTHORITY.**—The Attorney General, acting  
 25 through the Director of the Office on Violence Against



1 Women, may award a grant to an eligible nonprofit non-  
2 governmental entity or tribal organization, in order to pro-  
3 vide for the establishment and operation of a national  
4 clearinghouse and resource center on workplace responses  
5 to assist victims of domestic and sexual violence. The  
6 clearinghouse and resource center shall provide informa-  
7 tion and assistance to employers, labor organizations, and  
8 advocates on behalf of victims of domestic or sexual vio-  
9 lence, to aid in their efforts to develop and implement ap-  
10 propriate responses to such violence in order to assist  
11 those victims.

12 “(b) APPLICATIONS.—To be eligible to receive a  
13 grant under this section, an entity or organization shall  
14 submit an application to the Attorney General at such  
15 time, in such manner, and containing such information as  
16 the Attorney General may require, including—

17 “(1) information that demonstrates that the en-  
18 tity or organization has nationally recognized exper-  
19 tise in the area of domestic or sexual violence, and  
20 a record of commitment to reducing domestic or sex-  
21 ual violence;

22 “(2) a plan to maximize, to the extent prac-  
23 ticable, outreach to employers (including private  
24 companies and public entities such as public institu-  
25 tions of higher education and State and local govern-

ments), labor organizations, and advocates described in subsection (a) concerning developing and implementing appropriate workplace responses to assist victims of domestic or sexual violence; and

“(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of racial and ethnic and other underserved communities.

“(c) USE OF GRANT AMOUNT.—

“(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence.

“(2) RESPONSES.—Responses referred to in paragraph (1) may include—

“(A) providing training to promote a better understanding of appropriate workplace as-

1           sistance to victims of domestic or sexual vio-  
2           lence;

3           “(B) providing conferences and other edu-  
4           cational opportunities;

5           “(C) developing protocols and model work-  
6           place policies;

7           “(D) providing employer-sponsored and  
8           labor organization-sponsored victim assistance  
9           and outreach counseling; and

10          “(E) conducting assessments of the work-  
11          place costs of domestic or sexual violence.

12          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
13 is authorized to be appropriated to carry out this section  
14 \$1,000,000 for each of fiscal years 2006 through 2010.

15          “(e) AVAILABILITY OF GRANT FUNDS.—Funds ap-  
16 propriated under this section shall remain available until  
17 expended.”.

## 18       **TITLE     VIII—PROTECTION     OF** 19       **BATTERED AND TRAFFICKED** 20       **IMMIGRANTS**

### 21       **Subtitle A—Victims of Crime**

#### 22       **SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VIC-** 23       **TIMS.**

24          (a) TREATMENT OF SPOUSE AND CHILDREN OF VIC-  
25 TIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the

1 Immigration and Nationality Act (8 U.S.C.

2 1101(a)(15)(T)) is amended—

3 (1) in clause (i)—

4 (A) in the matter preceding subclause (I),  
5 by striking “Attorney General” and inserting  
6 “Secretary of Homeland Security”;

7 (B) in subclause (III)(aa)—

8 (i) by inserting “Federal, State, or  
9 local” before “investigation”; and

10 (ii) by striking “, or” and inserting  
11 “or crimes substantially connected to traf-  
12 ficking; or”; and

13 (C) in subclause (IV), by striking “and” at  
14 the end;

15 (2) by amending clause (ii) to read as follows:

16 “(ii) if accompanying, or following to join, the  
17 alien described in clause (i)—

18 “(I) in the case of an alien described in  
19 clause (i) who is under 21 years of age, the  
20 spouse, children, unmarried siblings under 18  
21 years of age on the date on which such alien  
22 applied for status under such clause, and par-  
23 ents of such alien; and

1           “(II) in the case of an alien described in  
 2           clause (i) who is 21 years of age or older, the  
 3           spouse and children of such alien; and”; and  
 4           (3) by inserting after clause (ii) the following:  
 5           “(iii) if the Secretary of Homeland Security de-  
 6           termines that a trafficking victim, due to psycho-  
 7           logical or physical trauma, is unable to cooperate  
 8           with a request for assistance described in clause  
 9           (i)(III)(aa), the request is unreasonable.”.

10       (b) TREATMENT OF SPOUSES AND CHILDREN OF  
 11 VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immi-  
 12 gration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is  
 13 amended—

14           (1) in clause (i), by striking “Attorney General”  
 15           and inserting “Secretary of Homeland Security”;

16           (2) by amending clause (ii) to read as follows:

17           “(ii) if accompanying, or following to join, the  
 18           alien described in clause (i)—

19           “(I) in the case of an alien described in  
 20           clause (i) who is under 21 years of age, the  
 21           spouse, children, unmarried siblings under 18  
 22           years of age on the date on which such alien  
 23           applied for status under such clause, and par-  
 24           ents of such alien; and

1           “(II) in the case of an alien described in  
 2           clause (i) who is 21 years of age or older, the  
 3           spouse and children of such alien; and”; and  
 4           (3) in clause (iii), by inserting “child abuse;  
 5           stalking;” after “false imprisonment;”.

6           (c) TECHNICAL AMENDMENTS.—Section 101(i) of  
 7           the Immigration and Nationality Act (8 U.S.C. 1101(i))  
 8           is amended—

9           (1) in paragraph (1), by striking “Attorney  
 10          General” and inserting “Secretary of Homeland Se-  
 11          curity, the Attorney General,”; and

12          (2) in paragraph (2), by striking “Attorney  
 13          General” and inserting “Secretary of Homeland Se-  
 14          curity”.

15 **SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF**  
 16 **TRAFFICKING IN PERSONS.**

17          (a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the  
 18          Immigration and Nationality Act (8 U.S.C.  
 19          1182(a)(9)(B)(iii)) is amended by adding at the end the  
 20          following:

21                 “(V) VICTIMS OF A SEVERE FORM OF  
 22                 TRAFFICKING IN PERSONS.—Clause (i) shall not  
 23                 apply to an alien who demonstrates that there  
 24                 was a substantial connection between the alien  
 25                 being a victim of a severe form of trafficking

1 (as that term is defined in section 103 of the  
 2 Trafficking Victims Protection Act of 2000 (22  
 3 U.S.C. 7102)) and the alien’s unlawful presence  
 4 in the United States.”.

5 (b) TECHNICAL AMENDMENT.—Paragraphs (13) and  
 6 (14) of section 212(d) of the Immigration and Nationality  
 7 Act (8 U.S.C. 1182(d)) are amended by striking “Attor-  
 8 ney General” each place it appears and inserting “Sec-  
 9 retary of Homeland Security”.

10 **SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**  
 11 **FICKING.**

12 Section 245(l) of the Immigration and Nationality  
 13 Act (8 U.S.C. 1255(l)) is amended—

14 (1) in paragraph (1)—

15 (A) by striking “Attorney General” each  
 16 place it appears and inserting “Secretary of  
 17 Homeland Security”; and

18 (B) in subparagraph (A), by striking “3  
 19 years” and inserting “2 year”;

20 (2) in paragraph (2), by striking “Attorney  
 21 General” each place it appears and inserting “Sec-  
 22 retary of Homeland Security”; and

23 (3) in paragraph (5), by striking “Attorney  
 24 General” and inserting “Secretary of Homeland Se-  
 25 curity”.

1 **SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF**  
 2 **TRAFFICKING.**

3 (a) CLARIFICATION OF DEPARTMENT OF JUSTICE  
 4 AND DEPARTMENT OF HOMELAND SECURITY ROLES.—

5 (1) TRAFFICKING VICTIMS.—Section 107 of the  
 6 Trafficking Victims Protection Act of 2000 (22  
 7 U.S.C. 7105) is amended—

8 (A) in subsections (b)(1)(E), (e)(5), and  
 9 (g), by striking “Attorney General” each place  
 10 it appears and inserting “Secretary of Home-  
 11 land Security”; and

12 (B) in subsection (c), by inserting “, the  
 13 Secretary of Homeland Security” after “Attor-  
 14 ney General”.

15 (2) NONIMMIGRANT ALIENS.—Section 101 of  
 16 the Immigration and Nationality Act (8 U.S.C.  
 17 1101) is amended—

18 (A) in subsection (a)(15)(T), by striking  
 19 “Attorney General” each place it appears and  
 20 inserting “Secretary of Homeland Security; and

21 (B) in subsection (i)—

22 (i) in paragraph (1), by striking “At-  
 23 torney General” and inserting “Secretary  
 24 of Homeland Security, the Attorney Gen-  
 25 eral,”; and



1 (ii) in paragraph (2), by striking “At-  
 2 torney General” and inserting “Secretary  
 3 of Homeland Security”.

4 (3) INADMISSIBLE ALIENS.—Section 212(d)(13)  
 5 of the Immigration and Nationality Act (8 U.S.C.  
 6 1182(d)(13)) is amended—

7 (A) in subparagraph (A), by striking “At-  
 8 torney General” and inserting “Secretary of  
 9 Homeland Security”;

10 (B) in subparagraph (B)—

11 (i) by striking “Attorney General”  
 12 each place it appears and inserting “Sec-  
 13 retary of Homeland Security”; and

14 (ii) by striking “, in the Attorney  
 15 General’s discretion,”.

16 (4) ADJUSTMENT OF STATUS FOR VICTIMS OF  
 17 TRAFFICKING.—Section 245(l) of the Immigration  
 18 and Nationality Act (8 U.S.C. 1255(l)) is  
 19 amended—

20 (A) in paragraphs (1), (2), and (4), by  
 21 striking “Attorney General” the first place it  
 22 appears in each such paragraph and inserting  
 23 “Secretary of Homeland Security”;

24 (B) in paragraphs (1) and (2), by striking  
 25 “Attorney General” the second place it appears

1 in each such paragraph and inserting “Sec-  
2 retary”; and

3 (C) in paragraph (2), by striking “, in the  
4 Attorney General’s discretion,”.

5 (b) CERTIFICATION PROCESS.—Section 107(b)(1)(E)  
6 of the Trafficking Victims Protection Act of 2000 (22  
7 U.S.C. 7105(b)(1)(E)) is amended—

8 (1) in clause (i)—

9 (A) in the matter preceding subclause (I),  
10 by inserting “or the Secretary of Homeland Se-  
11 curity, as appropriate” after “Attorney Gen-  
12 eral”; and

13 (B) in subclause (II)(bb), by inserting “or  
14 the Secretary of Homeland Security” after “At-  
15 torney General”.

16 (2) in clause (ii), by striking “Attorney Gen-  
17 eral” and inserting “Secretary of Homeland Secu-  
18 rity”;

19 (3) in clause (iii)—

20 (A) in subclause (II), by striking “and” at  
21 the end;

22 (B) in subclause (III), by striking the pe-  
23 riod at the end and inserting “; or”; and

24 (C) by adding at the end the following:

1 “(IV) responding to and cooper-  
2 ating with requests for evidence and  
3 information.”.

