

112TH CONGRESS
2^D SESSION

S. 1925

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Violence Against
3 Women Reauthorization Act of 2012”.

4 **SEC. 2. TABLE OF CONTENTS.**

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

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Universal definitions and grant conditions.
- Sec. 4. Effective date.

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TO COMBAT VIOLENCE AGAINST WOMEN

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- Sec. 102. Grants to encourage arrest policies and enforcement of protection orders.
- Sec. 103. Legal assistance for victims.
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- Sec. 106. Court-appointed special advocate program.
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TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC
VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

- Sec. 201. Sexual assault services program.
- Sec. 202. Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance.
- Sec. 203. Training and services to end violence against women with disabilities grants.
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TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG
VICTIMS OF VIOLENCE

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

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- Sec. 401. Study conducted by the Centers for Disease Control and Prevention.

Sec. 402. Saving money and reducing tragedies through prevention grants.

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TITLE VIII—PROTECTION OF BATTERED IMMIGRANTS

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

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

5 (1) by redesignating—

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

7 (B) paragraph (2) as paragraph (3);

8 (C) paragraphs (3) and (4) as paragraphs
9 (4) and (5), respectively;

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

12 (E) paragraphs (10) through (16) as para-
13 graphs (13) through (19), respectively;

14 (F) paragraph (18) as paragraph (20);

15 (G) paragraphs (19) and (20) as para-
16 graphs (23) and (24), respectively;

17 (H) paragraphs (21) through (23) as para-
18 graphs (26) through (28), respectively;

19 (I) paragraphs (24) through (33) as para-
20 graphs (30) through (39), respectively;

1 (J) paragraphs (34) and (35) as para-
2 graphs (43) and (44); and

3 (K) paragraph (37) as paragraph (45);

4 (2) by inserting before paragraph (2), as redesi-
5 gnated, the following:

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

10 (3) in paragraph (3), as redesignated, by strik-
11 ing “serious harm.” and inserting “serious harm to
12 an unemancipated minor.”;

13 (4) in paragraph (4), as redesignated, by strik-
14 ing “The term” through “that—” and inserting
15 “The term ‘community-based organization’ means a
16 nonprofit, nongovernmental, or tribal organization
17 that serves a specific geographic community that—
18 ”;

19 (5) by striking paragraph (5), as in effect be-
20 fore the amendments made by this subsection;

21 (6) by inserting after paragraph (7), as redesi-
22 gnated, the following:

23 “(6) CULTURALLY SPECIFIC SERVICES.—The
24 term ‘culturally specific services’ means community-
25 based services that include culturally relevant and

1 linguistically specific services and resources to cul-
2 turally specific communities.

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

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

11 (8) by inserting after paragraph (11), as redesi-
12 gnated, the following:

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

15 (9) in paragraph (18), as redesignated, by in-
16 serting “or Village Public Safety Officers” after
17 “government victim service programs;

18 (10) in paragraph (21), as redesignated, by in-
19 serting at the end the following:

20 “Intake or referral, by itself, does not constitute
21 legal assistance.”;

22 (11) by striking paragraph (17), as in effect be-
23 fore the amendments made by this subsection;

24 (12) by amending paragraph (20), as redesi-
25 gnated, to read as follows:

1 “(20) PERSONALLY IDENTIFYING INFORMATION
2 OR PERSONAL INFORMATION.—The term ‘personally
3 identifying information’ or ‘personal information’
4 means individually identifying information for or
5 about an individual including information likely to
6 disclose the location of a victim of domestic violence,
7 dating violence, sexual assault, or stalking, regard-
8 less of whether the information is encoded,
9 encrypted, hashed, or otherwise protected, includ-
10 ing—

11 “(A) a first and last name;

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

13 “(C) contact information (including a post-
14 al, e-mail or Internet protocol address, or tele-
15 phone or facsimile number);

16 “(D) a social security number, driver li-
17 cense number, passport number, or student
18 identification number; and

19 “(E) any other information, including date
20 of birth, racial or ethnic background, or reli-
21 gious affiliation, that would serve to identify
22 any individual.”;

23 (13) by inserting after paragraph (20), as re-
24 designated, the following:

1 “(21) POPULATION SPECIFIC ORGANIZATION.—

2 The term ‘population specific organization’ means a
3 nonprofit, nongovernmental organization that pri-
4 marily serves members of a specific underserved
5 population and has demonstrated experience and ex-
6 pertise providing targeted services to members of
7 that specific underserved population.

8 “(22) POPULATION SPECIFIC SERVICES.—The

9 term ‘population specific services’ means victim-cen-
10 tered services that address the safety, health, eco-
11 nomic, legal, housing, workplace, immigration, con-
12 fidentiality, or other needs of victims of domestic vi-
13 olence, dating violence, sexual assault, or stalking,
14 and that are designed primarily for and are targeted
15 to a specific underserved population.”;

16 (14) in paragraph (23), as redesignated, by
17 striking “services” and inserting “assistance”;

18 (15) by inserting after paragraph (24), as re-
19 designated, the following:

20 “(25) RAPE CRISIS CENTER.—The term ‘rape
21 crisis center’ means a nonprofit, nongovernmental,
22 or tribal organization, or governmental entity in a
23 State other than a Territory that provides interven-
24 tion and related assistance, as specified in 42 U.S.C.
25 14043g(b)(2)(C), to victims of sexual assault with-

1 out regard to their age. In the case of a govern-
2 mental entity, the entity may not be part of the
3 criminal justice system (such as a law enforcement
4 agency) and must be able to offer a comparable level
5 of confidentiality as a nonprofit entity that provides
6 similar victim services.”;

7 (16) in paragraph (26), as redesignated—

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

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

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

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

15 (17) in paragraph (27), as redesignated—

16 (A) by striking “52” and inserting “57”;
17 and

18 (B) by striking “150,000” and inserting
19 “250,000”;

20 (18) by striking paragraph (28), as redesign-
21 nated, and inserting the following:

22 “(28) SEXUAL ASSAULT.—The term ‘sexual as-
23 sault’ means any nonconsensual sexual act pro-
24 scribed by Federal, tribal, or State law, including
25 when the victim lacks capacity to consent.”;

1 (19) by inserting after paragraph (28), as re-
2 designated, the following:

3 “(29) SEX TRAFFICKING.—The term ‘sex traf-
4 ficking’ means any conduct proscribed by 18 U.S.C.
5 1591, whether or not the conduct occurs in inter-
6 state or foreign commerce or within the special mar-
7 itime and territorial jurisdiction of the United
8 States.”;

9 (20) by striking paragraph (35), as redesign-
10 nated, and inserting the following:

11 “(35) TRIBAL COALITION.—The term ‘tribal co-
12 alition’ means an established nonprofit, nongovern-
13 mental Indian organization, Alaska Native organiza-
14 tion, or a Native Hawaiian organization that—

15 “(A) provides education, support, and tech-
16 nical assistance to member Indian service pro-
17 viders in a manner that enables those member
18 providers to establish and maintain culturally
19 appropriate services, including shelter and rape
20 crisis services, designed to assist Indian women
21 and the dependents of those women who are
22 victims of domestic violence, dating violence,
23 sexual assault, and stalking; and

24 “(B) is comprised of board and general
25 members that are representative of—

1 “(i) the member service providers de-
2 scribed in subparagraph (A); and

3 “(ii) the tribal communities in which
4 the services are being provided;”;

5 (21) by amending paragraph (39), as redesign-
6 nated, to read as follows:

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

19 (22) by inserting after paragraph (39), as re-
20 designated, the following:

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

1 (23) by striking paragraph (36), as in effect be-
2 fore the amendments made by this subsection, and
3 inserting the following:

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

16 “(42) VICTIM SERVICE PROVIDER.—The term
17 ‘victim service provider’ means a nonprofit, non-
18 governmental or tribal organization or rape crisis
19 center, including a State or tribal coalition, that as-
20 sists or advocates for domestic violence, dating vio-
21 lence, sexual assault, or stalking victims, including
22 domestic violence shelters, faith-based organizations,
23 and other organizations, with a documented history
24 of effective work concerning domestic violence, dat-
25 ing violence, sexual assault, or stalking.”; and

1 (24) by striking paragraph (43), as redesignated, and inserting the following:

2 “(43) YOUTH.—The term ‘youth’ means a person who is 11 to 24 years old.”.

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

6 (1) in paragraph (2)—

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

9 “(i) disclose, reveal, or release any
10 personally identifying information or individual information collected in connection
11 with services requested, utilized, or denied through grantees’ and subgrantees’ programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or

12 “(ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian)

1 about whom information is sought, wheth-
2 er for this program or any other Federal,
3 State, tribal, or territorial grant program,
4 except that consent for release may not be
5 given by the abuser of the minor, incapaci-
6 tated person, or the abuser of the other
7 parent of the minor.

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

13 (B) by amending subparagraph (D), to
14 read as follows:

15 “(D) INFORMATION SHARING.—

16 “(i) Grantees and subgrantees may
17 share—

18 “(I) nonpersonally identifying
19 data in the aggregate regarding serv-
20 ices to their clients and nonpersonally
21 identifying demographic information
22 in order to comply with Federal,
23 State, tribal, or territorial reporting,
24 evaluation, or data collection require-
25 ments;

1 “(II) court-generated information
2 and law enforcement-generated infor-
3 mation contained in secure, govern-
4 mental registries for protection order
5 enforcement purposes; and

6 “(III) law enforcement-generated
7 and prosecution-generated information
8 necessary for law enforcement and
9 prosecution purposes.

10 “(ii) In no circumstances may—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(13) CIVIL RIGHTS.—

18 “(A) NONDISCRIMINATION.—No person in
19 the United States shall, on the basis of actual
20 or perceived race, color, religion, national ori-
21 gin, sex, gender identity (as defined in para-
22 graph 249(c)(4) of title 18, United States
23 Code), sexual orientation, or disability, be ex-
24 cluded from participation in, be denied the ben-
25 efits of, or be subjected to discrimination under

1 any program or activity funded in whole or in
2 part with funds made available under the Vio-
3 lence Against Women Act of 1994 (title IV of
4 Public Law 103–322; 108 Stat. 1902), the Vio-
5 lence Against Women Act of 2000 (division B
6 of Public Law 106–386; 114 Stat. 1491), the
7 Violence Against Women and Department of
8 Justice Reauthorization Act of 2005 (title IX of
9 Public Law 109–162; 119 Stat. 3080), the Vio-
10 lence Against Women Reauthorization Act of
11 2011, and any other program or activity funded
12 in whole or in part with funds appropriated for
13 grants, cooperative agreements, and other as-
14 sistance administered by the Office on Violence
15 Against Women.

16 “(B) EXCEPTION.—If sex segregation or
17 sex-specific programming is necessary to the es-
18 sential operation of a program, nothing in this
19 paragraph shall prevent any such program or
20 activity from consideration of an individual’s
21 sex. In such circumstances, grantees may meet
22 the requirements of this paragraph by providing
23 comparable services to individuals who cannot
24 be provided with the sex-segregated or sex-spe-
25 cific programming.

1 “(C) DISCRIMINATION.—The authority of
2 the Attorney General and the Office of Justice
3 Programs to enforce this paragraph shall be the
4 same as it is under section 3789d of title 42,
5 United States Code.

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

12 “(14) CLARIFICATION OF VICTIM SERVICES AND
13 LEGAL ASSISTANCE.—Victim services and legal as-
14 sistance under this title also include services and as-
15 sistance to victims of domestic violence, dating vio-
16 lence, sexual assault, or stalking who are also vic-
17 tims of severe forms of trafficking in persons as de-
18 fined by section 103 of the Trafficking Victims Pro-
19 tection Act of 2000 (22 U.S.C. 7102).

20 “(15) CONFERRAL.—

21 “(A) IN GENERAL.—The Office on Vio-
22 lence Against Women shall establish a biennial
23 conferral process with State and tribal coali-
24 tions and technical assistance providers who re-
25 ceive funding through grants administered by

1 the Office on Violence Against Women and au-
2 thorized by this Act, and other key stake-
3 holders.

4 “(B) AREAS COVERED.—The areas of con-
5 ferral under this paragraph shall include—

6 “(i) the administration of grants;

7 “(ii) unmet needs;

8 “(iii) promising practices in the field;

9 and

10 “(iv) emerging trends.

11 “(C) INITIAL CONFERRAL.—The first con-
12 ferral shall be initiated not later than 6 months
13 after the date of enactment of the Violence
14 Against Women Reauthorization Act of 2011.

15 “(D) REPORT.—Not later than 90 days
16 after the conclusion of each conferral period,
17 the Office on Violence Against Women shall
18 publish a comprehensive report that—

19 “(i) summarizes the issues presented
20 during conferral and what, if any, policies
21 it intends to implement to address those
22 issues;

23 “(ii) is made available to the public on
24 the Office on Violence Against Women’s
25 website and submitted to the Committee

1 on the Judiciary of the Senate and the
2 Committee on the Judiciary of the House
3 of Representatives.

4 “(16) ACCOUNTABILITY.—All grants awarded
5 by the Attorney General under this Act shall be sub-
6 ject to the following accountability provisions:

7 “(A) AUDIT REQUIREMENT.—

8 “(i) IN GENERAL.—Beginning in the
9 first fiscal year beginning after the date of
10 the enactment of this Act, and in each fis-
11 cal year thereafter, the Inspector General
12 of the Department of Justice shall conduct
13 audits of recipients of grants under this
14 Act to prevent waste, fraud, and abuse of
15 funds by grantees. The Inspector General
16 shall determine the appropriate number of
17 grantees to be audited each year.

18 “(ii) DEFINITION.—In this paragraph,
19 the term ‘unresolved audit finding’ means
20 a finding in the final audit report of the
21 Inspector General of the Department of
22 Justice that the audited grantee has uti-
23 lized grant funds for an unauthorized ex-
24 penditure or otherwise unallowable cost
25 that is not closed or resolved within 12

1 months from the date when the final audit
2 report is issued.

3 “(iii) MANDATORY EXCLUSION.—A re-
4 cipient of grant funds under this Act that
5 is found to have an unresolved audit find-
6 ing shall not be eligible to receive grant
7 funds under this Act during the following
8 2 fiscal years.

9 “(iv) PRIORITY.—In awarding grants
10 under this Act, the Attorney General shall
11 give priority to eligible entities that did not
12 have an unresolved audit finding during
13 the 3 fiscal years prior to submitting an
14 application for a grant under this Act.

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

21 “(I) deposit an amount equal to
22 the grant funds that were improperly
23 awarded to the grantee into the Gen-
24 eral Fund of the Treasury; and

1 “(II) seek to recoup the costs of
2 the repayment to the fund from the
3 grant recipient that was erroneously
4 awarded grant funds.

5 “(B) NONPROFIT ORGANIZATION REQUIRE-
6 MENTS.—

7 “(i) DEFINITION.—For purposes of
8 this paragraph and the grant programs de-
9 scribed in this Act, the term ‘nonprofit or-
10 ganization’ means an organization that is
11 described in section 501(c)(3) of the Inter-
12 nal Revenue Code of 1986 and is exempt
13 from taxation under section 501(a) of such
14 Code.

15 “(ii) PROHIBITION.—The Attorney
16 General may not award a grant under any
17 grant program described in this Act to a
18 nonprofit organization that holds money in
19 offshore accounts for the purpose of avoid-
20 ing paying the tax described in section
21 511(a) of the Internal Revenue Code of
22 1986.

23 “(iii) DISCLOSURE.—Each nonprofit
24 organization that is awarded a grant under
25 a grant program described in this Act and

1 uses the procedures prescribed in regula-
2 tions to create a rebuttable presumption of
3 reasonableness for the compensation of its
4 officers, directors, trustees and key em-
5 ployees, shall disclose to the Attorney Gen-
6 eral, in the application for the grant, the
7 process for determining such compensa-
8 tion, including the independent persons in-
9 volved in reviewing and approving such
10 compensation, the comparability data used,
11 and contemporaneous substantiation of the
12 deliberation and decision. Upon request,
13 the Attorney General shall make the infor-
14 mation disclosed under this subsection
15 available for public inspection.

16 “(C) CONFERENCE EXPENDITURES.—

17 “(i) LIMITATION.—No amounts au-
18 thorized to be appropriated to the Depart-
19 ment of Justice under this Act may be
20 used by the Attorney General, or by any
21 individual or organization awarded discre-
22 tionary funds through a cooperative agree-
23 ment under this Act, to host or support
24 any expenditure for conferences that uses
25 more than \$20,000 in Department funds,

1 unless the Deputy Attorney General or
2 such Assistant Attorney Generals, Direc-
3 tors, or principal deputies as the Deputy
4 Attorney General may designate, provides
5 prior written authorization that the funds
6 may be expended to host a conference.

7 “(ii) WRITTEN APPROVAL.—Written
8 approval under clause (i) shall include a
9 written estimate of all costs associated
10 with the conference, including the cost of
11 all food and beverages, audiovisual equip-
12 ment, honoraria for speakers, and any en-
13 tertainment.

14 “(iii) REPORT.—The Deputy Attorney
15 General shall submit an annual report to
16 the Committee on the Judiciary of the
17 Senate and the Committee on the Judici-
18 ary of the House of Representatives on all
19 approved conference expenditures ref-
20 erenced in this paragraph.

21 “(D) ANNUAL CERTIFICATION.—Beginning
22 in the first fiscal year beginning after the date
23 of the enactment of this Act, the Attorney Gen-
24 eral shall submit, to the Committee on the Ju-
25 diciary and the Committee on Appropriations of

1 the Senate and the Committee on the Judiciary
2 and the Committee on Appropriations of the
3 House of Representatives, an annual certifi-
4 cation that—

5 “(i) all audits issued by the Office of
6 the Inspector General under paragraph (1)
7 have been completed and reviewed by the
8 appropriate Assistant Attorney General or
9 Director;

10 “(ii) all mandatory exclusions required
11 under subparagraph (A)(iii) have been
12 issued;

13 “(iii) all reimbursements required
14 under subparagraph (A)(v) have been
15 made; and

16 “(iv) includes a list of any grant re-
17 cipients excluded under subparagraph (A)
18 from the previous year.”.

19 **SEC. 4. EFFECTIVE DATE.**

20 Except as otherwise specifically provided in this Act,
21 the provisions of titles I, II, III, IV, VII, and sections 3,
22 602, 901, and 902 of this Act shall not take effect until
23 the beginning of the fiscal year following the date of enact-
24 ment of this Act.