4 (b) TRAFFICKING VICTIM REGULATIONS.—Section  
5 107(c) of the Trafficking Victims Protection Act of 2000  
6 (22 U.S.C. 7105(c)) is amended—

7 (1) in the matter preceding paragraph (1), by  
8 inserting “, the Secretary of Homeland Security,”  
9 after “Attorney General”; and

10 (2) in paragraph (3)—

11 (A) by striking “Federal law enforcement  
12 officials” and inserting “The Department of  
13 Homeland Security”; and

14 (B) by adding at the end the following:  
15 “State or local law enforcement officials may  
16 petition the Department of Homeland Security  
17 for the continued presence for trafficking vic-  
18 tims. If such a petition contains a certification  
19 that a trafficking victim is a victim of a severe  
20 form of trafficking, the presence of the traf-  
21 ficking victim may be permitted in accordance  
22 with this paragraph.”.

23 (c) PROTECTION FROM REMOVAL FOR CERTAIN  
24 CRIME VICTIMS.—Section 107(e)(5) of the Trafficking  
25 Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5))

1 is amended by striking “Attorney General” each place it  
 2 occurs and inserting “Secretary of Homeland Security”.

3 (d) ANNUAL REPORT.—Section 107(g) of the Traf-  
 4 ficking Victims Protection Act of 2000 (22 U.S.C.  
 5 7105(g)) is amended by inserting “or the Secretary of  
 6 Homeland Security” after “Attorney General”.

7 **SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.**

8 (a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of  
 9 the Immigration and Nationality Act (8 U.S.C.  
 10 1154(a)(1)(D)) is amended—

11 (1) in clause (i)—

12 (A) in subclause (I), by inserting “or sec-  
 13 tion 204(a)(1)(B)(iii)” after “204(a)(1)(A)”  
 14 each place it appears; and

15 (B) in subclause (III), by striking “a peti-  
 16 tioner for preference status under paragraph  
 17 (1), (2), or (3) of section 203(a), whichever  
 18 paragraph is applicable,” and inserting “a  
 19 VAWA self-petitioner”; and

20 (2) by adding at the end the following:

21 “(iv) Any alien who benefits from this subparagraph  
 22 may adjust status in accordance with subsections (a) and  
 23 (c) of section 245 as an alien having an approved petition  
 24 for classification under subparagraph (A)(iii), (A)(iv),  
 25 (B)(ii), or (B)(iii).”.

1 (b) APPLICATION OF CSPA PROTECTIONS.—

2 (1) IMMEDIATE RELATIVE RULES.—Section  
3 201(f) of the Immigration and Nationality Act (8  
4 U.S.C. 1151(f)) is amended by adding at the end  
5 the following:

6 “(4) APPLICATION TO SELF-PETITIONS.—Para-  
7 graphs (1) through (3) shall apply to self-petitioners  
8 and derivatives of self-petitioners.”.

9 (2) CHILDREN RULES.—Section 203(h) of the  
10 Immigration and Nationality Act (8 U.S.C. 1153(h))  
11 is amended by adding at the end the following:

12 “(4) APPLICATION TO SELF-PETITIONS.—Para-  
13 graphs (1) through (3) shall apply to self-petitioners  
14 and derivatives of self-petitioners.”.

15 (c) LATE PETITION PERMITTED FOR IMMIGRANT  
16 SONS AND DAUGHTERS BATTERED AS CHILDREN.—

17 (1) IN GENERAL.—Section 204(a)(1)(D) of the  
18 Immigration and Nationality Act (8 U.S.C.  
19 1154(a)(1)(D)), as amended by subsection (a), is  
20 further amended by adding at the end the following:

21 “(v) For purposes of this paragraph, an individual  
22 who is not less than 21 years of age, who qualified to file  
23 a petition under subparagraph (A)(iv) as of the day before  
24 the date on which the individual attained 21 years of age,  
25 and who did not file such a petition before such day, shall

1 be treated as having filed a petition under such subpara-  
 2 graph as of such day if a petition is filed for the status  
 3 described in such subparagraph before the individual at-  
 4 tains 25 years of age and the individual shows a connec-  
 5 tion between the abuse and the filing delay. Clauses (i)  
 6 through (iv) of this subparagraph shall apply to an indi-  
 7 vidual described in this clause in the same manner as an  
 8 individual filing a petition under subparagraph (A)(iv).”.

9 (d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY  
 10 REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—  
 11 Section 101(b)(1)(E)(i) of the Immigration and Nation-  
 12 ality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by in-  
 13 serting before the colon the following: “or if the child has  
 14 been battered or subject to extreme cruelty by the adopt-  
 15 ing parent or by a family member of the adopting parent  
 16 residing in the same household”.

## 17 **Subtitle B—VAWA Self-Petitioners**

### 18 **SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.**

19 Section 101(a) of the Immigration and Nationality  
 20 Act (8 U.S.C. 1101(a)) is amended by adding at the end  
 21 the following:

22 “(51) The term ‘VAWA self-petitioner’ means  
 23 an alien, or a child of the alien, who qualifies for re-  
 24 lief under—

1 “(A) clause (iii), (iv), or (vii) of section  
2 204(a)(1)(A);

3 “(B) clause (ii) or (iii) of section  
4 204(a)(1)(B);

5 “(C) section 216(c)(4)(C);

6 “(D) the first section of Public Law 89–  
7 732 (8 U.S.C. 1255 note) (commonly known as  
8 the Cuban Adjustment Act) as a child or spouse  
9 who has been battered or subjected to extreme  
10 cruelty;

11 “(E) section 902(d)(1)(B) of the Haitian  
12 Refugee Immigration Fairness Act of 1998 (8  
13 U.S.C. 1255 note);

14 “(F) section 202(d)(1) of the Nicaraguan  
15 Adjustment and Central American Relief Act;  
16 or

17 “(G) section 309 of the Illegal Immigra-  
18 tion Reform and Immigrant Responsibility Act  
19 of 1996 (division C of Public Law 104–208).”.

20 **SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY**  
21 **WITHIN 90-DAY PERIOD.**

22 (a) IN GENERAL.—Section 214(d) of the Immigra-  
23 tion and Nationality Act (8 U.S.C. 1184(d)) is amended  
24 by inserting before the period at the end the following:  
25 “, unless the alien is eligible for status as a VAWA self-

1 petitioner, for relief under section 240A(b)(2), or for relief  
 2 under section 244(a)(3) (as in effect prior to March 31,  
 3 1997), and the alien married the United States citizen  
 4 who filed the petition under section 101(a)(15)(K)(i)’’.

5 (b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN  
 6 WHO ENTERED THE UNITED STATES ON FINANCE VISAS  
 7 FROM CONDITIONAL RESIDENCY STATUS REQUIRE-  
 8 MENT.—Section 245(d) of the Immigration and Nation-  
 9 ality Act (8 U.S.C. 1255(d)) is amended—

10 (1) by inserting ‘‘(1)’’ after ‘‘(d)’’; and

11 (2) by adding at the end the following:

12 ‘‘(2) The failure of a nonimmigrant described in sec-  
 13 tion 101(a)(15)(K) to marry within 3 months of being ad-  
 14 mitted in such status does not restrict the Secretary of  
 15 Homeland Security’s or the Attorney General’s authority  
 16 to adjust the status of the nonimmigrant, or grant relief  
 17 under section 240A(b)(2), or under section 244(a)(3) (as  
 18 in effect prior to March 31, 1997), provided that—

19 ‘‘(A) the alien married the United States citizen  
 20 who filed the petition under section  
 21 101(a)(15)(K)(i);

22 ‘‘(B) the United States citizen petitioner sub-  
 23 jected a VAWA self-petitioner to battery or extreme  
 24 cruelty; and



1 “(C) the alien shows a substantial connection  
 2 between the battery or extreme cruelty and the fail-  
 3 ure to marry within the 90-day period.”.

4 **SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPAR-**  
 5 **TURE.**

6 Section 240B(d) of the Immigration and Nationality  
 7 Act (8 U.S.C. 1229c(d)) is amended to read as follows:

8 “(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

9 “(1) IN GENERAL.—Subject to paragraph (2),  
 10 if an alien is permitted to depart voluntarily under  
 11 this section and voluntarily fails to depart the  
 12 United States within the time period specified, the  
 13 alien—

14 “(A) shall be subject to a civil penalty of  
 15 not less than \$1,000 and not more than  
 16 \$5,000; and

17 “(B) shall be ineligible, for a period of 10  
 18 years, to receive any further relief under this  
 19 section and sections 240A, 245, 248, and 249.

20 “(2) APPLICATION OF VAWA PROTECTIONS.—

21 The restrictions on relief under paragraph (1) shall  
 22 not apply to relief under section 240A or 245 on the  
 23 basis of a petition filed by a VAWA self-petitioner,  
 24 or a petition filed under section 240A(b)(2), or  
 25 under section 244(a)(3) (as in effect prior to March

1       31, 1997), if the extreme cruelty or battering is sub-  
 2       stantially connected to the alien’s overstaying the  
 3       grant of voluntary departure.

4           “(3) NOTICE OF PENALTIES.—The order per-  
 5       mitting an alien to depart voluntarily shall inform  
 6       the alien of the penalties under this subsection.”.

7   **SEC. 814. REMOVAL PROCEEDINGS.**

8       (a) EXCEPTIONAL CIRCUMSTANCES.—

9           (1) IN GENERAL.—Section 240(e)(1) of the Im-  
 10      migration and Nationality Act (8 U.S.C.  
 11      1229a(e)(1)) is amended by striking “serious illness  
 12      of the alien” and inserting “battery or extreme cru-  
 13      elty to the alien or any child or parent of the alien,  
 14      serious illness of the alien,”.

15          (2) EFFECTIVE DATE.—The amendment made  
 16      by paragraph (1) shall apply to a failure to appear  
 17      that occurs before, on, or after the date of the enact-  
 18      ment of this Act.

19      (b) DISCRETION TO CONSENT TO AN ALIEN’S RE-  
 20      APPLICATION FOR ADMISSION.—

21          (1) IN GENERAL.—The Secretary of Homeland  
 22      Security, the Attorney General, and the Secretary of  
 23      State shall continue to have discretion to consent to  
 24      an alien’s reapplication for admission after a pre-  
 25      vious order of removal, deportation, or exclusion.

1           (2) SENSE OF CONGRESS.—It is the sense of  
 2       Congress that the officials described in paragraph  
 3       (1) should particularly consider exercising this au-  
 4       thority in cases under the Violence Against Women  
 5       Act of 1994, cases involving nonimmigrants de-  
 6       scribed in subparagraph (T) or (U) of section  
 7       101(a)(15) of the Immigration and Nationality Act  
 8       (8 U.S.C. 1101(a)(15)), and relief under section  
 9       240A(b)(2) or 244(a)(3) of such Act (as in effect on  
 10      March 31, 1997) pursuant to regulations under sec-  
 11      tion 212.2 of title 8, Code of Federal Regulations.

12      (c) CLARIFYING APPLICATION OF DOMESTIC VIO-  
 13      LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-  
 14      MOVAL.—

15           (1) IN GENERAL.—Section 240A(b) of the Im-  
 16      migration and Nationality Act (8 U.S.C. 1229b(b))  
 17      is amended—

18           (A) in paragraph (1)(C), by striking “(ex-  
 19      cept in a case described in section 237(a)(7)  
 20      where the Attorney General exercises discretion  
 21      to grant a waiver)” and inserting “, subject to  
 22      paragraph (5)”;

23           (B) in paragraph (2)(A)(iv), by striking  
 24      “(except in a case described in section  
 25      237(a)(7) where the Attorney General exercises

1 discretion to grant a waiver)” and inserting “,  
2 subject to paragraph (5)”;

3 (C) by adding at the end the following:

4 “(5) APPLICATION OF DOMESTIC VIOLENCE  
5 WAIVER AUTHORITY.—The authority provided under  
6 section 237(a)(7) may apply under paragraphs  
7 (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of re-  
8 moval and adjustment of status proceeding.”.

9 **SEC. 815. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**  
10 **CATIONS FOR ADJUSTMENTS OF STATUS.**

11 (a) APPLICATION OF VAWA DEPORTATION PROTEC-  
12 TIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN  
13 ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION  
14 FAIRNESS ACT.—Section 1506(c)(2) of the Violence  
15 Against Women Act of 2000 (8 U.S.C. 1229a note; divi-  
16 sion B of Public Law 106–386) is amended—

17 (1) in subparagraph (A)—

18 (A) by amending clause (i) to read as fol-  
19 lows:

20 “(i) if the basis of the motion is to  
21 apply for relief under—

22 “(I) clause (iii) or (iv) of section  
23 204(a)(1)(A) of the Immigration and  
24 Nationality Act (8 U.S.C.  
25 1154(a)(1)(A));

1 “(II) clause (ii) or (iii) of section  
 2 204(a)(1)(B) of such Act (8 U.S.C.  
 3 1154(a)(1)(B));

4 “(III) section 244(a)(3) of such  
 5 Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

6 “(IV) the first section of Public  
 7 Law 89–732 (8 U.S.C. 1255 note)  
 8 (commonly known as the Cuban Ad-  
 9 justment Act) as a child or spouse  
 10 who has been battered or subjected to  
 11 extreme cruelty; or

12 “(V) section 902(d)(1)(B) of the  
 13 Haitian Refugee Immigration Fair-  
 14 ness Act of 1998 (8 U.S.C. 1255  
 15 note); and”; and

16 (B) in clause (ii), by inserting “or adjust-  
 17 ment of status” after “suspension of deporta-  
 18 tion”; and

19 (2) in subparagraph (B)(ii), by striking “for re-  
 20 lief” and all that follows through “1101 note))” and  
 21 inserting “for relief described in subparagraph  
 22 (A)(i)”.

23 (b) EMPLOYMENT AUTHORIZATION FOR VAWA  
 24 SELF-PETITIONERS.—Section 204(a)(1) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

“(l) Upon the approval of a petition as a VAWA self-petitioner, the alien—

“(i) is eligible for work authorization; and

“(ii) shall be provided an ‘employment authorized’ endorsement or appropriate work permit incidental to such approval.”.

**SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.**

(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting “, or was eligible for adjustment,” after “whose status is adjusted”; and

(2) in subparagraph (E), by inserting “, or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005” after “April 1, 2000”.

(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

1 (c) EFFECTIVE DATE.—The amendment made by  
 2 subsection (b) shall take effect as if included in the enact-  
 3 ment of the Violence Against Women Act of 2000 (division  
 4 B of Public Law 106–386; 114 Stat. 1491).

5 **SEC. 817. SELF-PETITIONING PARENTS.**

6 Section 204(a)(1)(A) of the Immigration and Nation-  
 7 ality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding  
 8 at the end the following:

9 “(vii) An alien may file a petition with the Secretary  
 10 of Homeland Security under this subparagraph for classi-  
 11 fication of the alien under section 201(b)(2)(A)(i) if the  
 12 alien—

13 “(I) is the parent of a citizen of the United  
 14 States or was a parent of a citizen of the United  
 15 States who, within the past 2 years, lost or re-  
 16 nounced citizenship status related to an incident of  
 17 domestic violence or died;

18 “(II) is a person of good moral character;

19 “(III) is eligible to be classified as an imme-  
 20 diate relative under section 201(b)(2)(A)(i);

21 “(IV) resides, or has resided, with the citizen  
 22 daughter or son; and

23 “(V) demonstrates that the alien has been bat-  
 24 tered or subject to extreme cruelty by the citizen  
 25 daughter or son.”.

1 **SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.**

2 Section 384 of the Illegal Immigration Reform and  
3 Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a))  
4 is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1),  
7 by striking “(including any bureau or agency of  
8 such Department)” and inserting “, the Sec-  
9 retary of Homeland Security, the Secretary of  
10 State, or any other official or employee of the  
11 Department of Homeland Security or Depart-  
12 ment of State (including any bureau or agency  
13 of either of such Departments)”; and

14 (B) in paragraph (1)—

15 (i) in subparagraph (D), by striking  
16 “or” at the end;

17 (ii) in subparagraph (E), by adding  
18 “or” at the end; and

19 (iii) by inserting after subparagraph  
20 (E) the following:

21 “(F) in the case of an alien applying for  
22 status under section 101(a)(15)(T) of the Im-  
23 migration and Nationality Act (8 U.S.C.  
24 1101(a)(15)(T)), under section  
25 107(b)(1)(E)(i)(II)(bb) of the Trafficking Vic-  
26 tims Protection Act of 2000 (22 U.S.C. 7105),



under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator.”.

(2) in subsection (b)(2), by inserting “or his other designee” after “the discretion of the Attorney General.”.

## **Subtitle C—Miscellaneous Amendments**

### **SEC. 821. DURATION OF T AND U VISAS.**

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

“(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

“(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other au-

1 thority investigating or prosecuting activity relating to  
 2 human trafficking or certifies that the presence of the  
 3 alien in the United States is necessary to assist in the  
 4 investigation or prosecution of such activity.”.

5 (b) U VISAS.—Section 214(p) of the Immigration  
 6 and Nationality Act (8 U.S.C. 1184(p)) is amended by  
 7 adding at the end the following:

8 “(6) DURATION OF STATUS.—The authorized  
 9 period of status of an alien as a nonimmigrant  
 10 under section 101(a)(15)(U) shall be 4 years, but  
 11 shall be extended upon certification from a Federal,  
 12 State, or local law enforcement official, prosecutor,  
 13 judge, or other Federal, State, or local authority in-  
 14 vestigating or prosecuting criminal activity described  
 15 in section 101(a)(15)(U)(iii) that the alien’s pres-  
 16 ence in the United States is required to assist in the  
 17 investigation or prosecution of such criminal activ-  
 18 ity.”.

19 (c) PERMITTING CHANGE OF NONIMMIGRANT STA-  
 20 TUS TO T AND U NONIMMIGRANT STATUS.—

21 (1) IN GENERAL.—Section 248 of the Immigra-  
 22 tion and Nationality Act (8 U.S.C. 1258) is  
 23 amended—

1 (A) by striking “The Attorney General”  
 2 and inserting “(a) The Secretary of Homeland  
 3 Security”;

4 (B) by inserting “(subject to subsection  
 5 (b))” after “except”; and

6 (C) by adding at the end the following:

7 “(b) The exceptions specified in paragraphs (1)  
 8 through (4) of subsection (a) shall not apply to a change  
 9 of nonimmigrant classification to that of a nonimmigrant  
 10 under subparagraph (T) or (U) of section 101(a)(15).”.

11 (2) CONFORMING AMENDMENT.—Section  
 12 214(l)(2)(A) of the Immigration and Nationality Act  
 13 (8 U.S.C. 1184(l)(2)(A)) is amended by striking  
 14 “248(2)” and inserting “248(a)(2)”.

15 **SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN AP-**  
 16 **PLICATION OF SPECIAL PHYSICAL PRESENCE**  
 17 **AND GOOD MORAL CHARACTER RULES.**

18 (a) PHYSICAL PRESENCE RULES.—Section  
 19 240A(b)(2)(B) of the Immigration and Nationality Act (8  
 20 U.S.C. 1229b(b)(2)(B)) is amended—

21 (1) in the first sentence, by striking  
 22 “(A)(i)(II)” and inserting “(A)(ii)”; and

23 (2) in the fourth sentence, by striking “sub-  
 24 section (b)(2)(B) of this section” and inserting “this  
 25 subparagraph, subparagraph (A)(ii),”.

1 (b) MORAL CHARACTER RULES.—Section  
 2 240A(b)(2)(C) of the Immigration and Nationality Act (8  
 3 U.S.C. 1229b(b)(2)(C)) is amended by striking  
 4 “(A)(i)(III)” and inserting “(A)(iii)”.

5 (c) CORRECTION OF CROSS-REFERENCE ERROR IN  
 6 APPLYING GOOD MORAL CHARACTER.—

7 (1) IN GENERAL.—Section 101(f)(3) of the Im-  
 8 migration and Nationality Act (8 U.S.C. 1101(f)(3))  
 9 is amended by striking “(9)(A)” and inserting  
 10 “(10)(A)”.

11 (2) EFFECTIVE DATE.—The amendment made  
 12 by paragraph (1) shall be effective as if included in  
 13 section 603(a)(1) of the Immigration Act of 1990  
 14 (Public Law 101–649; 104 Stat. 5082).

15 **SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER**  
 16 **SPOUSES UNDER CUBAN ADJUSTMENT.**

17 (a) IN GENERAL.—The first section of Public Law  
 18 89–732 (8 U.S.C. 1255 note) (commonly known as the  
 19 Cuban Adjustment Act) is amended—

20 (1) in the last sentence, by striking  
 21 “204(a)(1)(H)” and inserting “204(a)(1)(J)”; and

22 (2) by adding at the end the following: “An  
 23 alien who was the spouse of any Cuban alien de-  
 24 scribed in this section and has resided with such  
 25 spouse shall continue to be treated as such a spouse

1 for 2 years after the date on which the Cuban alien  
 2 dies (or, if later, 2 years after the date of enactment  
 3 of Violence Against Women Act of 2005), or for 2  
 4 years after the date of termination of the marriage  
 5 (or, if later, 2 years after the date of enactment of  
 6 Violence Against Women Act of 2005) if there is  
 7 demonstrated a connection between the termination  
 8 of the marriage and the battering or extreme cruelty  
 9 by the Cuban alien.”.