1 **TITLE I—ENHANCING JUDICIAL**
2 **AND LAW ENFORCEMENT**
3 **TOOLS TO COMBAT VIOLENCE**
4 **AGAINST WOMEN**

5 **SEC. 101. STOP GRANTS.**

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

9 (1) in section 1001(a)(18) (42 U.S.C.
10 3793(a)(18)), by striking “\$225,000,000 for each of
11 fiscal years 2007 through 2011” and inserting
12 “\$222,000,000 for each of fiscal years 2012 through
13 2016”;

14 (2) in section 2001(b) (42 U.S.C. 3796gg(b))—

15 (A) in the matter preceding paragraph

16 (1)—

17 (i) by striking “equipment” and in-
18 sserting “resources”; and

19 (ii) by inserting “for the protection
20 and safety of victims,” after “women,”;

21 (B) in paragraph (1), by striking “sexual
22 assault” and all that follows through “dating
23 violence” and inserting “domestic violence, dat-
24 ing violence, sexual assault, and stalking, in-
25 cluding the appropriate use of nonimmigrant

1 status under subparagraphs (T) and (U) of sec-
2 tion 101(a)(15) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1101(a))”;

4 (C) in paragraph (2), by striking “sexual
5 assault and domestic violence” and inserting
6 “domestic violence, dating violence, sexual as-
7 sult, and stalking”;

8 (D) in paragraph (3), by striking “sexual
9 assault and domestic violence” and inserting
10 “domestic violence, dating violence, sexual as-
11 sult, and stalking, as well as the appropriate
12 treatment of victims”;

13 (E) in paragraph (4)—

14 (i) by striking “sexual assault and do-
15 mestic violence” and inserting “domestic
16 violence, dating violence, sexual assault,
17 and stalking”; and

18 (ii) by inserting “, classifying,” after
19 “identifying”;

20 (F) in paragraph (5)—

21 (i) by inserting “and legal assistance”
22 after “victim services”;

23 (ii) by striking “domestic violence and
24 dating violence” and inserting “domestic

1 violence, dating violence, and stalking”;

2 and

3 (iii) by striking “sexual assault and
4 domestic violence” and inserting “domestic
5 violence, dating violence, sexual assault,
6 and stalking”;

7 (G) by striking paragraph (6) and redesignating paragraphs (7) through (14) as paragraphs (6) through (13), respectively;

8 (H) in paragraph (6), as redesignated by
9 subparagraph (G), by striking “sexual assault
10 and domestic violence” and inserting “domestic
11 violence, dating violence, sexual assault, and
12 stalking”;

13 (I) in paragraph (7), as redesignated by
14 subparagraph (G), by striking “and dating violence” and inserting “dating violence, and
15 stalking”;

16 (J) in paragraph (9), as redesignated by
17 subparagraph (G), by striking “domestic violence or sexual assault” and inserting “domestic
18 violence, dating violence, sexual assault, or
19 stalking”;

20 (K) in paragraph (12), as redesignated by
21 subparagraph (G)—
22
23
24
25

1 (i) in subparagraph (A), by striking
2 “triage protocols to ensure that dangerous
3 or potentially lethal cases are identified
4 and prioritized” and inserting “the use of
5 evidence-based indicators to assess the risk
6 of domestic and dating violence homicide
7 and prioritize dangerous or potentially le-
8 thal cases”; and

9 (ii) by striking “and” at the end;

10 (L) in paragraph (13), as redesignated by
11 subparagraph (G)—

12 (i) by striking “to provide” and in-
13 serting “providing”;

14 (ii) by striking “nonprofit nongovern-
15 mental”;

16 (iii) by striking the comma after
17 “local governments”;

18 (iv) in the matter following subpara-
19 graph (C), by striking “paragraph (14)”
20 and inserting “paragraph (13)”; and

21 (v) by striking the period at the end
22 and inserting a semicolon; and

23 (M) by inserting after paragraph (13), as
24 redesignated by subparagraph (G), the fol-
25 lowing:

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

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

8 “(16) developing and strengthening policies,
9 protocols, best practices, and training for law en-
10 forcement agencies and prosecutors relating to the
11 investigation and prosecution of sexual assault cases
12 and the appropriate treatment of victims;

13 “(17) developing, enlarging, or strengthening
14 programs addressing sexual assault against men,
15 women, and youth in correctional and detention set-
16 tings;

17 “(18) identifying and conducting inventories of
18 backlogs of sexual assault evidence collection kits
19 and developing protocols and policies for responding
20 to and addressing such backlogs, including protocols
21 and policies for notifying and involving victims;

22 “(19) developing, enlarging, or strengthening
23 programs and projects to provide services and re-
24 sponses targeting male and female victims of domes-
25 tic violence, dating violence, sexual assault, or stalk-

1 ing, whose ability to access traditional services and
2 responses is affected by their sexual orientation or
3 gender identity, as defined in section 249(c) of title
4 18, United States Code; and

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

11 (3) in section 2007 (42 U.S.C. 3796gg-1)—

12 (A) in subsection (a), by striking “non-
13 profit nongovernmental victim service pro-
14 grams” and inserting “victim service pro-
15 viders”;

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

18 (C) in subsection (c)—

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

21 “(2) grantees and subgrantees shall develop a
22 plan for implementation and shall consult and co-
23 ordinate with—

24 “(A) the State sexual assault coalition;

25 “(B) the State domestic violence coalition;

1 “(C) the law enforcement entities within
2 the State;

3 “(D) prosecution offices;

4 “(E) State and local courts;

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

7 “(G) representatives from underserved
8 populations, including culturally specific popu-
9 lations;

10 “(H) victim service providers;

11 “(I) population specific organizations; and

12 “(J) other entities that the State or the
13 Attorney General identifies as needed for the
14 planning process;”;

15 (ii) by redesignating paragraph (3) as
16 paragraph (4);

17 (iii) by inserting after paragraph (2),
18 as amended by clause (i), the following:

19 “(3) grantees shall coordinate the State imple-
20 mentation plan described in paragraph (2) with the
21 State plans described in section 307 of the Family
22 Violence Prevention and Services Act (42 U.S.C.
23 10407) and the programs described in section 1404
24 of the Victims of Crime Act of 1984 (42 U.S.C.

1 10603) and section 393A of the Public Health Serv-
2 ice Act (42 U.S.C. 280b–1b).”;

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

5 (I) in subparagraph (A), by strik-
6 ing “and not less than 25 percent
7 shall be allocated for prosecutors”;

8 (II) by redesignating subpara-
9 graphs (B) and (C) as subparagraphs
10 (C) and (D);

11 (III) by inserting after subpara-
12 graph (A), the following:

13 “(B) not less than 25 percent shall be allo-
14 cated for prosecutors;”; and

15 (IV) in subparagraph (D) as re-
16 designated by subclause (II) by strik-
17 ing “for” and inserting “to”; and

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

19 “(5) not later than 2 years after the date of en-
20 actment of this Act, and every year thereafter, not
21 less than 20 percent of the total amount granted to
22 a State under this subchapter shall be allocated for
23 programs or projects in 2 or more allocations listed
24 in paragraph (4) that meaningfully address sexual
25 assault, including stranger rape, acquaintance rape,

1 alcohol or drug-facilitated rape, and rape within the
2 context of an intimate partner relationship.”;

3 (D) by striking subsection (d) and insert-
4 ing the following:

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

7 “(1) the certifications of qualification required
8 under subsection (c);

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

12 “(3) proof of compliance with the requirements
13 for paying fees and costs relating to domestic vio-
14 lence and protection order cases, described in section
15 2011 of this title;

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

19 “(5) an implementation plan required under
20 subsection (i); and

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

23 (E) in subsection (e)—

24 (i) in paragraph (2)—

1 (I) in subparagraph (A), by strik-
2 ing “domestic violence and sexual as-
3 sault” and inserting “domestic vio-
4 lence, dating violence, sexual assault,
5 and stalking”; and

6 (II) in subparagraph (D), by
7 striking “linguistically and”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(3) CONDITIONS.—In disbursing grants under
11 this part, the Attorney General may impose reason-
12 able conditions on grant awards to ensure that the
13 States meet statutory, regulatory, and other pro-
14 gram requirements.”;

15 (F) in subsection (f), by striking the period
16 at the end and inserting “, except that, for pur-
17 poses of this subsection, the costs of the
18 projects for victim services or tribes for which
19 there is an exemption under section
20 40002(b)(1) of the Violence Against Women
21 Act of 1994 (42 U.S.C. 13925(b)(1)) shall not
22 count toward the total costs of the projects.”;
23 and

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

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

3 “(1) develop an implementation plan in con-
4 sultation with the entities listed in subsection (c)(2),
5 that identifies how the State will use the funds
6 awarded under this part, including how the State
7 will meet the requirements of subsection (c)(5); and

8 “(2) submit to the Attorney General—

9 “(A) the implementation plan developed
10 under paragraph (1);

11 “(B) documentation from each member of
12 the planning committee as to their participation
13 in the planning process;

14 “(C) documentation from the prosecution,
15 law enforcement, court, and victim services pro-
16 grams to be assisted, describing—

17 “(i) the need for the grant funds;

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

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

22 “(iv) the demographic characteristics
23 of the populations to be served, including
24 age, disability, race, ethnicity, and lan-
25 guage background;

1 “(D) a description of how the State will
2 ensure that any subgrantees will consult with
3 victim service providers during the course of de-
4 veloping their grant applications in order to en-
5 sure that the proposed activities are designed to
6 promote the safety, confidentiality, and eco-
7 nomic independence of victims;

8 “(E) demographic data on the distribution
9 of underserved populations within the State and
10 a description of how the State will meet the
11 needs of underserved populations, including the
12 minimum allocation for population specific serv-
13 ices required under subsection (c)(4)(C);

14 “(F) a description of how the State plans
15 to meet the regulations issued pursuant to sub-
16 section (e)(2);

17 “(G) goals and objectives for reducing do-
18 mestic violence-related homicides within the
19 State; and

20 “(H) any other information requested by
21 the Attorney General.

22 “(j) REALLOCATION OF FUNDS.—A State may use
23 any returned or remaining funds for any authorized pur-
24 pose under this part if—

1 “(1) funds from a subgrant awarded under this
2 part are returned to the State; or

3 “(2) the State does not receive sufficient eligi-
4 ble applications to award the full funding within the
5 allocations in subsection (c)(4)”;

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

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

9 “(1) IN GENERAL.—A State, Indian tribal gov-
10 ernment, or unit of local government shall not be en-
11 titled to funds under this subchapter unless the
12 State, Indian tribal government, unit of local govern-
13 ment, or another governmental entity—

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

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

21 (B) in subsection (b)—

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

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

1 (iii) by striking paragraph (3); and

2 (C) by amending subsection (d) to read as

3 follows:

4 “(d) NONCOOPERATION.—

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

11 “(2) COMPLIANCE PERIOD.—States, territories,
12 and Indian tribal governments shall have 3 years
13 from the date of enactment of this Act to come into
14 compliance with this section.”; and

15 (5) in section 2011(a)(1) (42 U.S.C. 3796gg-
16 5(a)(1))—

17 (A) by inserting “modification, enforce-
18 ment, dismissal, withdrawal” after “registra-
19 tion,” each place it appears;

20 (B) by inserting “, dating violence, sexual
21 assault, or stalking” after “felony domestic vio-
22 lence”; and

23 (C) by striking “victim of domestic vio-
24 lence” and all that follows through “sexual as-
25 sult” and inserting “victim of domestic vio-

1 lence, dating violence, sexual assault, or stalk-
2 ing”.

3 **SEC. 102. GRANTS TO ENCOURAGE ARREST POLICIES AND**
4 **ENFORCEMENT OF PROTECTION ORDERS.**

5 (a) IN GENERAL.—Part U of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3796hh et seq.) is amended—

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

9 (A) in subsection (b)—

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

14 (ii) in paragraph (1), by inserting
15 “and enforcement of protection orders
16 across State and tribal lines” before the
17 period;

18 (iii) in paragraph (2), by striking
19 “and training in police departments to im-
20 prove tracking of cases” and inserting
21 “data collection systems, and training in
22 police departments to improve tracking of
23 cases and classification of complaints”;

24 (iv) in paragraph (4), by inserting
25 “and provide the appropriate training and

1 education about domestic violence, dating
2 violence, sexual assault, and stalking” after
3 “computer tracking systems”;

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

7 (vi) in paragraph (6), by striking
8 “judges” and inserting “Federal, State,
9 tribal, territorial, and local judges, courts,
10 and court-based and court-related per-
11 sonnel”;

12 (vii) in paragraph (8), by striking
13 “and sexual assault” and inserting “dating
14 violence, sexual assault, and stalking”;

15 (viii) in paragraph (10), by striking
16 “non-profit, non-governmental victim serv-
17 ices organizations,” and inserting “victim
18 service providers, staff from population
19 specific organizations,”; and

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

22 “(14) To develop and implement training pro-
23 grams for prosecutors and other prosecution-related
24 personnel regarding best practices to ensure offender
25 accountability, victim safety, and victim consultation

1 in cases involving domestic violence, dating violence,
2 sexual assault, and stalking.

3 “(15) To develop or strengthen policies, proto-
4 cols, and training for law enforcement, prosecutors,
5 and the judiciary in recognizing, investigating, and
6 prosecuting instances of domestic violence, dating vi-
7 olence, sexual assault, and stalking against immi-
8 grant victims, including the appropriate use of appli-
9 cations for nonimmigrant status under subpara-
10 graphs (T) and (U) of section 101(a)(15) of the Im-
11 migration and Nationality Act (8 U.S.C.
12 1101(a)(15)).

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

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

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

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

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

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

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

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

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

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

1 (B) in subsection (c)—

2 (i) in paragraph (1)—

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

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

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

13 (iii) in paragraph (3)—

14 (I) by striking “spouses” each
15 place it appears and inserting “par-
16 ties”; and

17 (II) by striking “spouse” and in-
18 serting “party”;

19 (iv) in paragraph (4)—

20 (I) by inserting “, dating vio-
21 lence, sexual assault, or stalking”
22 after “felony domestic violence”;

23 (II) by inserting “modification,
24 enforcement, dismissal,” after “reg-
25 istration,” each place it appears;

1 (III) by inserting “dating vio-
2 lence,” after “victim of domestic vio-
3 lence,”; and

4 (IV) by striking “and” at the
5 end;

6 (v) in paragraph (5)—

7 (I) in the matter preceding sub-
8 paragraph (A), by striking “, not later
9 than 3 years after January 5, 2006”;

10 (II) by inserting “, trial of, or
11 sentencing for” after “investigation
12 of” each place it appears;

13 (III) by redesignating subpara-
14 graphs (A) and (B) as clauses (i) and
15 (ii), and adjusting the margin accord-
16 ingly;

17 (IV) in clause (ii), as redesign-
18 nated by subclause (III) of this
19 clause, by striking “subparagraph
20 (A)” and inserting “clause (i)”;

21 (V) by striking the period at the
22 end and inserting “; and”;

23 (vi) by redesignating paragraphs (1)
24 through (5), as amended by this subpara-

1 graph, as subparagraphs (A) through (E),
2 respectively;

3 (vii) in the matter preceding subpara-
4 graph (A), as redesignated by clause (v) of
5 this subparagraph—

6 (I) by striking the comma that
7 immediately follows another comma;
8 and

9 (II) by striking “grantees are
10 States” and inserting the following:

11 “grantees are—

12 “(1) States”; and

13 (viii) by adding at the end the fol-
14 lowing:

15 “(2) a State, tribal, or territorial domestic vio-
16 lence or sexual assault coalition or a victim service
17 provider that partners with a State, Indian tribal
18 government, or unit of local government that cer-
19 tifies that the State, Indian tribal government, or
20 unit of local government meets the requirements
21 under paragraph (1).”;

22 (C) in subsection (d)—

23 (i) in paragraph (1)—

1 (I) in the matter preceding sub-
2 paragraph (A), by inserting “, policy,”
3 after “law”; and

4 (II) in subparagraph (A), by in-
5 serting “and the defendant is in cus-
6 tody or has been served with the in-
7 formation or indictment” before the
8 semicolon; and

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

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

12 “(f) ALLOCATION FOR TRIBAL COALITIONS.—Of the
13 amounts appropriated for purposes of this part for each
14 fiscal year, not less than 5 percent shall be available for
15 grants under section 2001 of title I of the Omnibus Crime
16 Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg).

17 “(g) ALLOCATION FOR SEXUAL ASSAULT.—Of the
18 amounts appropriated for purposes of this part for each
19 fiscal year, not less than 25 percent shall be available for
20 projects that address sexual assault, including stranger
21 rape, acquaintance rape, alcohol or drug-facilitated rape,
22 and rape within the context of an intimate partner rela-
23 tionship.”; and

24 (2) in section 2102(a) (42 U.S.C. 3796hh–
25 1(a))—

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

3 (B) in paragraph (4), by striking “non-
4 profit, private sexual assault and domestic vio-
5 lence programs” and inserting “victim service
6 providers and, as appropriate, population spe-
7 cific organizations”.

8 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
9 1001(a)(19) of title I of the Omnibus Crime Control and
10 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is
11 amended—

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

15 (2) by striking the period that immediately fol-
16 lows another period.

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

18 Section 1201 of the Violence Against Women Act of
19 2000 (42 U.S.C. 3796gg–6) is amended—

20 (1) in subsection (a)—

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

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

1 (2) in subsection (b)—

2 (A) in the heading, by inserting “AND
3 GRANT CONDITIONS” after “DEFINITIONS”;
4 and

5 (B) by inserting “and grant conditions”
6 after “definitions”;

7 (3) in subsection (c)—

8 (A) in paragraph (1), by striking “victims
9 services organizations” and inserting “victim
10 service providers”; and

11 (B) by striking paragraph (3) and insert-
12 ing the following:

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

20 (4) in subsection (d)—

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

24 “(A) has demonstrated expertise in pro-
25 viding legal assistance to victims of domestic vi-

1 olence, dating violence, sexual assault, or stalk-
2 ing in the targeted population; or

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

6 “(ii) has completed, or will complete, train-
7 ing in connection with domestic violence, dating
8 violence, stalking, or sexual assault and related
9 legal issues, including training on evidence-
10 based risk factors for domestic and dating vio-
11 lence homicide;”; and

12 (B) in paragraph (2), by striking “stalking
13 organization” and inserting “stalking victim
14 service provider”; and

15 (5) in subsection (f) in paragraph (1), by strik-
16 ing “this section” and all that follows and inserting
17 the following: “this section \$57,000,000 for each of
18 fiscal years 2012 through 2016.”.

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

21 (a) IN GENERAL.—Title III of division B of the Vic-
22 tims of Trafficking and Violence Protection Act of 2000
23 (Public Law 106–386; 114 Stat. 1509) is amended by
24 striking the section preceding section 1302 (42 U.S.C.
25 10420), as amended by section 306 of the Violence

1 Against Women and Department of Justice Reauthoriza-
2 tion Act of 2005 (Public Law 109–162; 119 Stat. 316),
3 and inserting the following:

4 **“SEC. 1301. GRANTS TO SUPPORT FAMILIES IN THE JUS-**
5 **TICE SYSTEM.**

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

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

16 “(1) provide supervised visitation and safe visi-
17 tation exchange of children and youth by and be-
18 tween parents in situations involving domestic vio-
19 lence, dating violence, child sexual abuse, sexual as-
20 sault, or stalking;

21 “(2) develop and promote State, local, and trib-
22 al legislation, policies, and best practices for improv-
23 ing civil and criminal court functions, responses,
24 practices, and procedures in cases involving a history
25 of domestic violence or sexual assault, or in cases in-

1 volving allegations of child sexual abuse, including
2 cases in which the victim proceeds pro se;

3 “(3) educate court-based and court-related per-
4 sonnel and court-appointed personnel (including cus-
5 tody evaluators and guardians ad litem) and child
6 protective services workers on the dynamics of do-
7 mestic violence, dating violence, sexual assault, and
8 stalking, including information on perpetrator behav-
9 ior, evidence-based risk factors for domestic and dat-
10 ing violence homicide, and on issues relating to the
11 needs of victims, including safety, security, privacy,
12 and confidentiality, including cases in which the vic-
13 tim proceeds pro se;

14 “(4) provide appropriate resources in juvenile
15 court matters to respond to dating violence, domestic
16 violence, sexual assault (including child sexual
17 abuse), and stalking and ensure necessary services
18 dealing with the health and mental health of victims
19 are available;

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

22 “(A) court infrastructure (such as special-
23 ized courts, consolidated courts, dockets, intake
24 centers, or interpreter services);

1 “(B) community-based initiatives within
2 the court system (such as court watch pro-
3 grams, victim assistants, pro se victim assist-
4 ance programs, or community-based supple-
5 mentary services);

6 “(C) offender management, monitoring,
7 and accountability programs;

8 “(D) safe and confidential information-
9 storage and information-sharing databases
10 within and between court systems;

11 “(E) education and outreach programs to
12 improve community access, including enhanced
13 access for underserved populations; and

14 “(F) other projects likely to improve court
15 responses to domestic violence, dating violence,
16 sexual assault, and stalking;

17 “(6) provide civil legal assistance and advocacy
18 services, including legal information and resources in
19 cases in which the victim proceeds pro se, to—

20 “(A) victims of domestic violence; and

21 “(B) nonoffending parents in matters—

22 “(i) that involve allegations of child
23 sexual abuse;

1 “(ii) that relate to family matters, in-
2 cluding civil protection orders, custody,
3 and divorce; and

4 “(iii) in which the other parent is rep-
5 resented by counsel;

6 “(7) collect data and provide training and tech-
7 nical assistance, including developing State, local,
8 and tribal model codes and policies, to improve the
9 capacity of grantees and communities to address the
10 civil justice needs of victims of domestic violence,
11 dating violence, sexual assault, and stalking who
12 have legal representation, who are proceeding pro se,
13 or who are proceeding with the assistance of a legal
14 advocate; and

15 “(8) to improve training and education to assist
16 judges, judicial personnel, attorneys, child welfare
17 personnel, and legal advocates in the civil justice
18 system.

19 “(c) CONSIDERATIONS.—

20 “(1) IN GENERAL.—In making grants for pur-
21 poses described in paragraphs (1) through (7) of
22 subsection (b), the Attorney General shall consider—

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

1 “(B) the extent to which the proposed pro-
2 grams and services serve underserved popu-
3 lations;

4 “(C) the extent to which the applicant
5 demonstrates cooperation and collaboration
6 with nonprofit, nongovernmental entities in the
7 local community with demonstrated histories of
8 effective work on domestic violence, dating vio-
9 lence, sexual assault, or stalking, including
10 State or tribal domestic violence coalitions,
11 State or tribal sexual assault coalitions, local
12 shelters, and programs for domestic violence
13 and sexual assault victims; and

14 “(D) the extent to which the applicant
15 demonstrates coordination and collaboration
16 with State, tribal, and local court systems, in-
17 cluding mechanisms for communication and re-
18 ferral.

19 “(2) OTHER GRANTS.—In making grants under
20 subsection (b)(8) the Attorney General shall take
21 into account the extent to which the grantee has ex-
22 pertise addressing the judicial system’s handling of
23 family violence, child custody, child abuse and ne-
24 glect, adoption, foster care, supervised visitation, di-
25 vorce, and parentage.

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

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

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

11 “(3) for a court-based program, certifies that
12 victims of domestic violence, dating violence, sexual
13 assault, or stalking are not charged fees or any
14 other costs related to the filing, petitioning, modi-
15 fying, issuance, registration, enforcement, with-
16 drawal, or dismissal of matters relating to the do-
17 mestic violence, dating violence, sexual assault, or
18 stalking;

19 “(4) demonstrates that adequate security meas-
20 ures, including adequate facilities, procedures, and
21 personnel capable of preventing violence, and ade-
22 quate standards are, or will be, in place (including
23 the development of protocols or policies to ensure
24 that confidential information is not shared with
25 courts, law enforcement agencies, or child welfare

1 agencies unless necessary to ensure the safety of any
2 child or adult using the services of a program fund-
3 ed under this section), if the applicant proposes to
4 operate supervised visitation programs and services
5 or safe visitation exchange;

6 “(5) certifies that the organizational policies of
7 the applicant do not require mediation or counseling
8 involving offenders and victims being physically
9 present in the same place, in cases where domestic
10 violence, dating violence, sexual assault, or stalking
11 is alleged;

12 “(6) certifies that any person providing legal
13 assistance through a program funded under this sec-
14 tion has completed or will complete training on do-
15 mestic violence, dating violence, sexual assault, and
16 stalking, including child sexual abuse, and related
17 legal issues; and

18 “(7) certifies that any person providing custody
19 evaluation or guardian ad litem services through a
20 program funded under this section has completed or
21 will complete training developed with input from and
22 in collaboration with a tribal, State, territorial, or
23 local domestic violence, dating violence, sexual as-
24 sault, or stalking victim service provider or coalition
25 on the dynamics of domestic violence and sexual as-

1 sault, including child sexual abuse, that includes
2 training on how to review evidence of past abuse and
3 the use of evidenced-based theories to make rec-
4 ommendations on custody and visitation.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section,
7 \$22,000,000 for each of fiscal years 2012 through 2016.
8 Amounts appropriated pursuant to this subsection shall
9 remain available until expended.

10 “(f) ALLOTMENT FOR INDIAN TRIBES.—

11 “(1) IN GENERAL.—Not less than 10 percent of
12 the total amount available under this section for
13 each fiscal year shall be available for grants under
14 the program authorized by section 3796gg–10 of
15 this title.

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

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 Subtitle J of the Violence Against Women Act of 1994
21 (42 U.S.C. 14043 et seq.) is repealed.

22 **SEC. 105. SEX OFFENDER MANAGEMENT.**

23 Section 40152(c) of the Violence Against Women Act
24 of 1994 (42 U.S.C. 13941) is amended by striking

1 “\$5,000,000” and all that follows and inserting
2 “\$5,000,000 for each of fiscal years 2012 through 2016.”.

3 **SEC. 106. COURT-APPOINTED SPECIAL ADVOCATE PRO-**
4 **GRAM.**

5 Subtitle B of title II of the Crime Control Act of 1990
6 (42 U.S.C. 13011 et seq.) is amended—

7 (1) in section 216 (42 U.S.C. 13012), by strik-
8 ing “January 1, 2010” and inserting “January 1,
9 2015”;

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

11 (A) by striking “Code of Ethics” in section
12 (c)(2) and inserting “Standards for Programs”;
13 and

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

15 “(e) REPORTING.—An organization that receives a
16 grant under this section for a fiscal year shall submit to
17 the Administrator a report regarding the use of the grant
18 for the fiscal year, including a discussion of outcome per-
19 formance measures (which shall be established by the Ad-
20 ministrator) to determine the effectiveness of the pro-
21 grams of the organization in meeting the needs of children
22 in the child welfare system.”; and

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

1 **SEC. 107. CRIMINAL PROVISION RELATING TO STALKING,**
2 **INCLUDING CYBERSTALKING.**

3 (a) INTERSTATE DOMESTIC VIOLENCE.—Section
4 2261(a)(1) of title 18, United States Code, is amended—

5 (1) by inserting “is present” after “Indian
6 Country or”; and

7 (2) by inserting “or presence” after “as a result
8 of such travel”;

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

11 **“§ 2261A. Stalking**

12 “Whoever—

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

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

23 “(i) that person;

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

1 “(iii) a spouse or intimate partner of
2 that person; or

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

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

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

19 “(B) causes, attempts to cause, or would
20 be reasonably expected to cause substantial
21 emotional distress to a person described in
22 clause (i), (ii), or (iii) of paragraph (1)(A),
23 shall be punished as provided in section 2261(b) of
24 this title.”.

1 (c) INTERSTATE VIOLATION OF PROTECTION
2 ORDER.—Section 2262(a)(2) of title 18, United States
3 Code, is amended by inserting “is present” after “Indian
4 Country or”.

5 **SEC. 108. OUTREACH AND SERVICES TO UNDERSERVED**
6 **POPULATIONS GRANT.**

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

10 **“SEC. 120. GRANTS FOR OUTREACH AND SERVICES TO UN-**
11 **DERSERVED POPULATIONS.**

12 “(a) GRANTS AUTHORIZED.—

13 “(1) IN GENERAL.—Of the amounts appro-
14 priated under the grant programs identified in para-
15 graph (2), the Attorney General shall take 2 percent
16 of such appropriated amounts and combine them to
17 award grants to eligible entities described in sub-
18 section (b) of this section to develop and implement
19 outreach strategies targeted at adult or youth vic-
20 tims of domestic violence, dating violence, sexual as-
21 sault, or stalking in underserved populations and to
22 provide victim services to meet the needs of adult
23 and youth victims of domestic violence, dating vio-
24 lence, sexual assault, and stalking in underserved
25 populations. The requirements of the grant pro-

1 grams identified in paragraph (2) shall not apply to
2 this grant program.

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

6 “(A) Section 2001 of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (Grants
8 to Combat Violent Crimes Against Women).

9 “(B) Section 2101 of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (Grants
11 to Encourage Arrest Policies and Enforcement
12 of Protection Orders Program).

13 “(b) ELIGIBLE ENTITIES.—Eligible entities under
14 this section are—

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

22 “(2) victim service providers offering population
23 specific services for a specific underserved popu-
24 lation; or

1 “(3) victim service providers working in part-
2 nership with a national, State, tribal, or local organi-
3 zation that has demonstrated experience and exper-
4 tise in providing population specific services in the
5 relevant underserved population.

6 “(c) PLANNING GRANTS.—The Attorney General
7 may use up to 25 percent of funds available under this
8 section to make one-time planning grants to eligible enti-
9 ties to support the planning and development of specially
10 designed and targeted programs for adult and youth vic-
11 tims in one or more underserved populations, including—

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

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

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

1 “(4) developing a plan, with the input of the
2 targeted underserved population or populations, for
3 implementing prevention, outreach and intervention
4 strategies to address the barriers to accessing serv-
5 ices, promoting community engagement in the pre-
6 vention of domestic violence, dating violence, sexual
7 assault, and stalking within the targeted under-
8 served populations, and evaluating the program.

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

14 “(1) working with Federal, State, tribal, terri-
15 torial and local governments, agencies, and organiza-
16 tions to develop or enhance population specific serv-
17 ices;

18 “(2) strengthening the capacity of underserved
19 populations to provide population specific services;

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

23 “(4) strengthening the effectiveness of criminal
24 and civil justice interventions by providing training
25 for law enforcement, prosecutors, judges and other

1 court personnel on domestic violence, dating vio-
2 lence, sexual assault, or stalking in underserved pop-
3 ulations; or

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

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

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

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—In ad-
21 dition to the funds identified in subsection (a)(1), there
22 are authorized to be appropriated to carry out this section
23 \$2,000,000 for each of fiscal years 2012 through 2016.

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

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

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

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

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

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

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

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

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

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

21 “(B) Section 14201 of division B of the
22 Victims of Trafficking and Violence Protection
23 Act of 2000 (42 U.S.C. 3796gg–6) (Legal As-
24 sistance for Victims).

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

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

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

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

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

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

7 (a) GRANTS TO STATES AND TERRITORIES.—Section
8 41601(b) of the Violence Against Women Act of 1994 (42
9 U.S.C. 14043g(b)) is amended—

10 (1) in paragraph (1), by striking “other pro-
11 grams” and all that follows and inserting “other
12 nongovernmental or tribal programs and projects to
13 assist individuals who have been victimized by sexual
14 assault, without regard to the age of the indi-
15 vidual.”;

16 (2) in paragraph (2)—

17 (A) in subparagraph (B), by inserting “or
18 tribal programs and activities” after “non-
19 governmental organizations”; and

20 (B) in subparagraph (C)(v), by striking
21 “linguistically and”; and

22 (3) in paragraph (4)—

23 (A) by inserting “(including the District of
24 Columbia and Puerto Rico)” after “The Attor-
25 ney General shall allocate to each State”;

1 (B) by striking “the District of Columbia,
2 Puerto Rico,” after “Guam”;

3 (C) by striking “0.125 percent” and in-
4 serting “0.25 percent”; and

5 (D) by striking “The District of Columbia
6 shall be treated as a territory for purposes of
7 calculating its allocation under the preceding
8 formula.”.

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

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

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

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

24 (2) in subsection (b)—

25 (A) in paragraph (1)—

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

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

9 (B) in paragraph (2)—

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

15 (ii) by striking “and” at the end;

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

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

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

24 “(5) developing programs and strategies that
25 focus on the specific needs of victims of domestic vi-

1 olence, dating violence, sexual assault, and stalking
2 who reside in remote rural and geographically iso-
3 lated areas, including addressing the challenges
4 posed by the lack of access to shelters and victims
5 services, and limited law enforcement resources and
6 training, and providing training and resources to
7 Community Health Aides involved in the delivery of
8 Indian Health Service programs.”; and

9 (3) in subsection (e)(1), by striking
10 “\$55,000,000 for each of the fiscal years 2007
11 through 2011” and inserting “\$50,000,000 for each
12 of fiscal years 2012 through 2016”.

13 **SEC. 203. TRAINING AND SERVICES TO END VIOLENCE**
14 **AGAINST WOMEN WITH DISABILITIES**
15 **GRANTS.**

16 Section 1402 of division B of the Victims of Traf-
17 ficking and Violence Protection Act of 2000 (42 U.S.C.
18 3796gg-7) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by inserting “(in-
21 cluding using evidence-based indicators to as-
22 sess the risk of domestic and dating violence
23 homicide)” after “risk reduction”;

1 (B) in paragraph (4), by striking “victim
2 service organizations” and inserting “victim
3 service providers”; and

4 (C) in paragraph (5), by striking “victim
5 services organizations” and inserting “victim
6 service providers”;

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

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

15 **SEC. 204. ENHANCED TRAINING AND SERVICES TO END**
16 **ABUSE IN LATER LIFE.**

17 (a) IN GENERAL.—Subtitle H of the Violence Against
18 Women Act of 1994 (42 U.S.C. 14041 et seq.) is amended
19 to read as follows:

20 **“Subtitle H—Enhanced Training**
21 **and Services to End Abuse**
22 **Later in Life**

23 **“SEC. 40801. ENHANCED TRAINING AND SERVICES TO END**
24 **ABUSE IN LATER LIFE.**

25 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘exploitation’ has the meaning
2 given the term in section 2011 of the Social Security
3 Act (42 U.S.C. 1397j);

4 “(2) the term ‘later life’, relating to an indi-
5 vidual, means the individual is 50 years of age or
6 older; and

7 “(3) the term ‘neglect’ means the failure of a
8 caregiver or fiduciary to provide the goods or serv-
9 ices that are necessary to maintain the health or
10 safety of an individual in later life.

11 “(b) GRANT PROGRAM.—

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

15 “(2) MANDATORY AND PERMISSIBLE ACTIVI-
16 TIES.—

17 “(A) MANDATORY ACTIVITIES.—An eligible
18 entity receiving a grant under this section shall
19 use the funds received under the grant to—

20 “(i) provide training programs to as-
21 sist law enforcement agencies, prosecutors,
22 agencies of States or units of local govern-
23 ment, population specific organizations,
24 victim service providers, victim advocates,
25 and relevant officers in Federal, tribal,

1 State, territorial, and local courts in recog-
2 nizing and addressing instances of elder
3 abuse;

4 “(ii) provide or enhance services for
5 victims of abuse in later life, including do-
6 mestic violence, dating violence, sexual as-
7 sault, stalking, exploitation, and neglect;

8 “(iii) establish or support multidisci-
9 plinary collaborative community responses
10 to victims of abuse in later life, including
11 domestic violence, dating violence, sexual
12 assault, stalking, exploitation, and neglect;
13 and

14 “(iv) conduct cross-training for law
15 enforcement agencies, prosecutors, agen-
16 cies of States or units of local government,
17 attorneys, health care providers, population
18 specific organizations, faith-based advo-
19 cates, victim service providers, and courts
20 to better serve victims of abuse in later
21 life, including domestic violence, dating vio-
22 lence, sexual assault, stalking, exploitation,
23 and neglect.

24 “(B) PERMISSIBLE ACTIVITIES.—An eligi-
25 ble entity receiving a grant under this section

1 may use the funds received under the grant
2 to—

3 “(i) provide training programs to as-
4 sist attorneys, health care providers, faith-
5 based leaders, or other community-based
6 organizations in recognizing and address-
7 ing instances of abuse in later life, includ-
8 ing domestic violence, dating violence, sex-
9 ual assault, stalking, exploitation, and ne-
10 glect; or

11 “(ii) conduct outreach activities and
12 awareness campaigns to ensure that vic-
13 tims of abuse in later life, including domes-
14 tic violence, dating violence, sexual assault,
15 stalking, exploitation, and neglect receive
16 appropriate assistance.

17 “(C) WAIVER.—The Attorney General may
18 waive 1 or more of the activities described in
19 subparagraph (A) upon making a determination
20 that the activity would duplicate services avail-
21 able in the community.

22 “(D) LIMITATION.—An eligible entity re-
23 ceiving a grant under this section may use not
24 more than 10 percent of the total funds re-

1 ceived under the grant for an activity described
2 in subparagraph (B)(ii).

3 “(3) ELIGIBLE ENTITIES.—An entity shall be
4 eligible to receive a grant under this section if—

5 “(A) the entity is—

6 “(i) a State;

7 “(ii) a unit of local government;

8 “(iii) a tribal government or tribal or-
9 ganization;

10 “(iv) a population specific organiza-
11 tion with demonstrated experience in as-
12 sisting individuals over 50 years of age;

13 “(v) a victim service provider with
14 demonstrated experience in addressing do-
15 mestic violence, dating violence, sexual as-
16 sault, and stalking; or

17 “(vi) a State, tribal, or territorial do-
18 mestic violence or sexual assault coalition;

19 and

20 “(B) the entity demonstrates that it is
21 part of a multidisciplinary partnership that in-
22 cludes, at a minimum—

23 “(i) a law enforcement agency;

24 “(ii) a prosecutor’s office;

25 “(iii) a victim service provider; and

1 “(iv) a nonprofit program or govern-
2 ment agency with demonstrated experience
3 in assisting individuals in later life;

4 “(4) UNDERSERVED POPULATIONS.—In making
5 grants under this section, the Attorney General shall
6 give priority to proposals providing services to cul-
7 turally specific and underserved populations.

8 “(5) AUTHORIZATION OF APPROPRIATIONS.—
9 There is authorized to be appropriated to carry out
10 this section \$9,000,000 for each of fiscal years 2012
11 through 2016.”.

12 **TITLE III—SERVICES, PROTEC-**
13 **TION, AND JUSTICE FOR**
14 **YOUNG VICTIMS OF VIO-**
15 **LENCE**

16 **SEC. 301. RAPE PREVENTION AND EDUCATION GRANT.**

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

19 (1) in subsection (a)—

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

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

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking
2 “\$80,000,000 for each of fiscal years 2007
3 through 2011” and inserting “\$50,000,000 for
4 each of fiscal years 2012 through 2016”; and

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

6 “(3) BASELINE FUNDING FOR STATES, THE
7 DISTRICT OF COLUMBIA, AND PUERTO RICO.—A
8 minimum allocation of \$150,000 shall be awarded in
9 each fiscal year for each of the States, the District
10 of Columbia, and Puerto Rico. A minimum alloca-
11 tion of \$35,000 shall be awarded in each fiscal year
12 for each Territory. Any unused or remaining funds
13 shall be allotted to each State, the District of Co-
14 lumbia, and Puerto Rico on the basis of popu-
15 lation.”.

16 **SEC. 302. CREATING HOPE THROUGH OUTREACH, OPTIONS,**
17 **SERVICES, AND EDUCATION FOR CHILDREN**
18 **AND YOUTH.**

19 Subtitle L of the Violence Against Women Act of
20 1994 is amended by striking sections 41201 through
21 41204 (42 U.S.C. 14043c through 14043e-3) and insert-
22 ing the following:

1 **“SEC. 41201. CREATING HOPE THROUGH OUTREACH, OP-**
2 **TIONS, SERVICES, AND EDUCATION FOR**
3 **CHILDREN AND YOUTH (‘CHOOSE CHILDREN**
4 **& YOUTH’).**

5 “(a) **GRANTS AUTHORIZED.**—The Attorney General,
6 working in collaboration with the Secretary of Health and
7 Human Services and the Secretary of Education, shall
8 award grants to enhance the safety of youth and children
9 who are victims of, or exposed to, domestic violence, dating
10 violence, sexual assault, or stalking and prevent future vio-
11 lence.

12 “(b) **PROGRAM PURPOSES.**—Funds provided under
13 this section may be used for the following program pur-
14 pose areas:

15 “(1) **SERVICES TO ADVOCATE FOR AND RE-**
16 **SPOND TO YOUTH.**—To develop, expand, and
17 strengthen victim-centered interventions and services
18 that target youth who are victims of domestic vio-
19 lence, dating violence, sexual assault, and stalking.
20 Services may include victim services, counseling, ad-
21 vocacy, mentoring, educational support, transpor-
22 tation, legal assistance in civil, criminal and admin-
23 istrative matters, such as family law cases, housing
24 cases, child welfare proceedings, campus administra-
25 tive proceedings, and civil protection order pro-
26 ceedings, services to address the co-occurrence of sex

1 trafficking, population-specific services, and other
2 activities that support youth in finding safety, sta-
3 bility, and justice and in addressing the emotional,
4 cognitive, and physical effects of trauma. Funds may
5 be used to—

6 “(A) assess and analyze currently available
7 services for youth victims of domestic violence,
8 dating violence, sexual assault, and stalking, de-
9 termining relevant barriers to such services in
10 a particular locality, and developing a commu-
11 nity protocol to address such problems collabo-
12 ratively;

13 “(B) develop and implement policies, prac-
14 tices, and procedures to effectively respond to
15 domestic violence, dating violence, sexual as-
16 sault, or stalking against youth; or

17 “(C) provide technical assistance and
18 training to enhance the ability of school per-
19 sonnel, victim service providers, child protective
20 service workers, staff of law enforcement agen-
21 cies, prosecutors, court personnel, individuals
22 who work in after school programs, medical
23 personnel, social workers, mental health per-
24 sonnel, and workers in other programs that
25 serve children and youth to improve their ability

1 to appropriately respond to the needs of chil-
2 dren and youth who are victims of domestic vio-
3 lence, dating violence, sexual assault, and stalk-
4 ing, and to properly refer such children, youth,
5 and their families to appropriate services.