10 (b) EFFECTIVE DATE.—The amendment made by  
 11 subsection (a)(1) shall take effect as if included in the en-  
 12 actment of the Violence Against Women Act of 2000 (divi-  
 13 sion B of Public Law 106–386; 114 Stat. 1491).

14 **SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLI-**  
 15 **CANTS.**

16 (a) IN GENERAL.—Section 902(d)(1)(B) of the Hai-  
 17 tian Refugee Immigration Fairness Act of 1998 (8 U.S.C.  
 18 1255 note) is amended—

19 (1) in clause (i), by striking “whose status is  
 20 adjusted to that of an alien lawfully admitted for  
 21 permanent residence” and inserting “who is or was  
 22 eligible for classification”;

23 (2) in clause (ii), by striking “whose status is  
 24 adjusted to that of an alien lawfully admitted for

1 permanent residence” and inserting “who is or was  
2 eligible for classification”; and

3 (3) in clause (iii), by striking “204(a)(1)(H)”  
4 and inserting “204(a)(1)(J)”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a)(3) shall take effect as if included in the en-  
7 actment of the Violence Against Women Act of 2000 (divi-  
8 sion B of Public Law 106–386; 114 Stat. 1491).

9 **SEC. 825. DEPORTATION PROCEEDINGS.**

10 (a) DEPORTATION OR REMOVAL PROCEEDINGS.—

11 (1) IN GENERAL.—Section 240(c)(6)(C) of the  
12 Immigration and Nationality Act (8 U.S.C.  
13 1229a(c)(6)(C)) is amended—

14 (A) in clause (iv), by striking “The dead-  
15 line specified in subsection (b)(5)(C) for filing  
16 a motion to reopen does not apply—” and in-  
17 serting “No limitation on number of motions or  
18 on deadlines for filing motions under other pro-  
19 visions of this section shall apply—”; and

20 (B) by adding at the end the following:

21 “(v) STAY OF REMOVAL.—The filing  
22 of the motion described in clause (iv) shall  
23 stay the removal of the alien pending a  
24 final disposition of the motion, including  
25 the exhaustion of all appeals. Only 1 spe-

1                   cial motion under clause (iv) is per-  
2                   mitted.”.

3                   (2) EFFECTIVE DATE.—The amendments made  
4                   by paragraph (1) shall take effect as if included in  
5                   the enactment of section 442(a) of the Antiterrorism  
6                   and Effective Death Penalty Act of 1996 (Public  
7                   Law 104–132; 110 Stat. 1279).

8                   (b) MOTIONS TO REOPEN DEPORTATION PRO-  
9                   CEEDINGS.—Section 1506(c)(2)(A) of the Violence  
10                  Against Women Act of 2000 (division B of Public Law  
11                  106–386; 8 U.S.C. 1229a note) is amended—

12                  (1) by inserting “on number of motions or  
13                  deadlines for filing motions” after “Notwithstanding  
14                  any limitation”;

15                  (2) by inserting “, deadline, or limit on number  
16                  of motions” after “there is no time limit”; and

17                  (3) by striking “, and the” and inserting “. The  
18                  filing of a motion described in clauses (i) and (ii)  
19                  shall stay the removal of the aliens pending a final  
20                  disposition of the motion, including the exhaustion  
21                  of all appeals. Only 1 motion under clauses (i) and  
22                  (ii) is permitted. The”.

23                  (c) CONFORMING AMENDMENTS.—Section 212(a) of  
24                  the Immigration and Nationality Act (8 U.S.C. 1182(a))  
25                  is amended—

1           (1) in paragraph (6)(A)(ii)(III), by striking  
2           “substantial”; and

3           (2) in paragraph (9)(B)(iii)(IV), by striking  
4           “who would be described in paragraph (6)(A)(ii)”  
5           and inserting “who demonstrates that the alien is  
6           described in subclauses (I) and (II) of paragraph  
7           (b)(A)(ii)”.

8   **SEC. 826. PROTECTING ABUSED JUVENILES.**

9           Section 287 of the Immigration and Nationality Act  
10       (8 U.S.C. 1357), as amended by section 726, is further  
11       amended by adding at the end the following—

12       “(i) An alien described in section 101(a)(27)(J) of  
13       the Immigration and Nationality Act who has been bat-  
14       tered, abused, neglected, or abandoned, shall not be com-  
15       pelled to contact the alleged abuser (or family member of  
16       the alleged abuser) at any stage of applying for special  
17       immigrant juvenile status, including after a request for  
18       the consent of the Secretary of Homeland Security under  
19       section 101(a)(27)(J)(iii)(I) of such Act.”.

20   **SEC. 827. EXCEPTION FOR THE PROTECTION OF DOMESTIC**  
21                           **VIOLENCE AND CRIME VICTIMS.**

22       (a) Section 202 of the Real ID Act of 2005 (49  
23       U.S.C. 30301 note; 119 Stat. 312) is amended by adding  
24       at the end the following:



1       “(e) EXCEPTION FOR THE PROTECTION OF VICTIMS  
2 OF DOMESTIC VIOLENCE AND CRIME.—

3               “(1) ALTERNATIVE VALID ADDRESS AUTHOR-  
4 IZED FOR VICTIM PROTECTION AND CONFIDEN-  
5 TIALITY.—Victims who have been subjected to bat-  
6 tery, extreme cruelty, domestic violence, dating vio-  
7 lence, sexual assault or stalking may be exempt from  
8 the requirements of section 202(b)(6) and permitted  
9 to use an alternate address on their driver’s license  
10 or identification card if the applicant—

11               “(A) is enrolled in a State address con-  
12 fidentiality program;

13               “(B) has been permitted by a Federal,  
14 State, tribal, territorial, or local court (as de-  
15 fined in section 2266 of title 18, United States  
16 Code) to keep the applicant’s address or loca-  
17 tion confidential as part of a protection order  
18 (as defined in such section 2266) or other in-  
19 junctive relief to protect the applicant from do-  
20 mestic violence, dating violence, sexual assault,  
21 or stalking;

22               “(C) is determined by the Center for Secu-  
23 rity and Integrity of the Social Security Admin-  
24 istration, which is responsible for requests for  
25 changes of information in social security ac-

1 counts as of May 1, 2005, to have been a victim  
2 of battery, extreme cruelty, domestic violence,  
3 dating violence, sexual assault or stalking under  
4 section 422.110 of title 20, Code of Federal  
5 Regulations; or

6 “(D) has received a prima facie determina-  
7 tion or an approved petition as a VAWA self-  
8 petitioner (as defined in section 101(a)(51) of  
9 the Immigration and Nationality Act);

10 “(E) has received a bona fide determina-  
11 tion or an approved application under subpara-  
12 graph (T) of section 101(a)(15);

13 “(F) has received interim relief or an ap-  
14 proved application under subparagraph (U) of  
15 section 101(a)(15);

16 “(G) has received continued presence or  
17 certification under section 107 of the Victims of  
18 Trafficking and Violence Protection Act of  
19 2000 (22 U.S.C. 7105);

20 “(H) meets the requirements of section  
21 240A(b)(2) of the Immigration and Nationality  
22 Act; or

23 “(I) qualifies for relief under section  
24 244(a)(3) of such Act (as in effect on March  
25 31, 1997).

1           “(2) ALTERNATIVE ADDRESS.—To meet the re-  
 2           quirements of this section, a State may issue drivers’  
 3           licenses by—

4                   “(A) accepting any documentation from  
 5                   the entities described in paragraph (1) that dis-  
 6                   tinguishes the alternative address as a sub-  
 7                   stitute to the principal residential address;

8                   “(B) printing the alternative address on  
 9                   the applicant’s driver’s license or identification  
 10                  card; and

11                  “(C) entering the alternative address into  
 12                  the state’s driver license database.

13           “(3) FILING AND APPROVAL OF APPLICA-  
 14           TIONS.—

15                   “(A) FILING.—Victims shall file applica-  
 16                   tions requesting permission to use an alter-  
 17                   native address with the Center for Security and  
 18                   Integrity of the Social Security Administration.

19                   “(B) APPROVAL.—The Social Security Ad-  
 20                   ministration shall issue an approval notice con-  
 21                   taining the alternative address authorized.

22           “(4) CONFIDENTIALITY OF INFORMATION.—  
 23           The Secretary of Health and Human Services and  
 24           any other official or employee of the Department of

1 Health and Human Services, or administration or  
2 bureau thereof, may not—

3 “(A) use the information furnished by the  
4 applicant pursuant to an application for alter-  
5 native address filed under this section for any  
6 purpose other than to make a determination on  
7 the application;

8 “(B) make any publication whereby the in-  
9 formation furnished by any particular individual  
10 can be identified; or

11 “(C) permit any person other than the  
12 sworn officers and employees of the Depart-  
13 ment or administration or bureau to access  
14 such information.

15 “(5) DEFINITIONS.—For the purposes of this  
16 section—

17 “(A) the term ‘State address confiden-  
18 tiality program’ means any State-authorized or  
19 State-administered program that—

20 “(i) allows victims of domestic vio-  
21 lence, dating violence, sexual assault, stalk-  
22 ing, or a severe form of trafficking to keep,  
23 obtain and use alternative addresses; or

1 “(ii) that provides confidential record-  
 2 keeping regarding the addresses of such  
 3 victims;

4 “(B) the term ‘battering or extreme cru-  
 5 elty’ has the meanings given the term in sec-  
 6 tions 204, 216, and 240 of the Immigration  
 7 and Nationality Act (8 U.S.C. 1154, 1186a,  
 8 and 1229a); and

9 “(C) the terms ‘domestic violence’, ‘dating  
 10 violence’, ‘sexual assault’, and ‘stalking’ have  
 11 the meanings given the terms in section 2008  
 12 of the Violence Against Women Act.”.

13 **SEC. 828. RULEMAKING.**

14 Not later than 180 days after the date of enactment  
 15 of this Act, the Attorney General, the Secretary of Home-  
 16 land Security, and the Secretary of State shall promulgate  
 17 regulations to implement the provisions contained in the  
 18 Battered Immigrant Women Protection Act of 2000 (title  
 19 V of Public Law 106–386), this Act, and the amendments  
 20 made by this Act.

21 **Subtitle D—International Marriage**  
 22 **Broker Regulation**

23 **SEC. 831. SHORT TITLE.**

24 This subtitle may be cited as the “International Mar-  
 25 riage Broker Regulation Act of 2005”.

1 **SEC. 832. DEFINITIONS.**

2 In this subtitle:

3 (a) **CRIME OF VIOLENCE.**—The term “crime of vio-  
4 lence” has the meaning given such term in section 16 of  
5 title 18, United States Code.