6 “(2) SUPPORTING YOUTH THROUGH EDU-
7 CATION AND PROTECTION.—To enable middle
8 schools, high schools, and institutions of higher edu-
9 cation to—

10 “(A) provide training to school personnel,
11 including healthcare providers and security per-
12 sonnel, on the needs of students who are vic-
13 tims of domestic violence, dating violence, sex-
14 ual assault, or stalking;

15 “(B) develop and implement prevention
16 and intervention policies in middle and high
17 schools, including appropriate responses to, and
18 identification and referral procedures for, stu-
19 dents who are experiencing or perpetrating do-
20 mestic violence, dating violence, sexual assault,
21 or stalking, and procedures for handling the re-
22 quirements of court protective orders issued to
23 or against students;

24 “(C) provide support services for student
25 victims of domestic violence, dating violence,

1 sexual assault or stalking, such as a resource
2 person who is either on-site or on-call;

3 “(D) implement developmentally appro-
4 priate educational programming for students re-
5 garding domestic violence, dating violence, sex-
6 ual assault, and stalking and the impact of such
7 violence on youth; or

8 “(E) develop strategies to increase identi-
9 fication, support, referrals, and prevention pro-
10 gramming for youth who are at high risk of do-
11 mestic violence, dating violence, sexual assault,
12 or stalking.

13 “(c) ELIGIBLE APPLICANTS.—

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

16 “(A) a victim service provider, tribal non-
17 profit, or population-specific or community-
18 based organization with a demonstrated history
19 of effective work addressing the needs of youth
20 who are, including runaway or homeless youth
21 affected by, victims of domestic violence, dating
22 violence, sexual assault, or stalking;

23 “(B) a victim service provider that is
24 partnered with an entity that has a dem-

1 onstrated history of effective work addressing
2 the needs of youth; or

3 “(C) a public, charter, tribal, or nationally
4 accredited private middle or high school, a
5 school administered by the Department of De-
6 fense under section 2164 of title 10, United
7 States Code or section 1402 of the Defense De-
8 pendents’ Education Act of 1978, a group of
9 schools, a school district, or an institution of
10 higher education.

11 “(2) PARTNERSHIPS.—

12 “(A) EDUCATION.—To be eligible to re-
13 ceive a grant for the purposes described in sub-
14 section (b)(2), an entity described in paragraph
15 (1) shall be partnered with a public, charter,
16 tribal, or nationally accredited private middle or
17 high school, a school administered by the De-
18 partment of Defense under section 2164 of title
19 10, United States Code or section 1402 of the
20 Defense Dependents’ Education Act of 1978, a
21 group of schools, a school district, or an institu-
22 tion of higher education.

23 “(B) OTHER PARTNERSHIPS.—All appli-
24 cants under this section are encouraged to work
25 in partnership with organizations and agencies

1 that work with the relevant population. Such
2 entities may include—

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

5 “(ii) a population specific or commu-
6 nity-based organization;

7 “(iii) batterer intervention programs
8 or sex offender treatment programs with
9 specialized knowledge and experience work-
10 ing with youth offenders; or

11 “(iv) any other agencies or nonprofit,
12 nongovernmental organizations with the
13 capacity to provide effective assistance to
14 the adult, youth, and child victims served
15 by the partnership.

16 “(d) GRANTEE REQUIREMENTS.—Applicants for
17 grants under this section shall establish and implement
18 policies, practices, and procedures that—

19 “(1) require and include appropriate referral
20 systems for child and youth victims;

21 “(2) protect the confidentiality and privacy of
22 child and youth victim information, particularly in
23 the context of parental or third party involvement
24 and consent, mandatory reporting duties, and work-

1 ing with other service providers all with priority on
2 victim safety and autonomy; and

3 “(3) ensure that all individuals providing inter-
4 vention or prevention programming to children or
5 youth through a program funded under this section
6 have completed, or will complete, sufficient training
7 in connection with domestic violence, dating violence,
8 sexual assault and stalking.

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

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

15 “(g) ALLOTMENT.—

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

20 “(2) INDIAN TRIBES.—Not less than 10 percent
21 of the total amount appropriated under this section
22 for each fiscal year shall be made available for
23 grants under the program authorized by section
24 2015 of the Omnibus Crime Control and Safe
25 Streets Act of 1968. The requirements of this sec-

1 tion shall not apply to funds allocated under this
2 paragraph.

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

6 **SEC. 303. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
7 **PUSES.**

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

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) by striking “stalking on campuses,
14 and” and inserting “stalking on cam-
15 puses,”;

16 (ii) by striking “crimes against women
17 on” and inserting “crimes on”; and

18 (iii) by inserting “, and to develop and
19 strengthen prevention education and
20 awareness programs” before the period;
21 and

22 (B) in paragraph (2), by striking
23 “\$500,000” and inserting “\$300,000”;

24 (2) in subsection (b)—

25 (A) in paragraph (2)—

1 (i) by inserting “, strengthen,” after
2 “To develop”; and

3 (ii) by inserting “including the use of
4 technology to commit these crimes,” after
5 “sexual assault and stalking,”;

6 (B) in paragraph (4)—

7 (i) by inserting “and population spe-
8 cific services” after “strengthen victim
9 services programs”;

10 (ii) by striking “entities carrying out”
11 and all that follows through “stalking vic-
12 tim services programs” and inserting “vic-
13 tim service providers”; and

14 (iii) by inserting “, regardless of
15 whether the services are provided by the
16 institution or in coordination with commu-
17 nity victim service providers” before the
18 period at the end; and

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

20 “(9) To develop or adapt and provide develop-
21 mental, culturally appropriate, and linguistically ac-
22 cessible print or electronic materials to address both
23 prevention and intervention in domestic violence,
24 dating violence, sexual violence, and stalking.

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

5 (3) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (B), by striking
8 “any non-profit” and all that follows
9 through “victim services programs” and
10 inserting “victim service providers”;

11 (ii) by redesignating subparagraphs
12 (D) through (F) as subparagraphs (E)
13 through (G), respectively; and

14 (iii) by inserting after subparagraph
15 (C), the following:

16 “(D) describe how underserved populations
17 in the campus community will be adequately
18 served, including the provision of relevant popu-
19 lation specific services;” and

20 (B) in paragraph (3), by striking “2007
21 through 2011” and inserting “2012 through
22 2016”;

23 (4) in subsection (d)—

24 (A) by redesignating paragraph (3) as
25 paragraph (4); and

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

3 “(3) GRANTEE MINIMUM REQUIREMENTS.—

4 Each grantee shall comply with the following min-
5 imum requirements during the grant period:

6 “(A) The grantee shall create a coordi-
7 nated community response including both orga-
8 nizations external to the institution and rel-
9 evant divisions of the institution.

10 “(B) The grantee shall establish a manda-
11 tory prevention and education program on do-
12 mestic violence, dating violence, sexual assault,
13 and stalking for all incoming students.

14 “(C) The grantee shall train all campus
15 law enforcement to respond effectively to do-
16 mestic violence, dating violence, sexual assault,
17 and stalking.

18 “(D) The grantee shall train all members
19 of campus disciplinary boards to respond effec-
20 tively to situations involving domestic violence,
21 dating violence, sexual assault, or stalking.”;
22 and

23 (5) in subsection (e), by striking “there are”
24 and all that follows through the period and inserting

1 “there is authorized to be appropriated \$12,000,000
2 for each of fiscal years 2012 through 2016.”.

3 **SEC. 304. CAMPUS SEXUAL VIOLENCE, DOMESTIC VIO-**
4 **LENCE, DATING VIOLENCE, AND STALKING**
5 **EDUCATION AND PREVENTION.**

6 (a) IN GENERAL.—Section 485(f) of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1092(f)) is amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (C)(iii), by striking
10 the period at the end and inserting “, when the
11 victim of such crime elects or is unable to make
12 such a report.”; and

13 (B) in subparagraph (F)—

14 (i) in clause (i)(VIII), by striking
15 “and” after the semicolon;

16 (ii) in clause (ii)—

17 (I) by striking “sexual orienta-
18 tion” and inserting “ national origin,
19 sexual orientation, gender identity,”;
20 and

21 (II) by striking the period and
22 inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(iii) of domestic violence, dating vio-
2 lence, and stalking incidents that were re-
3 ported to campus security authorities or
4 local police agencies.”;

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

8 (3) in paragraph (6)(A)—

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

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

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

17 (C) by inserting after clause (iv), as redес-
18 ignated by subparagraph (A), the following:

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

23 (4) in paragraph (7)—

1 (A) by striking “paragraph (1)(F)” and in-
2 serting “clauses (i) and (ii) of paragraph
3 (1)(F)”;

4 (B) by inserting after “Hate Crime Statis-
5 tics Act.” the following: “For the offenses of
6 domestic violence, dating violence, and stalking,
7 such statistics shall be compiled in accordance
8 with the definitions used in section 40002(a) of
9 the Violence Against Women Act of 1994 (42
10 U.S.C. 13925(a)).”;

11 (5) by striking paragraph (8) and inserting the
12 following:

13 “(8)(A) Each institution of higher education partici-
14 pating in any program under this title and title IV of the
15 Economic Opportunity Act of 1964, other than a foreign
16 institution of higher education, shall develop and dis-
17 tribute as part of the report described in paragraph (1)
18 a statement of policy regarding—

19 “(i) such institution’s programs to prevent do-
20 mestic violence, dating violence, sexual assault, and
21 stalking; and

22 “(ii) the procedures that such institution will
23 follow once an incident of domestic violence, dating
24 violence, sexual assault, or stalking has been re-
25 ported, including a statement of the standard of evi-

1 dence that will be used during any institutional con-
2 duct proceeding arising from such a report.

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

5 “(i) Education programs to promote the aware-
6 ness of rape, acquaintance rape, domestic violence,
7 dating violence, sexual assault, and stalking, which
8 shall include—

9 “(I) primary prevention and awareness
10 programs for all incoming students and new
11 employees, which shall include—

12 “(aa) a statement that the institution
13 of higher education prohibits the offenses
14 of domestic violence, dating violence, sex-
15 ual assault, and stalking;

16 “(bb) the definition of domestic vio-
17 lence, dating violence, sexual assault, and
18 stalking in the applicable jurisdiction;

19 “(cc) the definition of consent, in ref-
20 erence to sexual activity, in the applicable
21 jurisdiction;

22 “(dd) safe and positive options for by-
23 stander intervention that may be carried
24 out by an individual to prevent harm or in-
25 tervene when there is a risk of domestic vi-

1 olence, dating violence, sexual assault, or
2 stalking against a person other than such
3 individual;

4 “(ee) information on risk reduction to
5 recognize warning signs of abusive behav-
6 ior and how to avoid potential attacks; and

7 “(ff) the information described in
8 clauses (ii) through (vii); and

9 “(II) ongoing prevention and awareness
10 campaigns for students and faculty, including
11 information described in items (aa) through (ff)
12 of subclause (I).

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

18 “(iii) Procedures victims should follow if a sex
19 offense, domestic violence, dating violence, sexual as-
20 sault, or stalking has occurred, including informa-
21 tion in writing about—

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

1 “(II) to whom the alleged offense should
2 be reported;

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

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

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

12 “(cc) decline to notify such authori-
13 ties; and

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

19 “(iv) Procedures for institutional disciplinary
20 action in cases of alleged domestic violence, dating
21 violence, sexual assault, or stalking, which shall in-
22 clude a clear statement that—

23 “(I) such proceedings shall—

24 “(aa) provide a prompt, fair, and im-
25 partial investigation and resolution; and

1 “(bb) be conducted by officials who
2 receive annual training on the issues re-
3 lated to domestic violence, dating violence,
4 sexual assault, and stalking and how to
5 conduct an investigation and hearing pro-
6 cess that protects the safety of victims and
7 promotes accountability;

8 “(II) the accuser and the accused are enti-
9 tled to the same opportunities to have others
10 present during an institutional disciplinary pro-
11 ceeding, including the opportunity to be accom-
12 panied to any related meeting or proceeding by
13 an advisor of their choice; and

14 “(III) both the accuser and the accused
15 shall be simultaneously informed, in writing,
16 of—

17 “(aa) the outcome of any institutional
18 disciplinary proceeding that arises from an
19 allegation of domestic violence, dating vio-
20 lence, sexual assault, or stalking;

21 “(bb) the institution’s procedures for
22 the accused and the victim to appeal the
23 results of the institutional disciplinary pro-
24 ceeding;

1 “(cc) of any change to the results that
2 occurs prior to the time that such results
3 become final; and

4 “(dd) when such results become final.

5 “(v) Information about how the institution will
6 protect the confidentiality of victims, including how
7 publicly-available recordkeeping will be accomplished
8 without the inclusion of identifying information
9 about the victim, to the extent permissible by law.

10 “(vi) Written notification of students and em-
11 ployees about existing counseling, health, mental
12 health, victim advocacy, legal assistance, and other
13 services available for victims both on-campus and in
14 the community.

15 “(vii) Written notification of victims about op-
16 tions for, and available assistance in, changing aca-
17 demic, living, transportation, and working situations,
18 if so requested by the victim and if such accom-
19 modations are reasonably available, regardless of
20 whether the victim chooses to report the crime to
21 campus police or local law enforcement.

22 “(C) A student or employee who reports to an institu-
23 tion of higher education that the student or employee has
24 been a victim of domestic violence, dating violence, sexual
25 assault, or stalking, whether the offense occurred on or

1 off campus, shall be provided with a written explanation
2 of the student or employee’s rights and options, as de-
3 scribed in clauses (ii) through (vii) of subparagraph (B).”;

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

8 (7) by striking paragraph (16) and inserting
9 the following:

10 “(16)(A) The Secretary shall seek the advice and
11 counsel of the Attorney General of the United States con-
12 cerning the development, and dissemination to institutions
13 of higher education, of best practices information about
14 campus safety and emergencies.

15 “(B) The Secretary shall seek the advice and counsel
16 of the Attorney General of the United States and the Sec-
17 retary of Health and Human Services concerning the de-
18 velopment, and dissemination to institutions of higher
19 education, of best practices information about preventing
20 and responding to incidents of domestic violence, dating
21 violence, sexual assault, and stalking, including elements
22 of institutional policies that have proven successful based
23 on evidence-based outcome measurements.”; and

24 (8) by striking paragraph (17) and inserting
25 the following:

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

6 (b) **EFFECTIVE DATE.**—The amendments made by
7 this section shall take effect with respect to the annual
8 security report under section 485(f)(1) of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by
10 an institution of higher education 1 calendar year after
11 the date of enactment of this Act, and each subsequent
12 calendar year.

13 **TITLE IV—VIOLENCE** 14 **REDUCTION PRACTICES**

15 **SEC. 401. STUDY CONDUCTED BY THE CENTERS FOR DIS-** 16 **EASE CONTROL AND PREVENTION.**

17 Section 402(c) of the Violence Against Women and
18 Department of Justice Reauthorization Act of 2005 (42
19 U.S.C. 280b–4(c)) is amended by striking “\$2,000,000 for
20 each of the fiscal years 2007 through 2011” and inserting
21 “\$1,000,000 for each of the fiscal years 2012 through
22 2016”.

1 **SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES**
 2 **THROUGH PREVENTION GRANTS.**

3 (a) SMART PREVENTION.—Section 41303 of the Vi-
 4 olence Against Women Act of 1994 (42 U.S.C. 14043d-
 5 2) is amended to read as follows:

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

9 “(a) GRANTS AUTHORIZED.—The Attorney General,
 10 in consultation with the Secretary of Health and Human
 11 Services and the Secretary of Education, is authorized to
 12 award grants for the purpose of preventing domestic vio-
 13 lence, dating violence, sexual assault, and stalking by tak-
 14 ing a comprehensive approach that focuses on youth, chil-
 15 dren exposed to violence, and men as leaders and
 16 influencers of social norms.

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

19 “(1) TEEN DATING VIOLENCE AWARENESS AND
 20 PREVENTION.—To develop, maintain, or enhance
 21 programs that change attitudes and behaviors
 22 around the acceptability of domestic violence, dating
 23 violence, sexual assault, and stalking and provide
 24 education and skills training to young individuals
 25 and individuals who influence young individuals. The
 26 prevention program may use evidence-based, evi-

1 dence-informed, or innovative strategies and prac-
2 tices focused on youth. Such a program should in-
3 clude—

4 “(A) age and developmentally-appropriate
5 education on domestic violence, dating violence,
6 sexual assault, stalking, and sexual coercion, as
7 well as healthy relationship skills, in school, in
8 the community, or in health care settings;

9 “(B) community-based collaboration and
10 training for those with influence on youth, such
11 as parents, teachers, coaches, healthcare pro-
12 viders, faith-leaders, older teens, and mentors;

13 “(C) education and outreach to change en-
14 vironmental factors contributing to domestic vi-
15 olence, dating violence, sexual assault, and
16 stalking; and

17 “(D) policy development targeted to pre-
18 vention, including school-based policies and pro-
19 tocols.

20 “(2) CHILDREN EXPOSED TO VIOLENCE AND
21 ABUSE.—To develop, maintain or enhance programs
22 designed to prevent future incidents of domestic vi-
23 olence, dating violence, sexual assault, and stalking
24 by preventing, reducing and responding to children’s

1 exposure to violence in the home. Such programs
2 may include—

3 “(A) providing services for children ex-
4 posed to domestic violence, dating violence, sex-
5 ual assault or stalking, including direct coun-
6 seling or advocacy, and support for the non-
7 abusing parent; and

8 “(B) training and coordination for edu-
9 cational, after-school, and childcare programs
10 on how to safely and confidentially identify chil-
11 dren and families experiencing domestic vio-
12 lence, dating violence, sexual assault, or stalk-
13 ing and properly refer children exposed and
14 their families to services and violence prevention
15 programs.

16 “(3) ENGAGING MEN AS LEADERS AND ROLE
17 MODELS.—To develop, maintain or enhance pro-
18 grams that work with men to prevent domestic vio-
19 lence, dating violence, sexual assault, and stalking
20 by helping men to serve as role models and social
21 influencers of other men and youth at the individual,
22 school, community or statewide levels.

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

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

8 “(2) a partnership between a victim service pro-
9 vider, community-based organization, tribe or tribal
10 organization, or other non-profit, nongovernmental
11 organization that has a history of effective work pre-
12 venting domestic violence, dating violence, sexual as-
13 sault, or stalking and at least one of the following
14 that has expertise in serving children exposed to do-
15 mestic violence, dating violence, sexual assault, or
16 stalking, youth domestic violence, dating violence,
17 sexual assault, or stalking prevention, or engaging
18 men to prevent domestic violence, dating violence,
19 sexual assault, or stalking:

20 “(A) A public, charter, tribal, or nationally
21 accredited private middle or high school, a
22 school administered by the Department of De-
23 fense under section 2164 of title 10, United
24 States Code or section 1402 of the Defense De-

1 dependents' Education Act of 1978, a group of
2 schools, or a school district.

3 “(B) A local community-based organiza-
4 tion, population-specific organization, or faith-
5 based organization that has established exper-
6 tise in providing services to youth.

7 “(C) A community-based organization,
8 population-specific organization, university or
9 health care clinic, faith-based organization, or
10 other non-profit, nongovernmental organization
11 with a demonstrated history of effective work
12 addressing the needs of children exposed to do-
13 mestic violence, dating violence, sexual assault,
14 or stalking.

15 “(D) A nonprofit, nongovernmental entity
16 providing services for runaway or homeless
17 youth affected by domestic violence, dating vio-
18 lence, sexual assault, or stalking.

19 “(E) Healthcare entities eligible for reim-
20 bursement under title XVIII of the Social Secu-
21 rity Act, including providers that target the
22 special needs of children and youth.

23 “(F) Any other agencies, population-spe-
24 cific organizations, or nonprofit, nongovern-
25 mental organizations with the capacity to pro-

1 vide necessary expertise to meet the goals of the
2 program; or

3 “(3) a public, charter, tribal, or nationally ac-
4 credited private middle or high school, a school ad-
5 ministered by the Department of Defense under sec-
6 tion 2164 of title 10, United States Code or section
7 1402 of the Defense Dependents’ Education Act of
8 1978, a group of schools, a school district, or an in-
9 stitution of higher education.

10 “(d) GRANTEE REQUIREMENTS.—

11 “(1) IN GENERAL.—Applicants for grants
12 under this section shall prepare and submit to the
13 Director an application at such time, in such man-
14 ner, and containing such information as the Director
15 may require that demonstrates the capacity of the
16 applicant and partnering organizations to undertake
17 the project.

18 “(2) POLICIES AND PROCEDURES.—Applicants
19 under this section shall establish and implement
20 policies, practices, and procedures that—

21 “(A) include appropriate referral systems
22 to direct any victim identified during program
23 activities to highly qualified follow-up care;

24 “(B) protect the confidentiality and pri-
25 vacy of adult and youth victim information,

1 particularly in the context of parental or third
2 party involvement and consent, mandatory re-
3 porting duties, and working with other service
4 providers;

5 “(C) ensure that all individuals providing
6 prevention programming through a program
7 funded under this section have completed or
8 will complete sufficient training in connection
9 with domestic violence, dating violence, sexual
10 assault or stalking; and

11 “(D) document how prevention programs
12 are coordinated with service programs in the
13 community.

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

17 “(A) include outcome-based evaluation;
18 and

19 “(B) identify any other community, school,
20 or State-based efforts that are working on do-
21 mestic violence, dating violence, sexual assault,
22 or stalking prevention and explain how the
23 grantee or partnership will add value, coordi-
24 nate with other programs, and not duplicate ex-
25 isting efforts.

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

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section,
6 \$15,000,000 for each of fiscal years 2012 through 2016.
7 Amounts appropriated under this section may only be used
8 for programs and activities described under this section.

9 “(g) ALLOTMENT.—

10 “(1) IN GENERAL.—Not less than 25 percent of
11 the total amounts appropriated under this section in
12 each fiscal year shall be used for each set of pur-
13 poses described in paragraphs (1), (2), and (3) of
14 subsection (b).

15 “(2) INDIAN TRIBES.—Not less than 10 percent
16 of the total amounts appropriated under this section
17 in each fiscal year shall be made available for grants
18 to Indian tribes or tribal organizations. If an insuffi-
19 cient number of applications are received from In-
20 dian tribes or tribal organizations, such funds shall
21 be allotted to other population-specific programs.”.

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

23 (1) Sections 41304 and 41305 of the Violence
24 Against Women Act of 1994 (42 U.S.C. 14043d-3
25 and 14043d-4).

1 (2) Section 403 of the Violence Against Women
2 and Department of Justice Reauthorization Act of
3 2005 (42 U.S.C. 14045e).

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

10 **SEC. 501. CONSOLIDATION OF GRANTS TO STRENGTHEN**
11 **THE HEALTHCARE SYSTEM’S RESPONSE TO**
12 **DOMESTIC VIOLENCE, DATING VIOLENCE,**
13 **SEXUAL ASSAULT, AND STALKING.**

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

17 **“SEC. 399P. GRANTS TO STRENGTHEN THE HEALTHCARE**
18 **SYSTEM’S RESPONSE TO DOMESTIC VIO-**
19 **LENCE, DATING VIOLENCE, SEXUAL ASSAULT,**
20 **AND STALKING.**

21 “(a) IN GENERAL.—The Secretary shall award
22 grants for—

23 “(1) the development or enhancement and im-
24 plementation of interdisciplinary training for health

1 professionals, public health staff, and allied health
2 professionals;

3 “(2) the development or enhancement and im-
4 plementation of education programs for medical,
5 nursing, dental, and other health profession students
6 and residents to prevent and respond to domestic vi-
7 olence, dating violence, sexual assault, and stalking;
8 and

9 “(3) the development or enhancement and im-
10 plementation of comprehensive statewide strategies
11 to improve the response of clinics, public health fa-
12 cilities, hospitals, and other health settings (includ-
13 ing behavioral and mental health programs) to do-
14 mestic violence, dating violence, sexual assault, and
15 stalking.

16 “(b) USE OF FUNDS.—

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

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

22 “(i) are designed to train medical,
23 psychology, dental, social work, nursing,
24 and other health profession students, in-
25 terns, residents, fellows, or current health

1 care providers to identify and provide
2 health care services (including mental or
3 behavioral health care services and refer-
4 rals to appropriate community services) to
5 individuals who are or who have been vic-
6 tims of domestic violence, dating violence,
7 sexual assault, or stalking; and

8 “(ii) plan and develop culturally com-
9 petent clinical training components for in-
10 tegration into approved internship, resi-
11 dency, and fellowship training or con-
12 tinuing medical or other health education
13 training that address physical, mental, and
14 behavioral health issues, including protec-
15 tive factors, related to domestic violence,
16 dating violence, sexual assault, stalking,
17 and other forms of violence and abuse,
18 focus on reducing health disparities and
19 preventing violence and abuse, and include
20 the primacy of victim safety and confiden-
21 tiality;

22 “(B) design and implement comprehensive
23 strategies to improve the response of the health
24 care system to domestic or sexual violence in
25 clinical and public health settings, hospitals,

1 clinics, and other health settings (including be-
2 havioral and mental health), under subsection
3 (a)(3) through—

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

17 “(ii) the development of on-site access
18 to services to address the safety, medical,
19 and mental health needs of patients by in-
20 creasing the capacity of existing health
21 care professionals and public health staff
22 to address domestic violence, dating vio-
23 lence, sexual assault, and stalking, or by
24 contracting with or hiring domestic or sex-
25 ual assault advocates to provide such serv-

1 ices or to model other services appropriate
2 to the geographic and cultural needs of a
3 site;

4 “(iii) the development of measures
5 and methods for the evaluation of the
6 practice of identification, intervention, and
7 documentation regarding victims of domes-
8 tic violence, dating violence, sexual assault,
9 and stalking, including the development
10 and testing of quality improvement meas-
11 urements, in accordance with the multi-
12 stakeholder and quality measurement proc-
13 esses established under paragraphs (7) and
14 (8) of section 1890(b) and section 1890A
15 of the Social Security Act (42 U.S.C.
16 1395aaa(b)(7) and (8); 42 U.S.C. 1890A);
17 and

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

1 tools and training materials already devel-
2 oped.

3 “(2) PERMISSIBLE USES.—

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

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

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

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

1 of child abuse, domestic violence, dating vi-
2 olence, sexual assault, and stalking and
3 elder abuse, as well as childhood exposure
4 to domestic and sexual violence;

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

9 “(iii) the inclusion of the health ef-
10 fects of lifetime exposure to violence and
11 abuse as well as related protective factors
12 and behavioral risk factors in health pro-
13 fessional training schools including med-
14 ical, dental, nursing, social work, and men-
15 tal and behavioral health curricula, and al-
16 lied health service training courses; or

17 “(iv) the integration of knowledge of
18 domestic violence, dating violence, sexual
19 assault, and stalking into health care ac-
20 creditation and professional licensing ex-
21 aminations, such as medical, dental, social
22 work, and nursing boards, and where ap-
23 propriate, other allied health exams.

24 “(c) REQUIREMENTS FOR GRANTEES.—

25 “(1) CONFIDENTIALITY AND SAFETY.—

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

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

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

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

8 “(3) APPLICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

1 oped in collaboration with local victim serv-
2 ice providers, to respond appropriately to
3 and make correct referrals for individuals
4 who disclose that they are victims of do-
5 mestic violence, dating violence, sexual as-
6 sault, stalking, or other types of violence,
7 and documentation provided by the grantee
8 of an ongoing collaborative relationship
9 with a local victim service provider; and

10 “(v) with respect to an application for
11 a grant proposing to fund a program de-
12 scribed in subsection (b)(2)(C)(ii), a cer-
13 tification that any sexual assault forensic
14 medical examination and sexual assault
15 nurse examiner programs supported with
16 such grant funds will adhere to the guide-
17 lines set forth by the Attorney General.

18 “(d) ELIGIBLE ENTITIES.—

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

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

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

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

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

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

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

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

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

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

7 “(e) TECHNICAL ASSISTANCE.—

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

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

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

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

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

5 “(f) RESEARCH AND EVALUATION.—

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

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

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

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

22 “(A) research on the effects of domestic vi-
23 olence, dating violence, sexual assault, and
24 childhood exposure to domestic, dating or sex-
25 ual violence on health behaviors, health condi-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **“CHAPTER 1—GRANT PROGRAMS”;**

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

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

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

5 **“CHAPTER 2—HOUSING RIGHTS**

6 **“SEC. 41411. HOUSING PROTECTIONS FOR VICTIMS OF DO-**
 7 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-**
 8 **UAL ASSAULT, AND STALKING.**

9 “(a) DEFINITIONS.—In this chapter:

10 “(1) AFFILIATED INDIVIDUAL.—The term ‘af-
 11 filiated individual’ means, with respect to an indi-
 12 vidual—

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

16 “(B) any individual, tenant, or lawful occu-
 17 pant living in the household of that individual.

18 “(2) APPROPRIATE AGENCY.—The term ‘appro-
 19 priate agency’ means, with respect to a covered
 20 housing program, the Executive department (as de-
 21 fined in section 101 of title 5, United States Code)
 22 that carries out the covered housing program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(B) BIFURCATION.—

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

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

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

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

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

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

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

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

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

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

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

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

9 “(c) DOCUMENTATION.—

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

20 “(2) FAILURE TO PROVIDE CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

14 “(B) a document that—

15 “(i) is signed by—

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

25 “(II) the applicant or tenant; and

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

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

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

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

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

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

5 “(C) otherwise required by applicable law.

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

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

1 housing assisted under a covered housing program
2 for failure to comply with subsection (b).

3 “(7) RESPONSE TO CONFLICTING CERTIFI-
4 CATION.—If a public housing agency or owner or
5 manager of housing assisted under a covered hous-
6 ing program receives documentation under this sub-
7 section that contains conflicting information, the
8 public housing agency or owner or manager may re-
9 quire an applicant or tenant to submit third-party
10 documentation, as described in subparagraph (B),
11 (C), or (D) of paragraph (3).

12 “(8) PREEMPTION.—Nothing in this subsection
13 shall be construed to supersede any provision of any
14 Federal, State, or local law that provides greater
15 protection than this subsection for victims of domes-
16 tic violence, dating violence, sexual assault, or stalk-
17 ing.

18 “(d) NOTIFICATION.—

19 “(1) DEVELOPMENT.—The Secretary of Hous-
20 ing and Urban Development shall develop a notice of
21 the rights of individuals under this section, including
22 the right to confidentiality and the limits thereof.

23 “(2) PROVISION.—Each public housing agency
24 or owner or manager of housing assisted under a
25 covered housing program shall provide the notice de-

1 developed under paragraph (1), together with the form
2 described in subsection (c)(3)(A), to an applicant for
3 or tenants of housing assisted under a covered hous-
4 ing program—

5 “(A) at the time the applicant is denied
6 residency in a dwelling unit assisted under the
7 covered housing program;

8 “(B) at the time the individual is admitted
9 to a dwelling unit assisted under the covered
10 housing program;

11 “(C) with any notification of eviction or
12 notification of termination of assistance; and

13 “(D) in multiple languages, consistent with
14 guidance issued by the Secretary of Housing
15 and Urban Development in accordance with Ex-
16 ecutive Order 13166 (42 U.S.C. 2000d–1 note;
17 relating to access to services for persons with
18 limited English proficiency).

19 “(e) EMERGENCY TRANSFERS.—Each appropriate
20 agency shall adopt a model emergency transfer plan for
21 use by public housing agencies and owners or managers
22 of housing assisted under covered housing programs
23 that—

24 “(1) allows tenants who are victims of domestic
25 violence, dating violence, sexual assault, or stalking

1 to transfer to another available and safe dwelling
2 unit assisted under a covered housing program if—

3 “(A) the tenant expressly requests the
4 transfer; and

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

10 “(ii) in the case of a tenant who is a victim
11 of sexual assault, the sexual assault occurred on
12 the premises during the 90 day period pre-
13 ceding the request for transfer; and

14 “(2) incorporates reasonable confidentiality
15 measures to ensure that the public housing agency
16 or owner or manager does not disclose the location
17 of the dwelling unit of a tenant to a person that
18 commits an act of domestic violence, dating violence,
19 sexual assault, or stalking against the tenant.

20 “(f) POLICIES AND PROCEDURES FOR EMERGENCY
21 TRANSFER.—The Secretary of Housing and Urban Devel-
22 opment shall establish policies and procedures under
23 which a victim requesting an emergency transfer under
24 subsection (e) may receive, subject to the availability of
25 tenant protection vouchers, assistance under section 8(o)

1 of the United States Housing Act of 1937 (42 U.S.C.
2 1437f(o)).

3 “(g) IMPLEMENTATION.—The appropriate agency
4 with respect to each covered housing program shall imple-
5 ment this section, as this section applies to the covered
6 housing program.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) SECTION 6.—Section 6 of the United States
9 Housing Act of 1937 (42 U.S.C. 1437d) is amend-
10 ed—

11 (A) in subsection (c)—

12 (i) by striking paragraph (3); and

13 (ii) by redesignating paragraphs (4)
14 and (5) as paragraphs (3) and (4), respec-
15 tively;

16 (B) in subsection (l)—

17 (i) in paragraph (5), by striking “,
18 and that an incident or incidents of actual
19 or threatened domestic violence, dating vio-
20 lence, or stalking will not be construed as
21 a serious or repeated violation of the lease
22 by the victim or threatened victim of that
23 violence and will not be good cause for ter-
24 minating the tenancy or occupancy rights
25 of the victim of such violence”; and

1 (ii) in paragraph (6), by striking “;
2 except that” and all that follows through
3 “stalking.”; and
4 (C) by striking subsection (u).

5 (2) SECTION 8.—Section 8 of the United States
6 Housing Act of 1937 (42 U.S.C. 1437f) is amend-
7 ed—

8 (A) in subsection (e), by striking para-
9 graph (9);

10 (B) in subsection (d)(1)—

11 (i) in subparagraph (A), by striking
12 “and that an applicant or participant is or
13 has been a victim of domestic violence, dat-
14 ing violence, or stalking is not an appro-
15 priate basis for denial of program assist-
16 ance or for denial of admission if the appli-
17 cant otherwise qualifies for assistance or
18 admission”; and

19 (ii) in subparagraph (B)—

20 (I) in clause (ii), by striking “,
21 and that an incident or incidents of
22 actual or threatened domestic vio-
23 lence, dating violence, or stalking will
24 not be construed as a serious or re-
25 peated violation of the lease by the

1 victim or threatened victim of that vi-
2 olence and will not be good cause for
3 terminating the tenancy or occupancy
4 rights of the victim of such violence”;
5 and

6 (II) in clause (iii), by striking “,
7 except that:” and all that follows
8 through “stalking.”;

9 (C) in subsection (f)—

10 (i) in paragraph (6), by adding “and”
11 at the end;

12 (ii) in paragraph (7), by striking the
13 semicolon at the end and inserting a pe-
14 riod; and

15 (iii) by striking paragraphs (8), (9),
16 (10), and (11);

17 (D) in subsection (o)—

18 (i) in paragraph (6)(B), by striking
19 the last sentence;

20 (ii) in paragraph (7)—

21 (I) in subparagraph (C), by strik-
22 ing “and that an incident or incidents
23 of actual or threatened domestic vio-
24 lence, dating violence, or stalking shall
25 not be construed as a serious or re-

1 peated violation of the lease by the
2 victim or threatened victim of that vi-
3 olence and shall not be good cause for
4 terminating the tenancy or occupancy
5 rights of the victim of such violence”;
6 and

7 (II) in subparagraph (D), by
8 striking “; except that” and all that
9 follows through “stalking.”; and

10 (iii) by striking paragraph (20); and

11 (E) by striking subsection (ee).

12 (3) RULE OF CONSTRUCTION.—Nothing in this
13 Act, or the amendments made by this Act, shall be
14 construed—

15 (A) to limit the rights or remedies avail-
16 able to any person under section 6 or 8 of the
17 United States Housing Act of 1937 (42 U.S.C.
18 1437d and 1437f), as in effect on the day be-
19 fore the date of enactment of this Act;

20 (B) to limit any right, remedy, or proce-
21 dure otherwise available under any provision of
22 part 5, 91, 880, 882, 883, 884, 886, 891, 903,
23 960, 966, 982, or 983 of title 24, Code of Fed-
24 eral Regulations, that—

1 (i) was issued under the Violence
 2 Against Women and Department of Jus-
 3 tice Reauthorization Act of 2005 (Public
 4 Law 109–162; 119 Stat. 2960) or an
 5 amendment made by that Act; and

6 (ii) provides greater protection for vic-
 7 tims of domestic violence, dating violence,
 8 sexual assault, and stalking than this Act;
 9 or

10 (C) to disqualify an owner, manager, or
 11 other individual from participating in or receiv-
 12 ing the benefits of the low income housing tax
 13 credit program under section 42 of the Internal
 14 Revenue Code of 1986 because of noncompli-
 15 ance with the provisions of this Act.

16 **SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS**

17 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
 18 **ING VIOLENCE, SEXUAL ASSAULT, AND**
 19 **STALKING.**

20 Chapter 11 of subtitle B of the Violence Against
 21 Women Act of 1994 (42 U.S.C. 13975 et seq.) is amend-
 22 ed—

23 (1) in the chapter heading, by striking
 24 **“CHILD VICTIMS OF DOMESTIC VIO-**
 25 **LENCE, STALKING, OR SEXUAL AS-**

1 **SAULT**” and inserting “**VICTIMS OF DO-**
2 **MESTIC VIOLENCE, DATING VIO-**
3 **LENCE, SEXUAL ASSAULT, OR STALK-**
4 **ING**”; and

5 (2) in section 40299 (42 U.S.C. 13975)—

6 (A) in the header, by striking “**CHILD**
7 **VICTIMS OF DOMESTIC VIOLENCE, STALK-**
8 **ING, OR SEXUAL ASSAULT**” and inserting
9 “**VICTIMS OF DOMESTIC VIOLENCE, DAT-**
10 **ING VIOLENCE, SEXUAL ASSAULT, OR**
11 **STALKING**”;

12 (B) in subsection (a)(1), by striking “flee-
13 ing”;

14 (C) in subsection (b)(3)—

15 (i) in subparagraph (A), by striking “
16 and” at the end;

17 (ii) by redesignating subparagraph
18 (B) as subparagraph (C);

19 (iii) by inserting after subparagraph
20 (A) the following:

21 “(B) secure employment, including obtain-
22 ing employment counseling, occupational train-
23 ing, job retention counseling, and counseling
24 concerning re-entry in to the workforce; and”;
25 and

1 (iv) in subparagraph (C), as redesignated by clause (ii), by striking “ employment counseling,”; and

2
3
4 (D) in subsection (g)—

5 (i) in paragraph (1), by striking
6 “\$40,000,000 for each of fiscal years 2007
7 through 2011” and inserting “\$35,000,000
8 for each of fiscal years 2012 through
9 2016”; and

10 (ii) in paragraph (3)—

11 (I) in subparagraph (A), by striking
12 ing “eligible” and inserting “quali-
13 fied”; and

14 (II) by adding at the end the fol-
15 lowing:

16 “(D) QUALIFIED APPLICATION DE-
17 FINED.—In this paragraph, the term ‘qualified
18 application’ means an application that—

19 “(i) has been submitted by an eligible
20 applicant;

21 “(ii) does not propose any activities
22 that may compromise victim safety, includ-
23 ing—

24 “(I) background checks of vic-
25 tims; or

1 “(II) clinical evaluations to deter-
2 mine eligibility for services;

3 “(iii) reflects an understanding of the
4 dynamics of domestic violence, dating vio-
5 lence, sexual assault, or stalking; and

6 “(iv) does not propose prohibited ac-
7 tivities, including mandatory services for
8 victims.”.

9 **SEC. 603. ADDRESSING THE HOUSING NEEDS OF VICTIMS**
10 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**
11 **SEXUAL ASSAULT, AND STALKING.**

12 Subtitle N of the Violence Against Women Act of
13 1994 (42 U.S.C. 14043e et seq.) is amended—

14 (1) in section 41404(i) (42 U.S.C. 14043e–
15 3(i)), by striking “\$10,000,000 for each of fiscal
16 years 2007 through 2011” and inserting
17 “\$4,000,000 for each of fiscal years 2012 through
18 2016”; and

19 (2) in section 41405(g) (42 U.S.C. 14043e–
20 4(g)), by striking “\$10,000,000 for each of fiscal
21 years 2007 through 2011” and inserting
22 “\$4,000,000 for each of fiscal years 2012 through
23 2016”.