6 (b) **DOMESTIC VIOLENCE.**—The term “domestic vio-  
7 lence” means any crime of violence, or other act forming  
8 the basis for a past or outstanding protective order, re-  
9 straining order, no-contact order, conviction, arrest, or po-  
10 lice report, committed against a person by—

11 (1) a current or former spouse of the person;

12 (2) an individual with whom the person shares  
13 a child in common;

14 (3) an individual with whom the person is co-  
15 habiting or has cohabited;

16 (4) an individual similarly situated to a spouse  
17 of the person under the domestic or family violence  
18 laws of the jurisdiction in which the offense occurs;  
19 or

20 (5) any other individual if the person is pro-  
21 tected from that individual’s acts pursuant to a  
22 court order issued under the domestic or family vio-  
23 lence laws of the United States or any State, Indian  
24 tribal government, or unit of local government.

25 (c) **FOREIGN NATIONAL CLIENT.**—The term “foreign  
26 national client” means an individual who is not a United

1 States citizen, a national of the United States, or an alien  
2 lawfully admitted to the United States for permanent resi-  
3 dence and who utilizes the services of an international  
4 marriage broker, and includes an alien residing in the  
5 United States who is in the United States as a result of  
6 utilizing the services of an international marriage broker.

7 (d) INTERNATIONAL MARRIAGE BROKER.—

8 (1) IN GENERAL.—The term “international  
9 marriage broker” means a corporation, partnership,  
10 business, individual, or other legal entity, whether or  
11 not organized under any law of the United States,  
12 that charges fees for providing dating, matrimonial,  
13 matchmaking services, or social referrals between  
14 United States clients and foreign national clients by  
15 providing personal contact information or otherwise  
16 facilitating communication between individuals from  
17 these respective groups.

18 (2) EXCEPTIONS.—Such term does not  
19 include—

20 (A) a traditional matchmaking organiza-  
21 tion of a cultural or religious nature that oper-  
22 ates on a nonprofit basis and in compliance  
23 with the laws of the countries in which it oper-  
24 ates, including the laws of the United States; or

1 (B) an entity that provides dating services  
2 between United States citizens or residents and  
3 other individuals who may be aliens, but does  
4 not do so as its principal business, and charges  
5 comparable rates to all individuals it serves re-  
6 gardless of the gender, country of citizenship,  
7 or residence of the individual.

8 (e) K NONIMMIGRANT VISA.—The term “K non-  
9 immigrant visa” means a nonimmigrant visa issued pursu-  
10 ant to clause (i) or (ii) of section 101(a)(15)(K) of the  
11 Immigration and Nationality Act (8 U.S.C.  
12 1101(a)(15)(K)).

13 (f) PERSONAL CONTACT INFORMATION.—

14 (1) IN GENERAL.—The term “personal contact  
15 information” means information or a forum that  
16 would permit individuals to contact each other and  
17 includes—

18 (A) the name, telephone number, postal  
19 address, electronic mail address, and voice mes-  
20 sage mailbox of an individual; and

21 (B) the provision of an opportunity for an  
22 in-person meeting.

23 (2) EXCEPTION.—Such term does not include a  
24 photograph or general information about the back-  
25 ground or interests of a person.



1 (g) STATE.—The term “State” includes the District  
 2 of Columbia, Puerto Rico, the Virgin Islands, Guam, and  
 3 American Samoa.

4 (h) UNITED STATES CLIENT.—The term “United  
 5 States client” means a United States citizen or other indi-  
 6 vidual who resides in the United States and who makes  
 7 a payment or incurs a debt in order to utilize the services  
 8 of an international marriage broker.

9 **SEC. 833. REGULATION OF INTERNATIONAL MARRIAGE**  
 10 **BROKERS.**

11 (a) PROHIBITION ON MARKETING CHILDREN.—An  
 12 international marriage broker shall not provide any United  
 13 States client or other person with the personal contact in-  
 14 formation, photograph, or general information about the  
 15 background or interests of any individual under the age  
 16 of 18.

17 (b) LIMITATIONS ON SHARING INFORMATION RE-  
 18 GARDING FOREIGN NATIONAL CLIENTS.—

19 (1) IN GENERAL.—An international marriage  
 20 broker shall not provide any United States client or  
 21 other person with the personal contact information  
 22 of any foreign national client or other individual 18  
 23 years of age or older unless and until the inter-  
 24 national marriage broker has—

1 (A) collected certain background informa-  
2 tion from the United States client or other per-  
3 son to whom the personal contact information  
4 would be provided, as specified in subsection  
5 (c);

6 (B) provided a copy of that background in-  
7 formation to the foreign national client or other  
8 individual in the primary language of that client  
9 or individual;

10 (C) provided to the foreign national client  
11 or other individual in such primary language  
12 the information about legal rights and resources  
13 available to immigrant victims of domestic vio-  
14 lence and other crimes in the United States de-  
15 veloped under section 834;

16 (D) received from the foreign national cli-  
17 ent or other individual in such primary lan-  
18 guage a written consent that is signed (includ-  
19 ing using an electronic signature) to release  
20 such personal contact information to the spe-  
21 cific United States client or other person to  
22 whom the personal contact information would  
23 be provided; and

24 (E) informed the United States client or  
25 other person from whom background informa-

tion has been collected that, after filing a petition for a K nonimmigrant visa, the United States client or other person will be subject to a criminal background check.

(2) CONFIDENTIALITY AFTER ORDER OF PROTECTION OR CRIME.—

(A) NONDISCLOSURE OF INFORMATION REGARDING INDIVIDUALS WITH PROTECTION ORDERS AND VICTIMS OF CRIMES.—In fulfilling its obligations under this subsection, an international marriage broker shall not disclose the name or location of an individual who obtained a restraining or protection order as described in subsection (c)(2)(A), or of any other victim of a crime as described in subparagraphs (B) through (D) of subsection (c)(2).

(B) DISCLOSURE OF INFORMATION REGARDING UNITED STATES CLIENTS.—An international marriage broker shall disclose the relationship of the United States client or other person to an individual or victim described in paragraph (A).

(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO MANDATORY COLLECTION OF INFORMATION.—

1           (1) IN GENERAL.—Each international marriage  
2 broker shall collect the background information list-  
3 ed in paragraph (2) from each United States client  
4 or other person to whom the personal contact infor-  
5 mation of a foreign national client or any other indi-  
6 vidual would be provided. The background informa-  
7 tion must be in writing and signed (including using  
8 an electronic signature) by the United States client  
9 or other person to whom the personal contact infor-  
10 mation of a foreign national client or any other indi-  
11 vidual would be provided.

12           (2) REQUIRED BACKGROUND INFORMATION.—  
13 An international marriage broker shall collect from  
14 a United States client or other person under para-  
15 graph (1) background information about each of the  
16 following:

17           (A) Any court order restricting the client's  
18 or person's physical contact or communication  
19 with or behavior towards another person, in-  
20 cluding any temporary or permanent civil re-  
21 straining order or protection order.

22           (B) Any arrest or conviction of the client  
23 or person for homicide, murder, manslaughter,  
24 assault, battery, domestic violence, rape, sexual  
25 assault, abusive sexual contact, sexual exploi-

1           tation, incest, child abuse or neglect, torture,  
2           trafficking, peonage, holding hostage, involun-  
3           tary servitude, slave trade, kidnapping, abduc-  
4           tion, unlawful criminal restraint, false imprison-  
5           ment, stalking, or any similar activity in viola-  
6           tion of Federal, State or local criminal law.

7           (C) Any arrest or conviction of the client  
8           or person for—

9                   (i) solely or principally engaging in, or  
10                  facilitating, prostitution;

11                  (ii) any direct or indirect attempts to  
12                  procure prostitutes or persons for the pur-  
13                  pose of prostitution; or

14                  (iii) any receipt, in whole or in part,  
15                  of the proceeds of prostitution.

16           (D) Any arrest or conviction of the client  
17           or person for offenses related to controlled sub-  
18           stances or alcohol.

19           (E) Marital history of the client or person,  
20           including—

21                   (i) whether the client or individual is  
22                   currently married;

23                   (ii) whether the client or person has  
24                   previously been married and how many  
25                   times;

1 (iii) how previous marriages of the cli-  
 2 ent or person were terminated and the  
 3 date of termination; and

4 (iv) whether the client or person has  
 5 previously sponsored the immigration of an  
 6 alien to whom the client or person was en-  
 7 gaged or married.

8 (F) The ages of any children of the client  
 9 or person under the age of 18.

10 (G) All States in which the client or person  
 11 has resided since the age of 18.

12 (d) PENALTIES.—

13 (1) FEDERAL CIVIL PENALTY.—

14 (A) VIOLATION.—An international mar-  
 15 riage broker that violates subsection (a), (b), or  
 16 (c) is subject to a civil penalty of not less than  
 17 \$20,000 for each such violation.

18 (B) PROCEDURES FOR IMPOSITION OF  
 19 PENALTY.—The Secretary of Homeland Secu-  
 20 rity may impose a penalty under paragraph (A)  
 21 only after notice and an opportunity for an  
 22 agency hearing on the record in accordance  
 23 with subchapter II of chapter 5 of title 5,  
 24 United States Code.

1           (2) FEDERAL CRIMINAL PENALTY.—An inter-  
 2           national marriage broker that violates subsection  
 3           (a), (b), or (c) within the special maritime and terri-  
 4           torial jurisdiction of the United States shall be fined  
 5           in accordance with subchapter B of chapter 229 of  
 6           title 18, United States Code, or imprisoned for not  
 7           less than 1 year and not more than 5 years, or both.

8           (3) STATE ENFORCEMENT.—In any case in  
 9           which the Attorney General of a State has reason to  
 10          believe that an interest of the residents of that State  
 11          has been, or is threatened to be, adversely affected  
 12          by a violation of subsection (a), (b), or (c) by an  
 13          international marriage broker, the State, as *parens*  
 14          
 15          residents of the State in a district court of the  
 16          United States with appropriate jurisdiction to—

17                       (A) enjoin that practice;

18                       (B) enforce compliance with this section;

19                       or

20                       (C) obtain damages.

21          (4) ADDITIONAL REMEDIES.—The penalties and  
 22          remedies under this subsection are in addition to  
 23          any other penalties or remedies available under law.

24          (e) NONPREEMPTION.—Nothing in this section shall  
 25          preempt—

1           (1) any State law that provides additional pro-  
 2           tections for aliens who are utilizing the services of  
 3           an international marriage broker or other inter-  
 4           national matchmaking organization; or

5           (2) any other or further right or remedy avail-  
 6           able under law to any party utilizing the services of  
 7           an international marriage broker or other inter-  
 8           national matchmaking organization.

9           (f) REPEAL OF MAIL-ORDER BRIDE PROVISION.—  
 10          Section 652 of the Illegal Immigration Reform and Immi-  
 11          grant Responsibility Act of 1996 (8 U.S.C. 1375) is here-  
 12          by repealed.