1 **TITLE VII—ECONOMIC SECURITY**
 2 **FOR VICTIMS OF VIOLENCE**

3 **SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE**
 4 **RESPONSES TO ASSIST VICTIMS OF DOMES-**
 5 **TIC AND SEXUAL VIOLENCE.**

6 Section 41501(e) of the Violence Against Women Act
 7 of 1994 (42 U.S.C. 14043f(e)) is amended by striking
 8 “fiscal years 2007 through 2011” and inserting “fiscal
 9 years 2012 through 2016”.

10 **TITLE VIII—PROTECTION OF**
 11 **BATTERED IMMIGRANTS**

12 **SEC. 801. U NONIMMIGRANT DEFINITION.**

13 Section 101(a)(15)(U)(iii) of the Immigration and
 14 Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended
 15 by inserting “stalking;” after “sexual exploitation;”.

16 **SEC. 802. ANNUAL REPORT ON IMMIGRATION APPLICA-**
 17 **TIONS MADE BY VICTIMS OF ABUSE.**

18 Not later than December 1, 2012, and annually
 19 thereafter, the Secretary of Homeland Security shall sub-
 20 mit to the Committee on the Judiciary of the Senate and
 21 the Committee on the Judiciary of the House of Rep-
 22 resentatives a report that includes the following:

- 23 (1) The number of aliens who—
 24 (A) submitted an application for non-
 25 immigrant status under paragraph (15)(T)(i),

1 (15)(U)(i), or (51) of section 101(a) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1101(a)) during the preceding fiscal year;

4 (B) were granted such nonimmigrant sta-
5 tus during such fiscal year; or

6 (C) were denied such nonimmigrant status
7 during such fiscal year.

8 (2) The mean amount of time and median
9 amount of time to adjudicate an application for such
10 nonimmigrant status during such fiscal year.

11 (3) The mean amount of time and median
12 amount of time between the receipt of an application
13 for such nonimmigrant status and the issuance of
14 work authorization to an eligible applicant during
15 the preceding fiscal year.

16 (4) The number of aliens granted continued
17 presence in the United States under section
18 107(c)(3) of the Trafficking Victims Protection Act
19 of 2000 (22 U.S.C. 7105(c)(3)) during the pre-
20 ceding fiscal year.

21 (5) A description of any actions being taken to
22 reduce the adjudication and processing time, while
23 ensuring the safe and competent processing, of an
24 application described in paragraph (1) or a request
25 for continued presence referred to in paragraph (4).

1 **SEC. 803. PROTECTION FOR CHILDREN OF VAWA SELF-PE-**
2 **TITIONERS.**

3 Section 204(l)(2) of the Immigration and Nationality
4 Act (8 U.S.C. 1154(l)(2)) is amended—

5 (1) in subparagraph (E), by striking “or” at
6 the end;

7 (2) by redesignating subparagraph (F) as sub-
8 paragraph (G); and

9 (3) by inserting after subparagraph (E) the fol-
10 lowing:

11 “(F) a child of an alien who filed a pend-
12 ing or approved petition for classification or ap-
13 plication for adjustment of status or other ben-
14 efit specified in section 101(a)(51) as a VAWA
15 self-petitioner; or”.

16 **SEC. 804. PUBLIC CHARGE.**

17 Section 212(a)(4) of the Immigration and Nationality
18 Act (8 U.S.C. 1182(a)(4)) is amended by adding at the
19 end the following:

20 “(E) SPECIAL RULE FOR QUALIFIED
21 ALIEN VICTIMS.—Subparagraphs (A), (B), and
22 (C) shall not apply to an alien who—

23 “(i) is a VAWA self-petitioner;

24 “(ii) is an applicant for, or is granted,
25 nonimmigrant status under section
26 101(a)(15)(U); or

1 “(iii) is a qualified alien described in
2 section 431(e) of the Personal Responsi-
3 bility and Work Opportunity Reconciliation
4 Act of 1996 (8 U.S.C. 1641(c)).”.

5 **SEC. 805. REQUIREMENTS APPLICABLE TO U VISAS.**

6 (a) **RECAPTURE OF UNUSED U VISAS.**—Section
7 214(p)(2) of the Immigration and Nationality Act (8
8 U.S.C. 1184(p)(2)) is amended by—

9 (1) in subparagraph (A), by striking “The num-
10 ber” and inserting “Except as provided in subpara-
11 graph (C), the number”; and

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

13 “(C) Beginning in fiscal year 2012, if the
14 numerical limitation set forth in subparagraph
15 (A) is reached before the end of the fiscal year,
16 up to 5,000 additional visas, of the aggregate
17 number of visas that were available and not
18 issued to nonimmigrants described in section
19 101(a)(15)(U) in fiscal years 2006 through
20 2011, may be issued until the end of the fiscal
21 year.”.

22 (3) **SUNSET DATE.**—The amendments made by
23 paragraphs (1) and (2) are repealed on the date on
24 which the aggregate number of visas that were avail-
25 able and not issued in fiscal years 2006 through

1 2011 have been issued pursuant to section
2 214(p)(2)(C) of the Immigration and Nationality
3 Act.

4 (b) AGE DETERMINATIONS.—Section 214(p) of the
5 Immigration and Nationality Act (8 U.S.C. 1184(p)) is
6 amended by adding at the end the following:

7 “(7) AGE DETERMINATIONS.—

8 “(A) CHILDREN.—An unmarried alien who
9 seeks to accompany, or follow to join, a parent
10 granted status under section 101(a)(15)(U)(i),
11 and who was under 21 years of age on the date
12 on which such parent petitioned for such status,
13 shall continue to be classified as a child for pur-
14 poses of section 101(a)(15)(U)(ii), if the alien
15 attains 21 years of age after such parent’s peti-
16 tion was filed but while it was pending.

17 “(B) PRINCIPAL ALIENS.—An alien de-
18 scribed in clause (i) of section 101(a)(15)(U)
19 shall continue to be treated as an alien de-
20 scribed in clause (ii)(I) of such section if the
21 alien attains 21 years of age after the alien’s
22 application for status under such clause (i) is
23 filed but while it is pending.”.

1 **SEC. 806. HARDSHIP WAIVERS.**

2 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
4 ed—

5 (1) in subparagraph (A), by striking the comma
6 at the end and inserting a semicolon;

7 (2) in subparagraph (B), by striking “(1), or”
8 and inserting “(1); or”;

9 (3) in subparagraph (C), by striking the period
10 at the end and inserting a semicolon and “or”; and

11 (4) by inserting after subparagraph (C) the fol-
12 lowing:

13 “(D) the alien meets the requirements
14 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and
15 following the marriage ceremony was battered
16 by or subject to extreme cruelty perpetrated by
17 the alien’s intended spouse and was not at fault
18 in failing to meet the requirements of para-
19 graph (1).”.

20 (b) TECHNICAL CORRECTIONS.—Section 216(c)(4) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1186a(c)(4)), as amended by subsection (a), is further
23 amended—

24 (1) in the matter preceding subparagraph (A),
25 by striking “The Attorney General, in the Attorney

1 General's" and inserting "The Secretary of Home-
2 land Security, in the Secretary's"; and

3 (2) in the undesignated paragraph at the end—

4 (A) in the first sentence, by striking "At-
5 torney General" and inserting "Secretary of
6 Homeland Security";

7 (B) in the second sentence, by striking
8 "Attorney General" and inserting "Secretary";

9 (C) in the third sentence, by striking "At-
10 torney General." and inserting "Secretary.";

11 and

12 (D) in the fourth sentence, by striking
13 "Attorney General" and inserting "Secretary".

14 **SEC. 807. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A**
15 **CITIZEN.**

16 (a) IN GENERAL.—Section 214 of the Immigration
17 and Nationality Act (8 U.S.C. 1184) is amended—

18 (1) in subsection (d)—

19 (A) in paragraph (1), by striking "crime."
20 and inserting "crime described in paragraph
21 (3)(B) and information on any permanent pro-
22 tection or restraining order issued against the
23 petitioner related to any specified crime de-
24 scribed in paragraph (3)(B)(i).";

1 (B) in paragraph (2)(A), in the matter
2 preceding clause (i)—

3 (i) by striking “a consular officer”
4 and inserting “the Secretary of Homeland
5 Security”; and

6 (ii) by striking “the officer” and in-
7 serting “the Secretary”; and

8 (C) in paragraph (3)(B)(i), by striking
9 “abuse, and stalking.” and inserting “abuse,
10 stalking, or an attempt to commit any such
11 crime.”; and

12 (2) in subsection (r)—

13 (A) in paragraph (1), by striking “crime.”
14 and inserting “crime described in paragraph
15 (5)(B) and information on any permanent pro-
16 tection or restraining order issued against the
17 petitioner related to any specified crime de-
18 scribed in subsection (5)(B)(i).”; and

19 (B) by amending paragraph (4)(B)(ii) to
20 read as follows:

21 “(ii) To notify the beneficiary as required by clause
22 (i), the Secretary of Homeland Security shall provide such
23 notice to the Secretary of State for inclusion in the mailing
24 to the beneficiary described in section 833(a)(5)(A)(i) of

1 the International Marriage Broker Regulation Act of 2005
2 (8 U.S.C. 1375a(a)(5)(A)(i)).”; and

3 (3) in paragraph (5)(B)(i), by striking “abuse,
4 and stalking.” and inserting “abuse, stalking, or an
5 attempt to commit any such crime.”.

6 (b) PROVISION OF INFORMATION TO K NON-
7 IMMIGRANTS.—Section 833 of the International Marriage
8 Broker Regulation Act of 2005 (8 U.S.C. 1375a) is
9 amended—

10 (1) in subsection (a)(5)(A)—

11 (A) in clause (iii)—

12 (i) by striking “State any” and insert-
13 ing “State, for inclusion in the mailing de-
14 scribed in clause (i), any”; and

15 (ii) by striking the last sentence; and

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

17 “(iv) The Secretary of Homeland Se-
18 curity shall conduct a background check of
19 the National Crime Information Center’s
20 Protection Order Database on each peti-
21 tioner for a visa under subsection (d) or
22 (r) of section 214 of the Immigration and
23 Nationality Act (8 U.S.C. 1184). Any ap-
24 propriate information obtained from such
25 background check—

1 “(I) shall accompany the criminal
2 background information provided by
3 the Secretary of Homeland Security
4 to the Secretary of State and shared
5 by the Secretary of State with a bene-
6 ficiary of a petition referred to in
7 clause (iii); and

8 “(II) shall not be used or dis-
9 closed for any other purpose unless
10 expressly authorized by law.

11 “(v) The Secretary of Homeland Se-
12 curity shall create a cover sheet or other
13 mechanism to accompany the information
14 required to be provided to an applicant for
15 a visa under subsection (d) or (r) of sec-
16 tion 214 of the Immigration and Nation-
17 ality Act (8 U.S.C. 1184) by clauses (i)
18 through (iv) of this paragraph or by
19 clauses (i) and (ii) of subsection (r)(4)(B)
20 of such section 214, that calls to the appli-
21 cant’s attention—

22 “(I) whether the petitioner dis-
23 closed a protection order, a restrain-
24 ing order, or criminal history informa-
25 tion on the visa petition;

1 “(II) the criminal background in-
2 formation and information about any
3 protection order obtained by the Sec-
4 retary of Homeland Security regard-
5 ing the petitioner in the course of ad-
6 judicating the petition; and

7 “(III) whether the information
8 the petitioner disclosed on the visa pe-
9 tition regarding any previous petitions
10 filed under subsection (d) or (r) of
11 such section 214 is consistent with the
12 information in the multiple visa track-
13 ing database of the Department of
14 Homeland Security, as described in
15 subsection (r)(4)(A) of such section
16 214.”; and

17 (2) in subsection (b)(1)(A), by striking “or”
18 after “orders” and inserting “and”.

19 **SEC. 808. REGULATION OF INTERNATIONAL MARRIAGE**
20 **BROKERS.**

21 (a) IMPLEMENTATION OF THE INTERNATIONAL MAR-
22 RIAGE BROKER ACT OF 2005.—

23 (1) FINDINGS.—Congress finds the following:

24 (A) The International Marriage Broker
25 Act of 2005 (subtitle D of Public Law 109—

1 162; 119 Stat. 3066) has not been fully imple-
2 mented with regard to investigating and pros-
3 ecuting violations of the law, and for other pur-
4 poses.

5 (B) Six years after Congress enacted the
6 International Marriage Broker Act of 2005 to
7 regulate the activities of the hundreds of for-
8 profit international marriage brokers operating
9 in the United States, the Attorney General has
10 not determined which component of the Depart-
11 ment of Justice will investigate and prosecute
12 violations of such Act.

13 (2) REPORT.—Not later than 90 days after the
14 date of the enactment of this Act, the Attorney Gen-
15 eral shall submit to Congress a report that includes
16 the following:

17 (A) The name of the component of the De-
18 partment of Justice responsible for inves-
19 tigating and prosecuting violations of the Inter-
20 national Marriage Broker Act of 2005 (subtitle
21 D of Public Law 109–162; 119 Stat. 3066) and
22 the amendments made by this Act.

23 (B) A description of the policies and proce-
24 dures of the Attorney General for consultation
25 with the Secretary of Homeland Security and

1 the Secretary of State in investigating and
2 prosecuting such violations.

3 (b) TECHNICAL CORRECTION.—Section 833(a)(2)(H)
4 of the International Marriage Broker Regulation Act of
5 2005 (8 U.S.C. 1375a(a)(2)(H)) is amended by striking
6 “Federal and State sex offender public registries” and in-
7 serting “the National Sex Offender Public Website”.

8 (c) REGULATION OF INTERNATIONAL MARRIAGE
9 BROKERS.—Section 833(d) of the International Marriage
10 Broker Regulation Act of 2005 (8 U.S.C. 1375a(d)) is
11 amended—

12 (1) by amending paragraph (1) to read as fol-
13 lows:

14 “(1) PROHIBITION ON MARKETING OF OR TO
15 CHILDREN.—

16 “(A) IN GENERAL.—An international mar-
17 riage broker shall not provide any individual or
18 entity with the personal contact information,
19 photograph, or general information about the
20 background or interests of any individual under
21 the age of 18.

22 “(B) COMPLIANCE.—To comply with the
23 requirements of subparagraph (A), an inter-
24 national marriage broker shall—

1 “(i) obtain a valid copy of each for-
2 eign national client’s birth certificate or
3 other proof of age document issued by an
4 appropriate government entity;

5 “(ii) indicate on such certificate or
6 document the date it was received by the
7 international marriage broker;

8 “(iii) retain the original of such cer-
9 tificate or document for 7 years after such
10 date of receipt; and

11 “(iv) produce such certificate or docu-
12 ment upon request to an appropriate au-
13 thority charged with the enforcement of
14 this paragraph.”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (A)(i)—

17 (i) in the heading, by striking “REG-
18 ISTRIES.—” and inserting “WEBSITE.—”;
19 and

20 (ii) by striking “Registry or State sex
21 offender public registry,” and inserting
22 “Website,”; and

23 (B) in subparagraph (B)(ii), by striking
24 “or stalking.” and inserting “stalking, or an at-
25 tempt to commit any such crime.”;

1 (3) in paragraph (3)—

2 (A) in subparagraph (A)—

3 (i) in clause (i), by striking “Registry,
4 or of the relevant State sex offender public
5 registry for any State not yet participating
6 in the National Sex Offender Public Reg-
7 istry, in which the United States client has
8 resided during the previous 20 years,” and
9 inserting “Website”; and

10 (ii) in clause (iii)(II), by striking
11 “background information collected by the
12 international marriage broker under para-
13 graph (2)(B);” and inserting “signed cer-
14 tification and accompanying documentation
15 or attestation regarding the background in-
16 formation collected under paragraph
17 (2)(B);”; and

18 (B) by striking subparagraph (C);

19 (4) in paragraph (5)—

20 (A) in subparagraph (A)(ii), by striking “A
21 penalty may be imposed under clause (i) by the
22 Attorney General only” and inserting “At the
23 discretion of the Attorney General, a penalty
24 may be imposed under clause (i) either by a
25 Federal judge, or by the Attorney General”;

1 (B) by amending subparagraph (B) to read
2 as follows:

3 “(B) FEDERAL CRIMINAL PENALTIES.—

4 “(i) FAILURE OF INTERNATIONAL
5 MARRIAGE BROKERS TO COMPLY WITH OB-
6 LIGATIONS.—Except as provided in clause
7 (ii), an international marriage broker that,
8 in circumstances in or affecting interstate
9 or foreign commerce, or within the special
10 maritime and territorial jurisdiction of the
11 United States—

12 “(I) except as provided in sub-
13 clause (II), violates (or attempts to
14 violate) paragraph (1), (2), (3), or (4)
15 shall be fined in accordance with title
16 18, United States Code, or imprisoned
17 for not more than 1 year, or both; or

18 “(II) knowingly violates or at-
19 tempts to violate paragraphs (1), (2),
20 (3), or (4) shall be fined in accord-
21 ance with title 18, United States
22 Code, or imprisoned for not more
23 than 5 years, or both.

24 “(ii) MISUSE OF INFORMATION.—A
25 person who knowingly discloses, uses, or

1 causes to be used any information obtained
2 by an international marriage broker as a
3 result of a requirement under paragraph
4 (2) or (3) for any purpose other than the
5 disclosures required under paragraph (3)
6 shall be fined in accordance with title 18,
7 United States Code, or imprisoned for not
8 more than 1 year, or both.

9 “(iii) FRAUDULENT FAILURES OF
10 UNITED STATES CLIENTS TO MAKE RE-
11 QUIRED SELF-DISCLOSURES.—A person
12 who knowingly and with intent to defraud
13 another person outside the United States
14 in order to recruit, solicit, entice, or induce
15 that other person into entering a dating or
16 matrimonial relationship, makes false or
17 fraudulent representations regarding the
18 disclosures described in clause (i), (ii), (iii),
19 or (iv) of subsection (d)(2)(B), including
20 by failing to make any such disclosures,
21 shall be fined in accordance with title 18,
22 United States Code, imprisoned for not
23 more than 1 year, or both.

24 “(iv) RELATIONSHIP TO OTHER PEN-
25 ALTIES.—The penalties provided in clauses

1 (i), (ii), and (iii) are in addition to any
2 other civil or criminal liability under Fed-
3 eral or State law to which a person may be
4 subject for the misuse of information, in-
5 cluding misuse to threaten, intimidate, or
6 harass any individual.

7 “(v) CONSTRUCTION.—Nothing in
8 this paragraph or paragraph (3) or (4)
9 may be construed to prevent the disclosure
10 of information to law enforcement or pur-
11 suant to a court order.”; and

12 (C) in subparagraph (C), by striking the
13 period at the end and inserting “including equi-
14 table remedies.”;

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

17 (6) by inserting after paragraph (5) the fol-
18 lowing:

19 “(6) ENFORCEMENT.—

20 “(A) AUTHORITY.—The Attorney General
21 shall be responsible for the enforcement of the
22 provisions of this section, including the prosecu-
23 tion of civil and criminal penalties provided for
24 by this section.

1 “(B) CONSULTATION.—The Attorney Gen-
2 eral shall consult with the Director of the Office
3 on Violence Against Women of the Department
4 of Justice to develop policies and public edu-
5 cation designed to promote enforcement of this
6 section.”.

7 (d) GAO STUDY AND REPORT.—Section 833(f) of
8 the International Marriage Broker Regulation Act of 2005
9 (8 U.S.C. 1375a(f)) is amended—

10 (1) in the subsection heading, by striking
11 “STUDY AND REPORT.—” and inserting “STUDIES
12 AND REPORTS.—”; and

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

14 “(4) CONTINUING IMPACT STUDY AND RE-
15 PORT.—

16 “(A) STUDY.—The Comptroller General
17 shall conduct a study on the continuing impact
18 of the implementation of this section and of sec-
19 tion of 214 of the Immigration and Nationality
20 Act (8 U.S.C. 1184) on the process for grant-
21 ing K nonimmigrant visas, including specifically
22 a study of the items described in subparagraphs
23 (A) through (E) of paragraph (1).

24 “(B) REPORT.—Not later than 2 years
25 after the date of the enactment of the Violence

1 Against Women Reauthorization Act of 2012,
2 the Comptroller General shall submit to the
3 Committee on the Judiciary of the Senate and
4 the Committee on the Judiciary of the House of
5 Representatives a report setting forth the re-
6 sults of the study conducted under subpara-
7 graph (A).

8 “(C) DATA COLLECTION.—The Attorney
9 General, the Secretary of Homeland Security,
10 and the Secretary of State shall collect and
11 maintain the data necessary for the Comptroller
12 General to conduct the study required by para-
13 graph (1)(A).”.

14 **SEC. 809. ELIGIBILITY OF CRIME AND TRAFFICKING VIC-**
15 **TIMS IN THE COMMONWEALTH OF THE**
16 **NORTHERN MARIANA ISLANDS TO ADJUST**
17 **STATUS.**

18 Section 705(c) of the Consolidated Natural Resources
19 Act of 2008 (Public Law 110–229; 48 U.S.C. 1806 note),
20 is amended by striking “except that,” and all that follows
21 through the end, and inserting the following: “except
22 that—

23 “(1) for the purpose of determining whether an
24 alien lawfully admitted for permanent residence (as
25 defined in section 101(a)(20) of the Immigration

1 and Nationality Act (8 U.S.C. 1101(a)(20)) has
2 abandoned or lost such status by reason of absence
3 from the United States, such alien’s presence in the
4 Commonwealth, before, on or after November 28,
5 2009, shall be considered to be presence in the
6 United States; and

7 “(2) for the purpose of determining whether an
8 alien whose application for status under subpara-
9 graph (T) or (U) of section 101(a)(15) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1101(a)(15))
11 was granted is subsequently eligible for adjustment
12 under subsection (l) or (m) of section 245 of such
13 Act (8 U.S.C. 1255), such alien’s physical presence
14 in the Commonwealth before, on, or after November
15 28, 2009, and subsequent to the grant of the appli-
16 cation, shall be considered as equivalent to presence
17 in the United States pursuant to a nonimmigrant
18 admission in such status.”.

19 **SEC. 810. DIVERSITY IMMIGRANT VISA PETITION FEE.**

20 (a) REQUIREMENT FOR FEE.—Section 204(a)(1)(I)
21 of the Immigration and Nationality Act (8 U.S.C.
22 1154(a)(1)(I)) is amended by adding at the end the fol-
23 lowing:

24 “(iv) Each petition filed under this subparagraph
25 shall include a petition fee in the amount of \$30.”.

1 (b) DEPOSIT OF FEE.—

2 (1) IN GENERAL.—For purposes of fees col-
3 lected pursuant to clause (iv) of section 204(a)(1)(I)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1154(a)(1)(I)), as added by subsection (a), a portion
6 of such funds shall be transferred to and deposited
7 in the Federal Old-Age and Survivors Trust Fund
8 and the Federal Disability Insurance Trust Fund es-
9 tablished under section 201 of the Social Security
10 Act (42 U.S.C. 401) (referred to in this section as
11 the “Trust Funds”), at such times and in such man-
12 ner as is determined appropriate by the Secretary of
13 the Treasury, in such amounts as are equal to the
14 increases in disbursements from the Trust Funds by
15 reason of the application of section 805(a).

16 (2) REMAINDER.—To the extent the total
17 amount collected pursuant to clause (iv) of section
18 204(a)(1)(I) of the Immigration and Nationality Act
19 exceeds the total amount transferred to the Trust
20 Funds pursuant to paragraph (1), such excess
21 amount shall not be available for obligation and
22 shall be deposited, in its entirety, in the general fund
23 of the Treasury.

24 (c) SUNSET OF FEES.—The fees collected pursuant
25 to clause (iv) of section 204(a)(1)(I) of the Immigration

1 and Nationality Act (8 U.S.C. 1154(a)(1)(I)), as added
2 by subsection (a), shall apply only to petitions filed before
3 December 31, 2015.

4 **SEC. 811. BUDGETARY EFFECTS.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the Senate Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.

13 **SEC. 812. DISCLOSURE OF INFORMATION FOR NATIONAL**
14 **SECURITY PURPOSES.**

15 (a) INFORMATION SHARING.—Section 384(b) of the
16 Illegal Immigration Reform and Immigrant Responsibility
17 Act of 1996 (8 U.S.C. 1367(b)) is amended—

18 (1) in paragraph (1)—

19 (A) by inserting “Secretary of Homeland
20 Security or the” before “Attorney General
21 may”; and

22 (B) by inserting “Secretary’s or the” be-
23 fore “Attorney General’s discretion”;

24 (2) in paragraph (2)—

1 (A) by inserting “Secretary of Homeland
2 Security or the” before “Attorney General
3 may”;

4 (B) by inserting “Secretary or the” before
5 “Attorney General for”; and

6 (C) by inserting “in a manner that pro-
7 tects the confidentiality of such information”
8 after “law enforcement purpose”;

9 (3) in paragraph (5), by striking “Attorney
10 General is” and inserting “Secretary of Homeland
11 Security and the Attorney General are”; and

12 (4) by adding at the end a new paragraph as
13 follows:

14 “(8) Notwithstanding subsection (a)(2), the
15 Secretary of Homeland Security, the Secretary of
16 State, or the Attorney General may provide in the
17 discretion of either such Secretary or the Attorney
18 General for the disclosure of information to national
19 security officials to be used solely for a national se-
20 curity purpose in a manner that protects the con-
21 fidentiality of such information.”.

22 (b) GUIDELINES.—Section 384(d) of the Illegal Im-
23 migration Reform and Immigrant Responsibility Act of
24 1996 (8 U.S.C. 1367(d)) is amended—

1 (1) by inserting “, Secretary of State,” after
2 “‘The Attorney General’”;

3 (2) by inserting “, Department of State,” after
4 “‘Department of Justice’”; and

5 (3) by inserting “and severe forms of traf-
6 ficking in persons or criminal activity listed in sec-
7 tion 101(a)(15)(U) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1101(a)(15)(u))” after “domestic
9 violence”.

10 (c) IMPLEMENTATION.—Not later than 180 days
11 after the date of the enactment of this Act, the Attorney
12 General, the Secretary of State, and Secretary of Home-
13 land Security shall provide the guidance required by sec-
14 tion 384(d) of the Illegal Immigration Reform and Immi-
15 grant Responsibility Act of 1996 (8 U.S.C. 1367(d)), con-
16 sistent with the amendments made by subsections (a) and
17 (b).

18 (d) CLERICAL AMENDMENT.—Section 384(a)(1) of
19 the Illegal Immigration Reform and Immigrant Responsi-
20 bility Act of 1986 is amended by striking “241(a)(2)” in
21 the matter following subparagraph (F) and inserting
22 “237(a)(2)”.

1 **TITLE IX—SAFETY FOR INDIAN**
2 **WOMEN**

3 **SEC. 901. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

4 Section 2015(a) of title I of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-
6 10(a)) is amended—

7 (1) in paragraph (2), by inserting “sex traf-
8 ficking,” after “sexual assault,”;

9 (2) in paragraph (4), by inserting “sex traf-
10 ficking,” after “sexual assault,”;

11 (3) in paragraph (5), by striking “and stalking”
12 and all that follows and inserting “sexual assault,
13 sex trafficking, and stalking,”;

14 (4) in paragraph (7)—

15 (A) by inserting “sex trafficking,” after
16 “sexual assault,” each place it appears; and

17 (B) by striking “and” at the end;

18 (5) in paragraph (8)—

19 (A) by inserting “sex trafficking,” after
20 “stalking,”; and

21 (B) by striking the period at the end and
22 inserting a semicolon; and

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

24 “(9) provide services to address the needs of
25 youth who are victims of domestic violence, dating

1 violence, sexual assault, sex trafficking, or stalking
 2 and the needs of youth and children exposed to do-
 3 mestic violence, dating violence, sexual assault, or
 4 stalking, including support for the nonabusing par-
 5 ent or the caretaker of the youth or child; and

6 “(10) develop and promote legislation and poli-
 7 cies that enhance best practices for responding to
 8 violent crimes against Indian women, including the
 9 crimes of domestic violence, dating violence, sexual
 10 assault, sex trafficking, and stalking.”.

11 **SEC. 902. GRANTS TO INDIAN TRIBAL COALITIONS.**

12 Section 2001 of title I of the Omnibus Crime Control
 13 and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is
 14 amended by striking subsection (d) and inserting the fol-
 15 lowing:

16 “(d) TRIBAL COALITION GRANTS.—

17 “(1) PURPOSE.—The Attorney General shall
 18 award a grant to tribal coalitions for purposes of—

19 “(A) increasing awareness of domestic vio-
 20 lence and sexual assault against Indian women;

21 “(B) enhancing the response to violence
 22 against Indian women at the Federal, State,
 23 and tribal levels;

24 “(C) identifying and providing technical
 25 assistance to coalition membership and tribal

1 communities to enhance access to essential serv-
2 ices to Indian women victimized by domestic
3 and sexual violence, including sex trafficking;
4 and

5 “(D) assisting Indian tribes in developing
6 and promoting State, local, and tribal legisla-
7 tion and policies that enhance best practices for
8 responding to violent crimes against Indian
9 women, including the crimes of domestic vio-
10 lence, dating violence, sexual assault, sex traf-
11 ficking, and stalking.

12 “(2) GRANTS.—The Attorney General shall
13 award grants on an annual basis under paragraph
14 (1) to—

15 “(A) each tribal coalition that—

16 “(i) meets the criteria of a tribal coa-
17 lition under section 40002(a) of the Vio-
18 lence Against Women Act of 1994 (42
19 U.S.C. 13925(a));

20 “(ii) is recognized by the Office on Vi-
21 olence Against Women; and

22 “(iii) provides services to Indian
23 tribes; and

24 “(B) organizations that propose to incor-
25 porate and operate a tribal coalition in areas

1 where Indian tribes are located but no tribal co-
2 alition exists.

3 “(3) USE OF AMOUNTS.—For each of fiscal
4 years 2012 through 2016, of the amounts appro-
5 priated to carry out this subsection—

6 “(A) not more than 10 percent shall be
7 made available to organizations described in
8 paragraph (2)(B), provided that 1 or more or-
9 ganizations determined by the Attorney General
10 to be qualified apply;

11 “(B) not less than 90 percent shall be
12 made available to tribal coalitions described in
13 paragraph (2)(A), which amounts shall be dis-
14 tributed equally among each eligible tribal coali-
15 tion for the applicable fiscal year.

16 “(4) ELIGIBILITY FOR OTHER GRANTS.—Re-
17 ceipt of an award under this subsection by a tribal
18 coalition shall not preclude the tribal coalition from
19 receiving additional grants under this title to carry
20 out the purposes described in paragraph (1).

21 “(5) MULTIPLE PURPOSE APPLICATIONS.—
22 Nothing in this subsection prohibits any tribal coali-
23 tion or organization described in paragraph (2) from
24 applying for funding to address sexual assault or do-
25 mestic violence needs in the same application.”.

1 **SEC. 903. CONSULTATION.**

2 Section 903 of the Violence Against Women and De-
3 partment of Justice Reauthorization Act of 2005 (42
4 U.S.C. 14045d) is amended—

5 (1) in subsection (a)—

6 (A) by striking “and the Violence Against
7 Women Act of 2000” and inserting “, the Vio-
8 lence Against Women Act of 2000”; and

9 (B) by inserting “, and the Violence
10 Against Women Reauthorization Act of 2011”
11 before the period at the end;

12 (2) in subsection (b)—

13 (A) in the matter preceding paragraph (1),
14 by striking “Secretary of the Department of
15 Health and Human Services” and inserting
16 “Secretary of Health and Human Services, the
17 Secretary of the Interior,”; and

18 (B) in paragraph (2), by striking “and
19 stalking” and inserting “stalking, and sex traf-
20 ficking”; and

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

22 “(c) ANNUAL REPORT.—The Attorney General shall
23 submit to Congress an annual report on the annual con-
24 sultations required under subsection (a) that—

1 “(1) contains the recommendations made under
2 subsection (b) by Indian tribes during the year cov-
3 ered by the report;

4 “(2) describes actions taken during the year
5 covered by the report to respond to recommenda-
6 tions made under subsection (b) during the year or
7 a previous year; and

8 “(3) describes how the Attorney General will
9 work in coordination and collaboration with Indian
10 tribes, the Secretary of Health and Human Services,
11 and the Secretary of the Interior to address the rec-
12 ommendations made under subsection (b).

13 “(d) NOTICE.—Not later than 120 days before the
14 date of a consultation under subsection (a), the Attorney
15 General shall notify tribal leaders of the date, time, and
16 location of the consultation.”.

17 **SEC. 904. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
18 **TIC VIOLENCE.**

19 Title II of Public Law 90–284 (25 U.S.C. 1301 et
20 seq.) (commonly known as the “Indian Civil Rights Act
21 of 1968”) is amended by adding at the end the following:

22 **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
23 **TIC VIOLENCE.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) DATING VIOLENCE.—The term ‘dating vio-
2 lence’ means violence committed by a person who is
3 or has been in a social relationship of a romantic or
4 intimate nature with the victim, as determined by
5 the length of the relationship, the type of relation-
6 ship, and the frequency of interaction between the
7 persons involved in the relationship.

8 “(2) DOMESTIC VIOLENCE.—The term ‘domes-
9 tic violence’ means violence committed by a current
10 or former spouse or intimate partner of the victim,
11 by a person with whom the victim shares a child in
12 common, by a person who is cohabitating with or
13 has cohabitated with the victim as a spouse or inti-
14 mate partner, or by a person similarly situated to a
15 spouse of the victim under the domestic- or family-
16 violence laws of an Indian tribe that has jurisdiction
17 over the Indian country where the violence occurs.

18 “(3) INDIAN COUNTRY.—The term ‘Indian
19 country’ has the meaning given the term in section
20 1151 of title 18, United States Code.

21 “(4) PARTICIPATING TRIBE.—The term ‘partici-
22 pating tribe’ means an Indian tribe that elects to ex-
23 ercise special domestic violence criminal jurisdiction
24 over the Indian country of that Indian tribe.

1 “(5) PROTECTION ORDER.—The term ‘protec-
2 tion order’—

3 “(A) means any injunction, restraining
4 order, or other order issued by a civil or crimi-
5 nal court for the purpose of preventing violent
6 or threatening acts or harassment against, sex-
7 ual violence against, contact or communication
8 with, or physical proximity to, another person;
9 and

10 “(B) includes any temporary or final order
11 issued by a civil or criminal court, whether ob-
12 tained by filing an independent action or as a
13 pendent lite order in another proceeding, if the
14 civil or criminal order was issued in response to
15 a complaint, petition, or motion filed by or on
16 behalf of a person seeking protection.

17 “(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL
18 JURISDICTION.—The term ‘special domestic violence
19 criminal jurisdiction’ means the criminal jurisdiction
20 that a participating tribe may exercise under this
21 section but could not otherwise exercise.

22 “(7) SPOUSE OR INTIMATE PARTNER.—The
23 term ‘spouse or intimate partner’ has the meaning
24 given the term in section 2266 of title 18, United
25 States Code.

1 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, in addition to all powers of self-gov-
4 ernment recognized and affirmed by sections 201
5 and 203, the powers of self-government of a partici-
6 pating tribe include the inherent power of that tribe,
7 which is hereby recognized and affirmed, to exercise
8 special domestic violence criminal jurisdiction over
9 all persons.

10 “(2) CONCURRENT JURISDICTION.—The exer-
11 cise of special domestic violence criminal jurisdiction
12 by a participating tribe shall be concurrent with the
13 jurisdiction of the United States, of a State, or of
14 both.

15 “(3) APPLICABILITY.—Nothing in this sec-
16 tion—

17 “(A) creates or eliminates any Federal or
18 State criminal jurisdiction over Indian country;
19 or

20 “(B) affects the authority of the United
21 States or any State government that has been
22 delegated authority by the United States to in-
23 vestigate and prosecute a criminal violation in
24 Indian country.

25 “(4) EXCEPTIONS.—

1 “(A) VICTIM AND DEFENDANT ARE BOTH
2 NON-INDIANS.—

3 “(i) IN GENERAL.—A participating
4 tribe may not exercise special domestic vio-
5 lence criminal jurisdiction over an alleged
6 offense if neither the defendant nor the al-
7 leged victim is an Indian.

8 “(ii) DEFINITION OF VICTIM.—In this
9 subparagraph and with respect to a crimi-
10 nal proceeding in which a participating
11 tribe exercises special domestic violence
12 criminal jurisdiction based on a violation of
13 a protection order, the term ‘victim’ means
14 a person specifically protected by a protec-
15 tion order that the defendant allegedly vio-
16 lated.

17 “(B) DEFENDANT LACKS TIES TO THE IN-
18 DIAN TRIBE.—A participating tribe may exer-
19 cise special domestic violence criminal jurisdic-
20 tion over a defendant only if the defendant—

21 “(i) resides in the Indian country of
22 the participating tribe;

23 “(ii) is employed in the Indian coun-
24 try of the participating tribe; or

1 “(iii) is a spouse, intimate partner, or
2 dating partner of—

3 “(I) a member of the partici-
4 pating tribe; or

5 “(II) an Indian who resides in
6 the Indian country of the partici-
7 pating tribe.

8 “(c) CRIMINAL CONDUCT.—A participating tribe may
9 exercise special domestic violence criminal jurisdiction over
10 a defendant for criminal conduct that falls into one or
11 more of the following categories:

12 “(1) DOMESTIC VIOLENCE AND DATING VIO-
13 LENCE.—An act of domestic violence or dating vio-
14 lence that occurs in the Indian country of the par-
15 ticipating tribe.

16 “(2) VIOLATIONS OF PROTECTION ORDERS.—
17 An act that—

18 “(A) occurs in the Indian country of the
19 participating tribe; and

20 “(B) violates the portion of a protection
21 order that—

22 “(i) prohibits or provides protection
23 against violent or threatening acts or har-
24 assment against, sexual violence against,

1 contact or communication with, or physical
2 proximity to, another person;

3 “(ii) was issued against the defend-
4 ant;

5 “(iii) is enforceable by the partici-
6 pating tribe; and

7 “(iv) is consistent with section
8 2265(b) of title 18, United States Code.

9 “(d) RIGHTS OF DEFENDANTS.—In a criminal pro-
10 ceeding in which a participating tribe exercises special do-
11 mestic violence criminal jurisdiction, the participating
12 tribe shall provide to the defendant—

13 “(1) all applicable rights under this Act;

14 “(2) if a term of imprisonment of any length
15 may be imposed, all rights described in section
16 202(c);

17 “(3) the right to a trial by an impartial jury
18 that is drawn from sources that—

19 “(A) reflect a fair cross section of the com-
20 munity; and

21 “(B) do not systematically exclude any dis-
22 tinctive group in the community, including non-
23 Indians; and

24 “(4) all other rights whose protection is nec-
25 essary under the Constitution of the United States

1 in order for Congress to recognize and affirm the in-
2 herent power of the participating tribe to exercise
3 special domestic violence criminal jurisdiction over
4 the defendant.

5 “(e) PETITIONS TO STAY DETENTION.—

6 “(1) IN GENERAL.—A person who has filed a
7 petition for a writ of habeas corpus in a court of the
8 United States under section 203 may petition that
9 court to stay further detention of that person by the
10 participating tribe.

11 “(2) GRANT OF STAY.—A court shall grant a
12 stay described in paragraph (1) if the court—

13 “(A) finds that there is a substantial likeli-
14 hood that the habeas corpus petition will be
15 granted; and

16 “(B) after giving each alleged victim in the
17 matter an opportunity to be heard, finds by
18 clear and convincing evidence that under condi-
19 tions imposed by the court, the petitioner is not
20 likely to flee or pose a danger to any person or
21 the community if released.

22 “(3) NOTICE.—An Indian tribe that has or-
23 dered the detention of any person has a duty to
24 timely notify such person of his rights and privileges
25 under this subsection and under section 203.