13       **SEC. 834. INFORMATION ABOUT LEGAL RIGHTS AND RE-**  
 14                               **SOURCES FOR IMMIGRANT VICTIMS OF DO-**  
 15                               **MESTIC VIOLENCE.**

16          (a) DEVELOPMENT OF INFORMATION PAMPHLET.—

17               (1) IN GENERAL.—The Secretary of Homeland  
 18          Security, in consultation with the Secretary of State,  
 19          shall develop an information pamphlet to ensure the  
 20          consistency and accuracy of information dissemi-  
 21          nated to—

22                       (A) foreign national clients or other indi-  
 23                       viduals by international marriage brokers pur-  
 24                       suant to section 833(b)(1)(C); and



1 (B) beneficiaries of petitions filed by  
2 United States citizens for K nonimmigrant  
3 visas.

4 (2) CONSULTATION WITH EXPERT ORGANIZA-  
5 TIONS.—The Secretary of Homeland Security, in  
6 consultation with the Secretary of State, shall de-  
7 velop such information pamphlet by working in con-  
8 sultation with non-profit, non-governmental immi-  
9 grant victim advocacy organizations.

10 (b) CONTENTS OF INFORMATION PAMPHLET.—The  
11 information pamphlet required under subsection (a) shall  
12 include information on the following:

13 (1) The K nonimmigrant visa application proc-  
14 ess and the marriage-based immigration process, in-  
15 cluding conditional residence and adjustment of sta-  
16 tus.

17 (2) The requirement that international mar-  
18 riage brokers provide foreign national clients with  
19 background information collected from United  
20 States clients regarding their marital history and do-  
21 mestic violence or other violent criminal history, but  
22 that such information may not be complete or accu-  
23 rate.

24 (3) The illegality of domestic violence, sexual  
25 assault, and child abuse in the United States.

1           (4) Information on the dynamics of domestic vi-  
2           olence.

3           (5) Domestic violence and sexual assault serv-  
4           ices in the United States, including the National Do-  
5           mestic Violence Hotline, a project of the Texas  
6           Council on Family Violence, a nonprofit organization  
7           dedicated to fighting domestic violence, and the Na-  
8           tional Sexual Assault Hotline, operated by the Rape,  
9           Abuse and Incest National Network, and inde-  
10          pendent anti-sexual assault organization.

11          (6) A description of immigration relief available  
12          to an immigrant victim of domestic violence, sexual  
13          assault, trafficking, and other crimes under the Vio-  
14          lence Against Women Act, including the amend-  
15          ments made by that Act, section 101(a)(15)(U) of  
16          the Immigration and Nationality Act (8 U.S.C.  
17          1101(a)(15)(U)), and section 101(a)(15)(T) of the  
18          Immigration and Nationality Act (8 U.S.C.  
19          1101(a)(15)(T)).

20          (7) The legal rights of immigrant victims of  
21          abuse and other crimes in immigration, criminal jus-  
22          tice, family law, and other matters.

23          (8) The obligations of parents to provide child  
24          support for children.

1           (9) The illegality of and penalties for knowingly  
 2           entering into marriage for the purpose of evading  
 3           the immigration laws of the United States.

4           (c) TRANSLATION.—

5           (1) LANGUAGES.—In order to best serve the  
 6           language groups most recruited by international  
 7           marriage brokers and having the greatest concentra-  
 8           tion of K nonimmigrant visa applicants, the Sec-  
 9           retary of Homeland Security, in consultation with  
 10          the Secretary of State, shall translate the informa-  
 11          tion pamphlet developed under this section, subject  
 12          to paragraph (2), into the following languages:

- 13                   (A) Arabic.
- 14                   (B) Chinese.
- 15                   (C) French.
- 16                   (D) Hindi.
- 17                   (E) Japanese.
- 18                   (F) Korean.
- 19                   (G) Polish.
- 20                   (H) Portuguese.
- 21                   (I) Russian.
- 22                   (J) Spanish.
- 23                   (K) Tagalog.
- 24                   (L) Thai.
- 25                   (M) Ukrainian.

1 (N) Vietnamese.

2 (2) MODIFICATION OF LANGUAGE.—The Sec-  
3 retary of Homeland Security may modify the trans-  
4 lation requirements of paragraph (1) if the report  
5 submitted under section 836(b) includes rec-  
6 ommendations for such modification.

7 (d) AVAILABILITY AND DISTRIBUTION.—The infor-  
8 mation pamphlet under this subsection shall be made  
9 available and distributed as follows:

10 (1) INTERNATIONAL MARRIAGE BROKERS AND  
11 VICTIM ADVOCACY ORGANIZATIONS.—The informa-  
12 tion pamphlet shall be made available to each inter-  
13 national marriage broker and to each governmental  
14 or non-governmental victim advocacy organization.

15 (2) K NONIMMIGRANT VISA APPLICANTS.—

16 (A) MAILING WITH IMMIGRATION  
17 FORMS.—The information pamphlet shall be  
18 mailed by the National Visa Center, of the Sec-  
19 retary of State, to each applicant for a K non-  
20 immigrant visa at the same time that Form  
21 DS-3032 is mailed to such applicant. The pam-  
22 phlet so mailed shall be in the primary lan-  
23 guage of the applicant, or in English if no  
24 translation into the applicant's primary lan-  
25 guage is available.

1 (B) POSTING ON NVC WEB SITE.—The  
 2 Secretary of State shall post the content of the  
 3 pamphlet on the web site of the National Visa  
 4 Center, as well as on the web sites of all con-  
 5 sular posts processing K nonimmigrant visa ap-  
 6 plications.

7 (C) CONSULAR INTERVIEWS.—The Sec-  
 8 retary of State shall require that the pamphlet  
 9 be distributed directly to such applicants at all  
 10 consular interviews for K nonimmigrant visas.  
 11 If no written translation into the applicant’s  
 12 primary language is available, the consular offi-  
 13 cer conducting the visa interview shall review  
 14 the pamphlet with the applicant orally in the  
 15 applicant’s primary language, in addition to dis-  
 16 tributing the pamphlet to the applicant in  
 17 English.

18 **SEC. 835. CHANGES IN PROCESSING K NONIMMIGRANT**  
 19 **VISAS; CONSULAR CONFIDENTIALITY.**

20 (a) K NONIMMIGRANT VISA PROCESSING.—Section  
 21 214(d) of the Immigration and Nationality Act (8 U.S.C.  
 22 1184(d)) is amended—

23 (1) by striking “Attorney General” and insert-  
 24 ing “Secretary of Homeland Security” each place it  
 25 appears;

1           (2) by inserting “(1)” before “A visa”; and

2           (3) by adding at the end the following:

3           “(2) A United States citizen may not file a petition  
4 under paragraph (1) if such a petition filed by that peti-  
5 tioner for another alien fiancée or fiancé is pending or has  
6 been approved and is still valid.

7           “(3) The Secretary of Homeland Security shall pro-  
8 vide to the Secretary of State the criminal background in-  
9 formation on a petitioner for a visa under clause (i) or  
10 (ii) of section 101(a)(15)(K) to which it has access under  
11 existing authority in the course of adjudicating the peti-  
12 tion.

13           “(4) Each petitioner for a visa under clause (i) or  
14 (ii) of section 101(a)(15)(K) shall provide, as part of the  
15 petition, in writing and signed under penalty of perjury,  
16 information described in section 833(c)(2) of the Inter-  
17 national Marriage Broker Regulation Act of 2005.

18           “(5) The Secretary of State shall ensure that an ap-  
19 plicant for a visa under clause (i) or (ii) of section  
20 101(a)(15)(K)—

21               “(A) shall be provided, by mail or  
22 electronically—

23               “(i) a copy of the petition for such visa  
24 submitted by the United States citizen peti-  
25 tioner; and

1           “(ii) any information that is contained in  
2           the background check described in paragraph  
3           (3) relating to any court orders, arrests, or con-  
4           victions described in subparagraphs (A) through  
5           (D) of section 833(c)(2) of the International  
6           Marriage Broker Regulation Act of 2005;

7           “(B) shall be informed that petitioner informa-  
8           tion described in subparagraph (A) is based on avail-  
9           able records and may not be complete; and

10          “(C) shall be asked in the primary language of  
11          the visa applicant whether an international marriage  
12          broker has facilitated the relationship between the  
13          visa applicant and the United States petitioner and  
14          whether that international marriage broker complied  
15          with the requirements of section 833 of such Act.

16          “(6) The Secretary shall provide for the disclosure  
17          of information described in paragraph (5) to the visa ap-  
18          plicant at the consular interview in the primary language  
19          of the visa applicant.

20          “(7) The fact that an alien described in clause (i)  
21          or (ii) of section 101(a)(15)(K) is aware of any informa-  
22          tion disclosed under paragraph (5) shall not be used  
23          against the alien in any determination of eligibility for re-  
24          lief under this Act or the Violence Against Women Act

1 (Public Law 103–322; 108 Stat. 1902), and the amend-  
 2 ments made by that Act.

3 “(8) In fulfilling the requirements of paragraph  
 4 (5)(A)(ii), a consular officer shall not disclose the name  
 5 or location of any person who obtained a restraining or  
 6 protective order against the petitioner, but shall disclose  
 7 the relationship of the person to the petitioner.”.

8 (b) SHARING OF CERTAIN INFORMATION.—Section  
 9 222(f) of the Immigration and Nationality Act (8 U.S.C.  
 10 1202(f)) shall not be construed to prevent the sharing of  
 11 information under section 214(d) of such Act (8 U.S.C.  
 12 1184(d)).

13 (c) EFFECTIVE DATE.—The amendment made by  
 14 subsection (a) shall apply to petitions filed after the date  
 15 of enactment of this Act.

16 **SEC. 836. STUDY AND REPORT.**

17 (a) STUDY.—The Secretary of Homeland Security,  
 18 through the Director of the Bureau of Citizenship and Im-  
 19 migration Services, shall conduct a study of the inter-  
 20 national marriage broker industry in the United States  
 21 that—

22 (1) estimates, for the years 1995 through 2005,  
 23 the number of international marriage brokers doing  
 24 business in the United States, the number of mar-  
 25 riages resulting from the services provided by such



1       brokers, and the extent of compliance with the appli-  
2       cable requirements of this subtitle;

3           (2) assess the information gathered under this  
4       subtitle from clients by international marriage bro-  
5       kers and from petitioners by the Bureau of Citizen-  
6       ship and Immigration Services;

7           (3) examine, based on the information gathered,  
8       the extent to which persons with a history of vio-  
9       lence are using the services of international marriage  
10      brokers and the extent to which such persons are  
11      providing accurate information to international mar-  
12      riage brokers in accordance with section 833;

13          (4) assess the accuracy of the criminal back-  
14      ground check at identifying past instances of domes-  
15      tic violence; and

16          (5) assess the extent to which the languages of  
17      translation required under section 834(c)(1) con-  
18      tinue to accurately reflect the highest markets for  
19      recruitment by international marriage brokers and  
20      the greatest concentrations of K nonimmigrant visa  
21      applicants.

22      (b) REPORT.—Not later than 3 years after the date  
23      of enactment of this Act, the Secretary of Homeland Secu-  
24      rity shall submit a report to the Committee on the Judici-  
25      ary of the Senate and the Committee on the Judiciary of

1 the House of Representatives setting forth the results of  
2 the study conducted under subsection (a).

3 **SEC. 837. EFFECTIVE DATE.**

4 (a) IN GENERAL.—Except as provided in subsection  
5 (b), section 834, and the amendments made by section  
6 835, this subtitle shall take effect on the date which is  
7 60 days after the date of enactment of this Act.

8 (b) ADDITIONAL TIME ALLOWED FOR INFORMATION  
9 PAMPHLET.—Section 834(b) shall take effect on the date  
10 which is 120 days after the date of enactment of this Act.

11 **TITLE IX—SAFETY FOR INDIAN**  
12 **WOMEN**

13 **SEC. 901. FINDINGS.**

14 Congress finds that—

15 (1) 1 out of every 3 Indian (including Alaska  
16 Native) women are raped in their lifetimes;

17 (2) Indian women experience 7 sexual assaults  
18 per 1,000, compared with 4 per 1,000 among Black  
19 Americans, 3 per 1,000 among Caucasians, 2 per  
20 1,000 among Hispanic women, and 1 per 1,000  
21 among Asian women;

22 (3) Indian women experience the violent crime  
23 of battering at a rate of 23.2 per 1,000, compared  
24 with 8 per 1,000 among Caucasian women;

1           (4) during the period 1979 through 1992,  
2           homicide was the third leading cause of death of In-  
3           dian females aged 15 to 34, and 75 percent were  
4           killed by family members or acquaintances;

5           (5) Indian tribes require additional criminal  
6           justice and victim services resources to respond to  
7           violent assaults against women; and

8           (6) the unique legal relationship of the United  
9           States to Indian tribes creates a Federal trust re-  
10          sponsibility to assist tribal governments in safe-  
11          guarding the lives of Indian women.

12 **SEC. 902. PURPOSES.**

13       The purposes of this title are—

14           (1) to decrease the incidence of violent crimes  
15           against Indian women;

16           (2) to strengthen the capacity of Indian tribes  
17           to exercise their sovereign authority to respond to  
18           violent crimes committed against Indian women; and

19           (3) to ensure that perpetrators of violent crimes  
20           committed against Indian women are held account-  
21           able for their criminal behavior.

22 **SEC. 903. CONSULTATION.**

23       (a) IN GENERAL.—The Attorney General shall con-  
24       duct annual consultations with Indian tribal governments  
25       concerning the Federal administration of tribal funds and

1 programs established under this Act, the Violence Against  
 2 Women Act of 1994 (title IV of Public Law 103–322; 108  
 3 Stat. 1902) and the Violence Against Women Act of 2000  
 4 (division B of Public Law 106–386; 114 Stat. 1491).

5 (b) RECOMMENDATIONS.—During consultations  
 6 under subsection (a), the Secretary of the Department of  
 7 Health and Human Services and the Attorney General  
 8 shall solicit recommendations from Indian tribes  
 9 concerning—

- 10 (1) administering tribal funds and programs;
- 11 (2) enhancing the safety of Indian women from  
 12 domestic violence, dating violence, sexual assault,  
 13 and stalking; and
- 14 (3) strengthening the Federal response to such  
 15 violent crimes.

16 **SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**  
 17 **INDIAN WOMEN.**

18 (a) NATIONAL BASELINE STUDY.—

19 (1) IN GENERAL.—The National Institute of  
 20 Justice, in consultation with the Office on Violence  
 21 Against Women, shall conduct a national baseline  
 22 study to examine violence against Indian women in  
 23 Indian country.

24 (2) SCOPE.—

1 (A) IN GENERAL.—The study shall exam-  
2 ine violence committed against Indian women,  
3 including—

- 4 (i) domestic violence;  
5 (ii) dating violence;  
6 (iii) sexual assault;  
7 (iv) stalking; and  
8 (v) murder.

9 (B) EVALUATION.—The study shall evalu-  
10 ate the effectiveness of Federal, State, tribal,  
11 and local responses to the violations described  
12 in subparagraph (A) committed against Indian  
13 women.

14 (C) RECOMMENDATIONS.—The study shall  
15 propose recommendations to improve the effec-  
16 tiveness of Federal, State, tribal, and local re-  
17 sponses to the violation described in subpara-  
18 graph (A) committed against Indian women.

19 (3) TASK FORCE.—

20 (A) IN GENERAL.—The Attorney General,  
21 acting through the Director of the Office on Vi-  
22 olence Against Women, shall establish a task  
23 force to assist in the development and imple-  
24 mentation of the study under paragraph (1)

1           and guide implementation of the recommenda-  
2           tion in paragraph (2)(C).

3           (B) MEMBERS.—The Director shall ap-  
4           point to the task force representatives from—

5                   (i) national tribal domestic violence  
6                   and sexual assault nonprofit organizations;

7                   (ii) tribal governments; and

8                   (iii) the national tribal organizations.

9           (4) REPORT.—Not later than 2 years after the  
10          date of enactment of this Act, the Attorney General  
11          shall submit to the Committee on Indian Affairs of  
12          the Senate, the Committee on the Judiciary of the  
13          Senate, and the Committee on the Judiciary of the  
14          House of Representatives a report that describes the  
15          study.

16          (5) AUTHORIZATION OF APPROPRIATIONS.—  
17          There is authorized to be appropriated to carry out  
18          this section \$1,000,000 for each of fiscal years 2006  
19          and 2007, to remain available until expended.

20          (b) INJURY STUDY.—

21               (1) IN GENERAL.—The Secretary of Health and  
22          Human Services, acting through the Indian Health  
23          Service and the Centers for Disease Control and  
24          Prevention, shall conduct a study to obtain a na-  
25          tional projection of—

1           (A) the incidence of injuries and homicides  
2           resulting from domestic violence, dating vio-  
3           lence, sexual assault, or stalking committed  
4           against American Indian and Alaska Native  
5           women; and

6           (B) the cost of providing health care for  
7           the injuries described in subparagraph (A).

8           (2) REPORT.—Not later than 2 years after the  
9           date of enactment of this Act, the Secretary of  
10          Health and Human Services shall submit to the  
11          Committee on Indian Affairs of the Senate, the  
12          Committee on the Judiciary of the Senate, and the  
13          Committee on the Judiciary of the House of Rep-  
14          resentatives a report that describes the findings  
15          made in the study and recommends health care  
16          strategies for reducing the incidence and cost of the  
17          injuries described in paragraph (1).

18          (3) AUTHORIZATION OF APPROPRIATIONS.—  
19          There is authorized to be appropriated to carry out  
20          this section \$500,000 for each of fiscal years 2006  
21          and 2007, to remain available until expended.

1 **SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN**  
2 **WOMEN.**

3 (a) ACCESS TO FEDERAL CRIMINAL INFORMATION  
4 DATABASES.—Section 534 of title 28, United States Code,  
5 is amended—

6 (1) by redesignating subsection (d) as sub-  
7 section (e); and

8 (2) by inserting after subsection (c) the fol-  
9 lowing:

10 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The  
11 Attorney General shall permit Indian law enforcement  
12 agencies, in cases of domestic violence, dating violence,  
13 sexual assault, and stalking, to enter information into  
14 Federal criminal information databases and to obtain in-  
15 formation from the databases.”.

16 (b) TRIBAL REGISTRY.—

17 (1) ESTABLISHMENT.—The Attorney General  
18 shall contract with any interested Indian tribe, tribal  
19 organization, or tribal nonprofit organization to de-  
20 velop and maintain—

21 (A) a national tribal sex offender registry;  
22 and

23 (B) a tribal protection order registry con-  
24 taining civil and criminal orders of protection  
25 issued by Indian tribes and participating juris-  
26 dictions.



1           (2) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated to carry out  
3           this section \$1,000,000 for each of fiscal years 2006  
4           through 2010, to remain available until expended.

5 **SEC. 906. SAFETY FOR INDIAN WOMEN FORMULA GRANTS**  
6 **PROGRAM.**

7           (a) ESTABLISHMENT OF THE SAFETY FOR INDIAN  
8 WOMEN GRANTS PROGRAM.—

9           (1) IN GENERAL.—Of the amounts set aside for  
10 Indian tribes and tribal organizations in this Act the  
11 Attorney General, through the Director of the Office  
12 of Violence Against Women (referred to in this sec-  
13 tion as the “Director”), shall take such set asides  
14 and combine them to establish the Safety for Indian  
15 Women Formula Grants Program.

16           (2) SINGLE FORMULA GRANTS.—The Director  
17 shall combine the monies appropriated under the  
18 Grants To Combat Violent Crimes Against Women  
19 (42 U.S.C. 3796gg–1(b)(1)), Grants To Encourage  
20 Arrest Policies and Enforce Protection Orders (42  
21 U.S.C. 3796hh sec. 2101(e)), Legal Assistance for  
22 Victims (42 U.S.C. 3796gg–6 sec. 1201(f)(2)(A)),  
23 Court Training and Improvements, Sexual Assault  
24 Services Program, Safe Haven for Children Pilot  
25 Program (42 U.S.C. 10420(f)), Rural Domestic Vio-

1        lence and Child Abuse Enforcement Assistance (42  
2        U.S.C. 1397(c)(3)), to create a single formula grant  
3        program to enhance the response of Indian tribal  
4        governments to address the safety of American In-  
5        dian and Alaska Native Women.

6            (3) ADMINISTRATION.—Grants made under the  
7        program established under this section shall be ad-  
8        ministered by the Tribal Division of the Office on  
9        Violence Against Women.

10        (b) GRANTS.—The purpose of the program author-  
11        ized by this section is to assist Indian tribal governments  
12        to—

13            (1) develop and enhance effective governmental  
14        strategies to curtail violent crimes against and in-  
15        crease the safety of Indian women consistent with  
16        tribal law and custom;

17            (2) increase tribal capacity to respond to do-  
18        mestic violence, dating violence, sexual assault, and  
19        stalking crimes against Indian women;

20            (3) strengthen tribal justice interventions in-  
21        cluding tribal law enforcement, prosecution, courts,  
22        probation, correctional facilities; and

23            (4) enhance services to Indian women victim-  
24        ized by domestic violence, dating violence, sexual as-  
25        sault, and stalking.