1 “(f) GRANTS TO TRIBAL GOVERNMENTS.—The At-
2 torney General may award grants to the governments of
3 Indian tribes (or to authorized designees of those govern-
4 ments)—

5 “(1) to strengthen tribal criminal justice sys-
6 tems to assist Indian tribes in exercising special do-
7 mestic violence criminal jurisdiction, including—

8 “(A) law enforcement (including the capac-
9 ity of law enforcement or court personnel to
10 enter information into and obtain information
11 from national crime information databases);

12 “(B) prosecution;

13 “(C) trial and appellate courts;

14 “(D) probation systems;

15 “(E) detention and correctional facilities;

16 “(F) alternative rehabilitation centers;

17 “(G) culturally appropriate services and
18 assistance for victims and their families; and

19 “(H) criminal codes and rules of criminal
20 procedure, appellate procedure, and evidence;

21 “(2) to provide indigent criminal defendants
22 with the effective assistance of licensed defense
23 counsel, at no cost to the defendant, in criminal pro-
24 ceedings in which a participating tribe prosecutes a

1 crime of domestic violence or dating violence or a
2 criminal violation of a protection order;

3 “(3) to ensure that, in criminal proceedings in
4 which a participating tribe exercises special domestic
5 violence criminal jurisdiction, jurors are summoned,
6 selected, and instructed in a manner consistent with
7 all applicable requirements; and

8 “(4) to accord victims of domestic violence, dat-
9 ing violence, and violations of protection orders
10 rights that are similar to the rights of a crime victim
11 described in section 3771(a) of title 18, United
12 States Code, consistent with tribal law and custom.

13 “(g) SUPPLEMENT, NOT SUPPLANT.—Amounts
14 made available under this section shall supplement and
15 not supplant any other Federal, State, tribal, or local gov-
16 ernment amounts made available to carry out activities de-
17 scribed in this section.

18 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated \$5,000,000 for each of
20 fiscal years 2012 through 2016 to carry out subsection
21 (f) and to provide training, technical assistance, data col-
22 lection, and evaluation of the criminal justice systems of
23 participating tribes.”.

1 **SEC. 905. TRIBAL PROTECTION ORDERS.**

2 (a) IN GENERAL.—Section 2265 of title 18, United
3 States Code, is amended by striking subsection (e) and
4 inserting the following:

5 “(e) TRIBAL COURT JURISDICTION.—For purposes
6 of this section, a court of an Indian tribe shall have full
7 civil jurisdiction to issue and enforce protection orders in-
8 volving any person, including the authority to enforce any
9 orders through civil contempt proceedings, to exclude vio-
10 lators from Indian land, and to use other appropriate
11 mechanisms, in matters arising anywhere in the Indian
12 country of the Indian tribe (as defined in section 1151)
13 or otherwise within the authority of the Indian tribe.”.

14 (b) APPLICABILITY.—Nothing in this Act, including
15 an amendment made by this Act, alters or modifies the
16 jurisdiction or authority of an Indian tribe in the State
17 of Alaska under section 2265(e) of title 18, United States
18 Code (as in effect on the day before the date of enactment
19 of this Act).

20 **SEC. 906. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**
21 **UTE.**

22 (a) IN GENERAL.—Section 113 of title 18, United
23 States Code, is amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (1) and insert-
26 ing the following:

1 “(1) Assault with intent to commit murder or
2 a violation of section 2241 or 2242, by a fine under
3 this title, imprisonment for not more than 20 years,
4 or both.”;

5 (B) in paragraph (2), by striking “felony
6 under chapter 109A” and inserting “violation
7 of section 2241 or 2242”;

8 (C) in paragraph (3) by striking “and
9 without just cause or excuse,”;

10 (D) in paragraph (4), by striking “six
11 months” and inserting “1 year”;

12 (E) in paragraph (7)—

13 (i) by striking “substantial bodily in-
14 jury to an individual who has not attained
15 the age of 16 years” and inserting “sub-
16 stantial bodily injury to a spouse or inti-
17 mate partner, a dating partner, or an indi-
18 vidual who has not attained the age of 16
19 years”; and

20 (ii) by striking “fine” and inserting
21 “a fine”; and

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

23 “(8) Assault of a spouse, intimate partner, or
24 dating partner by strangling, suffocating, or at-
25 tempting to strangle or suffocate, by a fine under

1 this title, imprisonment for not more than 10 years,
2 or both.”; and

3 (2) in subsection (b)—

4 (A) by striking “(b) As used in this sub-
5 section—” and inserting the following:

6 “(b) DEFINITIONS.—In this section—”;

7 (B) in paragraph (1)(B), by striking
8 “and” at the end;

9 (C) in paragraph (2), by striking the pe-
10 riod at the end and inserting a semicolon; and

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

12 “(3) the terms ‘dating partner’ and ‘spouse or
13 intimate partner’ have the meanings given those
14 terms in section 2266;

15 “(4) the term ‘strangling’ means intentionally,
16 knowingly, or recklessly impeding the normal breath-
17 ing or circulation of the blood of a person by apply-
18 ing pressure to the throat or neck, regardless of
19 whether that conduct results in any visible injury or
20 whether there is any intent to kill or protractedly in-
21 jure the victim; and

22 “(5) the term ‘suffocating’ means intentionally,
23 knowingly, or recklessly impeding the normal breath-
24 ing of a person by covering the mouth of the person,
25 the nose of the person, or both, regardless of wheth-

1 er that conduct results in any visible injury or
 2 whether there is any intent to kill or protractedly in-
 3 jure the victim.”.

4 (b) INDIAN MAJOR CRIMES.—Section 1153(a) of title
 5 18, United States Code, is amended by striking “assault
 6 with intent to commit murder, assault with a dangerous
 7 weapon, assault resulting in serious bodily injury (as de-
 8 fined in section 1365 of this title)” and inserting “a felony
 9 assault under section 113”.

10 (c) REPEAT OFFENDERS.—Section 2265A(b)(1)(B)
 11 of title 18, United States Code, is amended by inserting
 12 “or tribal” after “State”.

13 **SEC. 907. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
 14 **INDIAN WOMEN.**

15 (a) IN GENERAL.—Section 904(a) of the Violence
 16 Against Women and Department of Justice Reauthoriza-
 17 tion Act of 2005 (42 U.S.C. 3796gg–10 note) is amend-
 18 ed—

19 (1) in paragraph (1)—

20 (A) by striking “The National” and insert-
 21 ing “Not later than 2 years after the date of
 22 enactment of the Violence Against Women Re-
 23 authorization Act of 2011, the National”; and

24 (B) by inserting “and in Native villages
 25 (as defined in section 3 of the Alaska Native

1 Claims Settlement Act (43 U.S.C. 1602))” be-
2 fore the period at the end;

3 (2) in paragraph (2)(A)—

4 (A) in clause (iv), by striking “and” at the
5 end;

6 (B) in clause (v), by striking the period at
7 the end and inserting “; and”; and

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

9 “(vi) sex trafficking.”;

10 (3) in paragraph (4), by striking “this Act” and
11 inserting “the Violence Against Women Reauthoriza-
12 tion Act of 2011”; and

13 (4) in paragraph (5), by striking “this section
14 \$1,000,000 for each of fiscal years 2007 and 2008”
15 and inserting “this subsection \$1,000,000 for each
16 of fiscal years 2012 and 2013”.

17 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
18 905(b)(2) of the Violence Against Women and Depart-
19 ment of Justice Reauthorization Act of 2005 (28 U.S.C.
20 534 note) is amended by striking “fiscal years 2007
21 through 2011” and inserting “fiscal years 2012 through
22 2016”.

23 **SEC. 908. EFFECTIVE DATES; PILOT PROJECT.**

24 (a) **GENERAL EFFECTIVE DATE.**—Except as pro-
25 vided in section 4 and subsection (b) of this section, the

1 amendments made by this title shall take effect on the
2 date of enactment of this Act.

3 (b) EFFECTIVE DATE FOR SPECIAL DOMESTIC-VIO-
4 LENCE CRIMINAL JURISDICTION.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), subsections (b) through (d) of section 204
7 of Public Law 90–284 (as added by section 904)
8 shall take effect on the date that is 2 years after the
9 date of enactment of this Act.

10 (2) PILOT PROJECT.—

11 (A) IN GENERAL.—At any time during the
12 2-year period beginning on the date of enact-
13 ment of this Act, an Indian tribe may ask the
14 Attorney General to designate the tribe as a
15 participating tribe under section 204(a) of Pub-
16 lic Law 90–284 on an accelerated basis.

17 (B) PROCEDURE.—The Attorney General
18 may grant a request under subparagraph (A)
19 after coordinating with the Secretary of the In-
20 terior, consulting with affected Indian tribes,
21 and concluding that the criminal justice system
22 of the requesting tribe has adequate safeguards
23 in place to protect defendants' rights, consistent
24 with section 204 of Public Law 90–284.

1 (C) EFFECTIVE DATES FOR PILOT
2 PROJECTS.—An Indian tribe designated as a
3 participating tribe under this paragraph may
4 commence exercising special domestic violence
5 criminal jurisdiction pursuant to subsections (b)
6 through (d) of section 204 of Public Law 90–
7 284 on a date established by the Attorney Gen-
8 eral, after consultation with that Indian tribe,
9 but in no event later than the date that is 2
10 years after the date of enactment of this Act.

11 **SEC. 909. INDIAN LAW AND ORDER COMMISSION; REPORT**
12 **ON THE ALASKA RURAL JUSTICE AND LAW**
13 **ENFORCEMENT COMMISSION.**

14 (a) IN GENERAL.—Section 15(f) of the Indian Law
15 Enforcement Reform Act (25 U.S.C. 2812(f)) is amended
16 by striking “2 years” and inserting “3 years”.

17 (b) REPORT.—The Attorney General, in consultation
18 with the Attorney General of the State of Alaska, the
19 Commissioner of Public Safety of the State of Alaska, the
20 Alaska Federation of Natives and Federally recognized In-
21 dian tribes in the State of Alaska, shall report to Congress
22 not later than one year after enactment of this Act with
23 respect to whether the Alaska Rural Justice and Law En-
24 forcement Commission established under Section
25 112(a)(1) of the Consolidated Appropriations Act, 2004

1 should be continued and appropriations authorized for the
 2 continued work of the commission. The report may con-
 3 tain recommendations for legislation with respect to the
 4 scope of work and composition of the commission.

5 **SEC. 910. LIMITATION.**

6 Nothing in this Act or any amendment made by this
 7 Act limits, alters, expands, or diminishes the civil or crimi-
 8 nal jurisdiction of the State of Alaska, any subdivision of
 9 the State of Alaska, or any Indian tribe in the State of
 10 Alaska.

11 **TITLE X—OTHER MATTERS**

12 **SEC. 1001. CRIMINAL PROVISIONS RELATING TO SEXUAL**
 13 **ABUSE.**

14 (a) **SEXUAL ABUSE OF A MINOR OR WARD.**—Section
 15 2243(b) of title 18, United States Code, is amended to
 16 read as follows:

17 “(b) **OF A WARD.**—

18 “(1) **OFFENSES.**—

19 “(A) **IN GENERAL.**—It shall be unlawful
 20 for any person to knowingly engage, or know-
 21 ingly attempt to engage, in a sexual act with
 22 another person who is—

23 “(i) in official detention or under offi-
 24 cial supervision or other official control of,
 25 the United States—

- 1 “(I) during or after arrest;
- 2 “(II) after release pretrial;
- 3 “(III) while on bail, probation,
- 4 supervised release, or parole;
- 5 “(IV) after release following a
- 6 finding of juvenile delinquency; or
- 7 “(V) after release pending any
- 8 further judicial proceedings;
- 9 “(ii) under the professional custodial,
- 10 supervisory, or disciplinary control or au-
- 11 thority of the person engaging or attempt-
- 12 ing to engage in the sexual act; and
- 13 “(iii) at the time of the sexual act—
- 14 “(I) in the special maritime and
- 15 territorial jurisdiction of the United
- 16 States;
- 17 “(II) in a Federal prison, or in
- 18 any prison, institution, or facility in
- 19 which persons are held in custody by
- 20 direction of, or pursuant to a contract
- 21 or agreement with, the United States;
- 22 or
- 23 “(III) under supervision or other
- 24 control by the United States, or by di-

1 rection of, or pursuant to a contract
2 or agreement with, the United States.

3 “(B) SEXUAL CONTACT.—It shall be un-
4 lawful for any person to knowingly engage in
5 sexual contact with, or cause sexual contact by,
6 another person, if to do so would violate sub-
7 paragraph (A) had the sexual contact been a
8 sexual act.

9 “(2) PENALTIES.—

10 “(A) IN GENERAL.—A person that violates
11 paragraph (1)(A) shall—

12 “(i) be fined under this title, impris-
13 oned for not more than 15 years, or both;
14 and

15 “(ii) if, in the course of committing
16 the violation of paragraph (1), the person
17 engages in conduct that would constitute
18 an offense under section 2241 or 2242 if
19 committed in the special maritime and ter-
20 ritorial jurisdiction of the United States,
21 be subject to the penalties provided for
22 under section 2241 or 2242, respectively.

23 “(B) SEXUAL CONTACT.—A person that
24 violates paragraph (1)(B) shall be fined under

1 this title, imprisoned for not more than 2 years,
2 or both.”.

3 (b) PENALTIES FOR SEXUAL ABUSE.—

4 (1) IN GENERAL.—Chapter 13 of title 18,
5 United States Code, is amended by adding at the
6 end the following:

7 **“§ 250. Penalties for sexual abuse**

8 “(a) OFFENSE.—It shall be unlawful for any person,
9 in the course of committing an offense under this chapter
10 or under section 901 of the Fair Housing Act (42 U.S.C.
11 3631) to engage in conduct that would constitute an of-
12 fense under chapter 109A if committed in the special mar-
13 itime and territorial jurisdiction of the United States.

14 “(b) PENALTIES.—A person that violates subsection
15 (a) shall be subject to the penalties under the provision
16 of chapter 109A that would have been violated if the con-
17 duct was committed in the special maritime and territorial
18 jurisdiction of the United States, unless a greater penalty
19 is otherwise authorized by law.”.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENT.—The table of sections for chapter 13 of title
22 18, United States Code, is amended by adding at
23 the end the following:

“250. Penalties for sexual abuse.”.

1 **SEC. 1002. SEXUAL ABUSE IN CUSTODIAL SETTINGS.**

2 (a) SUITS BY PRISONERS.—Section 7(e) of the Civil
3 Rights of Institutionalized Persons Act (42 U.S.C.
4 1997e(e)) is amended by inserting before the period at the
5 end the following: “or the commission of a sexual act (as
6 defined in section 2246 of title 18, United States Code)”.

7 (b) UNITED STATES AS DEFENDANT.—Section
8 1346(b)(2) of title 28, United States Code, is amended
9 by inserting before the period at the end the following:
10 “or the commission of a sexual act (as defined in section
11 2246 of title 18)”.

12 (c) ADOPTION AND EFFECT OF NATIONAL STAND-
13 ARDS.—Section 8 of the Prison Rape Elimination Act of
14 2003 (42 U.S.C. 15607) is amended—

15 (1) by redesignating subsection (c) as sub-
16 section (e); and

17 (2) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) APPLICABILITY TO DETENTION FACILITIES OP-
20 ERATED BY THE DEPARTMENT OF HOMELAND SECU-
21 RITY.—

22 “(1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of the Violence Against
24 Women Reauthorization Act of 2011, the Secretary
25 of Homeland Security shall publish a final rule
26 adopting national standards for the detection, pre-

1 vention, reduction, and punishment of rape and sex-
2 ual assault in facilities that maintain custody of
3 aliens detained for a violation of the immigrations
4 laws of the United States.

5 “(2) APPLICABILITY.—The standards adopted
6 under paragraph (1) shall apply to detention facili-
7 ties operated by the Department of Homeland Secu-
8 rity and to detention facilities operated under con-
9 tract with the Department.

10 “(3) COMPLIANCE.—The Secretary of Home-
11 land Security shall—

12 “(A) assess compliance with the standards
13 adopted under paragraph (1) on a regular
14 basis; and

15 “(B) include the results of the assessments
16 in performance evaluations of facilities com-
17 pleted by the Department of Homeland Secu-
18 rity.

19 “(4) CONSIDERATIONS.—In adopting standards
20 under paragraph (1), the Secretary of Homeland Se-
21 curity shall give due consideration to the rec-
22 ommended national standards provided by the Com-
23 mission under section 7(e).

24 “(5) DEFINITION.—As used in this section, the
25 term ‘detention facilities operated under contract

1 with the Department' includes, but is not limited to
2 contract detention facilities and detention facilities
3 operated through an intergovernmental service
4 agreement with the Department of Homeland Secu-
5 rity.

6 “(d) APPLICABILITY TO CUSTODIAL FACILITIES OP-
7 ERATED BY THE DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the Violence Against
11 Women Reauthorization Act of 2011, the Secretary
12 of Health and Human Services shall publish a final
13 rule adopting national standards for the detection,
14 prevention, reduction, and punishment of rape and
15 sexual assault in facilities that maintain custody of
16 unaccompanied alien children (as defined in section
17 462(g) of the Homeland Security Act of 2002 (6
18 U.S.C. 279(g))).

19 “(2) APPLICABILITY.—The standards adopted
20 under paragraph (1) shall apply to facilities operated
21 by the Department of Health and Human Services
22 and to facilities operated under contract with the
23 Department.

24 “(3) COMPLIANCE.—The Secretary of Health
25 and Human Services shall—

1 “(A) assess compliance with the standards
2 adopted under paragraph (1) on a regular
3 basis; and

4 “(B) include the results of the assessments
5 in performance evaluations of facilities com-
6 pleted by the Department of Health and
7 Human Services.

8 “(4) CONSIDERATIONS.—In adopting standards
9 under paragraph (1), the Secretary of Health and
10 Human Services shall give due consideration to the
11 recommended national standards provided by the
12 Commission under section 7(e).”.

13 **SEC. 1003. ANONYMOUS ONLINE HARASSMENT.**

14 Section 223(a)(1) of the Communications Act of
15 1934 (47 U.S.C. 223(a)(1)) is amended—

16 (1) in subparagraph (A), in the undesignated
17 matter following clause (ii), by striking “annoy,”;

18 (2) in subparagraph (C)—

19 (A) by striking “annoy,”; and

20 (B) by striking “harass any person at the
21 called number or who receives the communica-
22 tion” and inserting “harass any specific per-
23 son”; and

24 (3) in subparagraph (E), by striking “harass
25 any person at the called number or who receives the

1 communication” and inserting “harass any specific
2 person”.

3 **SEC. 1004. STALKER DATABASE.**

4 Section 40603 of the Violence Against Women Act
5 of 1994 (42 U.S.C. 14032) is amended by striking
6 “\$3,000,000” and all that follows and inserting
7 “\$3,000,000 for fiscal years 2012 through 2016.”.

8 **SEC. 1005. FEDERAL VICTIM ASSISTANTS REAUTHORIZA-**
9 **TION.**

10 Section 40114 of the Violence Against Women Act
11 of 1994 (Public Law 103–322; 108 Stat. 1910) is amend-
12 ed by striking “fiscal years 2007 through 2011” and in-
13 serting “fiscal years 2012 through 2016”.

14 **SEC. 1006. CHILD ABUSE TRAINING PROGRAMS FOR JUDI-**
15 **CIAL PERSONNEL AND PRACTITIONERS RE-**
16 **AUTHORIZATION.**

17 Subtitle C of the Victims of Child Abuse Act of 1990
18 (42 U.S.C. 13024) is amended in subsection (a) by strik-
19 ing “\$2,300,000” and all that follows and inserting
20 “\$2,300,000 for each of fiscal years 2012 through 2016.”.

21 **SEC. 1007. MANDATORY MINIMUM SENTENCE.**

22 Section 2241(a) of title 18, United States Code, is
23 amended in the undesignated matter following paragraph
24 (2), by striking “any term of years or life” and inserting
25 “not less than 5 years or imprisoned for life”.

1 **SEC. 1008. REMOVAL OF DRUNK DRIVERS.**

2 (a) IN GENERAL.—Section 101(a)(43)(F) of the Im-
3 migration and Nationality Act (8 U.S.C. 1101(a)(43)(F))
4 is amended by striking “for which the term of imprison-
5 ment” and inserting “, including a third drunk driving
6 conviction, regardless of the States in which the convic-
7 tions occurred or whether the offenses are classified as
8 misdemeanors or felonies under State or Federal law, for
9 which the term of imprisonment is”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall—

12 (1) take effect on the date of the enactment of
13 this Act; and

Passed the Senate April 26, 2012.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

S. 1925

AN ACT

To reauthorize the Violence Against Women Act of
1994.