1 **SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE**  
2 **AGAINST WOMEN.**

3 Part T of title I of the Omnibus Crime Control and  
4 Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is  
5 amended by adding at the end the following:

6 **“SEC. 2007. TRIBAL DEPUTY.**

7 “(a) ESTABLISHMENT.—There is established in the  
8 Office on Violence Against Women a Deputy Director for  
9 Tribal Affairs.

10 “(b) DUTIES.—

11 “(1) IN GENERAL.—The Deputy Director shall  
12 under the guidance and authority of the Director of  
13 the Office on Violence Against Women—

14 “(A) oversee and manage the administra-  
15 tion of grants to and contracts with Indian  
16 tribes, tribal courts, tribal organizations, or  
17 tribal nonprofit organizations;

18 “(B) ensure that, if a grant under this Act  
19 or a contract pursuant to such a grant is made  
20 to an organization to perform services that ben-  
21 efit more than 1 Indian tribe, the approval of  
22 each Indian tribe to be benefited shall be a pre-  
23 requisite to the making of the grant or letting  
24 of the contract;

1           “(C) coordinate development of Federal  
2 policy, protocols, and guidelines on matters re-  
3 lating to violence against Indian women;

4           “(D) advise the Director of the Office on  
5 Violence Against Women concerning policies,  
6 legislation, implementation of laws, and other  
7 issues relating to violence against Indian  
8 women;

9           “(E) represent the Office on Violence  
10 Against Women in the annual consultations  
11 under section 903;

12           “(F) provide technical assistance, coordina-  
13 tion, and support to other offices and bureaus  
14 in the Department of Justice to develop policy  
15 and to enforce Federal laws relating to violence  
16 against Indian women, including through litiga-  
17 tion of civil and criminal actions relating to  
18 those laws;

19           “(G) maintain a liaison with the judicial  
20 branches of Federal, State, and tribal govern-  
21 ments on matters relating to violence against  
22 Indian women;

23           “(H) support enforcement of tribal protec-  
24 tion orders and implementation of full faith and

1 credit educational projects and comity agree-  
 2 ments between Indian tribes and States; and

3 “(I) ensure that adequate tribal technical  
 4 assistance is made available to Indian tribes,  
 5 tribal courts, tribal organizations, and tribal  
 6 nonprofit organizations for all programs relat-  
 7 ing to violence against Indian women.

8 “(c) AUTHORITY.—

9 “(1) IN GENERAL.—The Deputy Director shall  
 10 ensure that a portion of the tribal set-aside funds  
 11 from any grant awarded under this Act, the Violence  
 12 Against Women Act of 1994 (title IV of Public Law  
 13 103–322; 108 Stat. 1902), or the Violence Against  
 14 Women Act of 2000 (division B of Public Law 106–  
 15 386; 114 Stat. 1491) is used to enhance the capac-  
 16 ity of Indian tribes to address the safety of Indian  
 17 women.

18 “(2) ACCOUNTABILITY.—The Deputy Director  
 19 shall ensure that some portion of the tribal set-aside  
 20 funds from any grant made under this part is used  
 21 to hold offenders accountable through—

22 “(A) enhancement of the response of In-  
 23 dian tribes to crimes of domestic violence, dat-  
 24 ing violence, sexual assault, and stalking  
 25 against Indian women, including legal services

1 for victims and Indian-specific offender pro-  
 2 grams;

3 “(B) development and maintenance of trib-  
 4 al domestic violence shelters or programs for  
 5 battered Indian women, including sexual assault  
 6 services, that are based upon the unique cir-  
 7 cumstances of the Indian women to be served;

8 “(C) development of tribal educational  
 9 awareness programs and materials;

10 “(D) support for customary tribal activities  
 11 to strengthen the intolerance of an Indian tribe  
 12 to violence against Indian women; and

13 “(E) development, implementation, and  
 14 maintenance of tribal electronic databases for  
 15 tribal protection order registries.”.

16 **SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.**

17 (a) FIREARMS POSSESSION PROHIBITIONS.—Section  
 18 921(33)(A)(i) of title 18, United States Code, is amended  
 19 to read: “(i) is a misdemeanor under Federal, State, or  
 20 Tribal law; and”.

21 (b) LAW ENFORCEMENT AUTHORITY.—Section 4(3)  
 22 of the Indian Law Enforcement Reform Act (25 U.S.C.  
 23 2803(3) is amended—

24 (1) in subparagraph (A), by striking “or”;

1 (2) in subparagraph (B), by striking the semi-  
2 colon and inserting “, or”; and

3 (3) by adding at the end the following:

4 “(C) the offense is a misdemeanor crime of  
5 domestic violence, dating violence, stalking, or  
6 violation of a protection order and has, as an  
7 element, the use or attempted use of physical  
8 force, or the threatened use of a deadly weapon,  
9 committed by a current or former spouse, par-  
10 ent, or guardian of the victim, by a person with  
11 whom the victim shares a child in common, by  
12 a person who is cohabitating with or has  
13 cohabited with the victim as a spouse, parent,  
14 or guardian, or by a person similarly situated to  
15 a spouse, parent or guardian of the victim, and  
16 the employee has reasonable grounds to believe  
17 that the person to be arrested has committed,  
18 or is committing the crime;”.

19 **SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.**

20 Chapter 7 of title 18, United States Code, is amended  
21 by adding at the end the following:

22 **“§ 117. DOMESTIC ASSAULT BY AN HABITUAL OF-**  
23 **FENDER.**

24 “Any person who commits a domestic assault within  
25 the special maritime and territorial jurisdiction of the

1 United States or Indian country and who has a final con-  
 2 viction on at least 2 separate prior occasions in Federal,  
 3 State, or Indian tribal court proceedings for offenses that  
 4 would be, if subject to Federal jurisdiction—

5           “(1) any assault, sexual abuse, or serious vio-  
 6 lent felony against a spouse or intimate partner; or

7           “(2) an offense under chapter 110A,  
 8 shall be fined under this title, imprisoned for a term of  
 9 not more than 5 years, or both, except that if substantial  
 10 bodily injury results from violation under this section, the  
 11 offender shall be imprisoned for a term of not more than  
 12 10 years.”.

## 13 **TITLE X—DNA FINGERPRINTING**

### 14 **SEC. 1001. SHORT TITLE.**

15       This title may be cited as the “DNA Fingerprint Act  
 16 of 2005”.

### 17 **SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAM-** 18 **PLES FROM NATIONAL DNA INDEX.**

19       Section 210304 of the DNA Identification Act of  
 20 1994 (42 U.S.C. 14132) is amended—

21           (1) in subsection (a)(1)(C), by striking “DNA  
 22 profiles” and all that follows through “, and”;

23           (2) in subsection (d)(1), by striking subpara-  
 24 graph (A), and inserting the following:



1           “(A) The Director of the Federal Bureau  
2 of Investigation shall promptly expunge from  
3 the index described in subsection (a) the DNA  
4 analysis of a person included in the index—

5           “(i) on the basis of conviction for a  
6 qualifying Federal offense or a qualifying  
7 District of Columbia offense (as deter-  
8 mined under sections 3 and 4 of the DNA  
9 Analysis Backlog Elimination Act of 2000  
10 (42 U.S.C. 14135a, 14135b), respectively),  
11 if the Director receives, for each conviction  
12 of the person of a qualifying offense, a cer-  
13 tified copy of a final court order estab-  
14 lishing that such conviction has been over-  
15 turned; or

16           “(ii) on the basis of an arrest under  
17 the authority of the United States, if the  
18 Attorney General receives, for each charge  
19 against the person on the basis of which  
20 the analysis was, or could have been, in-  
21 cluded in the index, a certified copy of a  
22 final court order establishing that such  
23 charge has been dismissed, has resulted in  
24 an acquittal, or that no charge was filed  
25 within the applicable time period.”;

1           (3) in subsection (d)(2)(A)(ii), by striking “all  
 2       charges for” and all that follows, and inserting the  
 3       following: “the responsible agency or official of that  
 4       State receives, for each charge against the person on  
 5       the basis of which the analysis was or could have  
 6       been included in the index, a certified copy of a final  
 7       court order establishing that such charge has been  
 8       dismissed, or has resulted in an acquittal or that no  
 9       charge was filed within the applicable time period.”;  
 10      and

11           (4) by striking subsection (e).

12 **SEC. 1003. EXPANDED USE OF CODIS GRANTS.**

13       Section 2(a)(1) of the DNA Analysis Backlog Elimini-  
 14      nation Act of 2000 (42 U.S.C. 14135(a)(1)) is amended  
 15      by striking “taken from individuals convicted of a quali-  
 16      fying State offense (as determined under subsection  
 17      (b)(3))” and inserting “collected under applicable legal au-  
 18      thority”.

19 **SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE**  
 20 **COLLECTION FROM PERSONS ARRESTED OR**  
 21 **DETAINED UNDER FEDERAL AUTHORITY.**

22       (a) IN GENERAL.—Section 3 of the DNA Analysis  
 23      Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is  
 24      amended—

25           (1) in subsection (a)—

1 (A) in paragraph (1), by striking “The Di-  
2 rector” and inserting the following:

3 “(A) The Attorney General may, as pre-  
4 scribed by the Attorney General in regulation,  
5 collect DNA samples from individuals who are  
6 arrested or from non-United States persons  
7 who are detained under the authority of the  
8 United States. The Attorney General may dele-  
9 gate this function within the Department of  
10 Justice as provided in section 510 of title 28,  
11 United States Code, and may also authorize  
12 and direct any other agency of the United  
13 States that arrests or detains individuals or su-  
14 pervises individuals facing charges to carry out  
15 any function and exercise any power of the At-  
16 torney General under this section.

17 “(B) The Director”; and

18 (B) in paragraphs (3) and (4), by striking  
19 “Director of the Bureau of Prisons” each place  
20 it appears and inserting “Attorney General, the  
21 Director of the Bureau of Prisons,”; and

22 (2) in subsection (b), by striking “Director of  
23 the Bureau of Prisons” and inserting “Attorney  
24 General, the Director of the Bureau of Prisons,”.

1 (b) CONFORMING AMENDMENTS.—Subsections (b)  
 2 and (c)(1)(A) of section 3142 of title 18, United States  
 3 Code, are each amended by inserting “and subject to the  
 4 condition that the person cooperate in the collection of a  
 5 DNA sample from the person if the collection of such a  
 6 sample is authorized pursuant to section 3 of the DNA  
 7 Analysis Backlog Elimination Act of 2000 (42 U.S.C.  
 8 14135a)” after “period of release”.

9 **SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEX-**  
 10 **UAL-ABUSE OFFENSES.**

11 Section 3297 of title 18, United States Code, is  
 12 amended by striking “except for a felony offense under  
 13 chapter 109A,”.

Passed the Senate October 4, 2005.

Attest:

*Secretary.*

109TH CONGRESS  
1ST SESSION

**S. 1197**

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**AN ACT**

To reauthorize the Violence Against Women Act of  
1994.