

112TH CONGRESS
1ST SESSION

S. 1925

To reauthorize the Violence Against Women Act of 1994

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2011

Mr. LEAHY (for himself and Mr. CRAPO) introduced the following bill; which
was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the Violence Against Women Act of 1994

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violence Against
5 Women Reauthorization Act of 2011”.

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

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

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

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

- Sec. 101. Stop grants.
- Sec. 102. Grants to encourage arrest policies and enforcement of protection orders.

- Sec. 103. Legal assistance for victims.
- Sec. 104. Consolidation of grants to support families in the justice system.
- Sec. 105. Sex offender management.
- Sec. 106. Court-appointed special advocate program.
- Sec. 107. Criminal provision relating to stalking, including cyberstalking.
- Sec. 108. Outreach and services to underserved populations grant.
- Sec. 109. Culturally specific services grant.

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

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

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

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

TITLE IV—VIOLENCE REDUCTION PRACTICES

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

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

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

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

- Sec. 601. Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, and stalking.
- Sec. 603. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

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

TITLE VIII—PROTECTION OF BATTERED IMMIGRANTS

- Sec. 801. U nonimmigrant definition.
- Sec. 802. Annual report on immigration applications made by victims of abuse.
- Sec. 803. Protection for children of VAWA self-petitioners.
- Sec. 804. Public charge.
- Sec. 805. Requirements applicable to U visas.
- Sec. 806. Hardship waivers.
- Sec. 807. Employment authorization.
- Sec. 808. Protections for a fiancée or fiancé of a citizen.
- Sec. 809. Regulation of international marriage brokers.
- Sec. 810. Eligibility of crime and trafficking victims in the Commonwealth of the Northern Mariana Islands to adjust status.

TITLE IX—SAFETY FOR INDIAN WOMEN

- Sec. 901. Grants to Indian tribal governments.
- Sec. 902. Grants to Indian tribal coalitions.
- Sec. 903. Consultation.
- Sec. 904. Tribal jurisdiction over crimes of domestic violence.
- Sec. 905. Tribal protection orders.
- Sec. 906. Amendments to the Federal assault statute.
- Sec. 907. Analysis and research on violence against Indian women.
- Sec. 908. Effective dates; pilot project.

TITLE X—OTHER MATTERS

- Sec. 1001. Criminal provisions relating to sexual abuse.
- Sec. 1002. Sexual abuse in custodial settings.

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

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

5 (1) by redesignating—

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

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

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

10 (D) paragraphs (6) through (9) as para-
 11 graphs (10) through (13), respectively;

12 (E) paragraphs (10) through (16) as para-
 13 graphs (15) through (21), respectively;

1 (F) paragraph (18) as paragraph (22);

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

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

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

8 (J) paragraphs (34) and (35) as para-
9 graphs (43) and (44); and

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

11 (2) by inserting before paragraph (2), as redes-
12 igned, the following:

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

17 (3) by inserting after paragraph (2), as redesign-
18 ated, the following:

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

21 (4) in paragraph (4), as redesignated, by strik-
22 ing “serious harm.” and inserting “serious harm to
23 unemancipated minor.”;

24 (5) in paragraph (5), as redesignated, by strik-
25 ing “The term” through “that—” and inserting

1 “The term ‘community-based organization’ means a
2 nonprofit, nongovernmental, or tribal organization
3 that serves a specific geographic community that—
4 ”;

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

7 “(8) CULTURALLY SPECIFIC SERVICES.—The
8 term ‘culturally specific services’ means community-
9 based services that offer culturally relevant and lin-
10 guistically specific services and resources to cul-
11 turally specific communities.

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

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

20 (8) by inserting after paragraph (13), as redesi-
21 gnated, the following:

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

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

1 “Intake or referral, by itself, does not constitute
2 legal assistance.”;

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

5 (11) by amending paragraph (22), as redesign-
6 nated, to read as follows:

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

17 “(A) a first and last name;

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

19 “(C) contact information (including a post-
20 al, e-mail or Internet protocol address, or tele-
21 phone or facsimile number);

22 “(D) a social security number, driver li-
23 cense number, passport number, or student
24 identification number; and

1 “(E) any other information, including date
2 of birth, racial or ethnic background, or reli-
3 gious affiliation, that would serve to identify
4 any individual.”;

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

7 “(23) POPULATION SPECIFIC ORGANIZATION.—
8 The term ‘population specific organization’ means a
9 nonprofit, nongovernmental organization that pri-
10 marily serves members of a specific underserved
11 population and has demonstrated experience and ex-
12 pertise providing targeted services to members of
13 that specific underserved population.

14 “(24) POPULATION SPECIFIC SERVICES.—The
15 term ‘population specific services’ means victim-cen-
16 tered services that address the safety, health, eco-
17 nomic, legal, housing, workplace, immigration, con-
18 fidentiality, or other needs of victims of domestic vi-
19 olence, dating violence, sexual assault, or stalking,
20 and that are designed primarily for and are targeted
21 to a specific underserved population.”;

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

24 (14) by inserting after paragraph (26), as re-
25 designated, the following:

1 “(27) RAPE CRISIS CENTER.—The term ‘rape
2 crisis center’ means a nonprofit, nongovernmental,
3 or tribal organization, or governmental entity in a
4 State other than a Territory that provides interven-
5 tion and related assistance, as specified in 42 U.S.C.
6 14043g(b)(2)(C), to victims of sexual assault with-
7 out regard to their age. In the case of a govern-
8 mental entity, the entity may not be part of the
9 criminal justice system (such as a law enforcement
10 agency) and must be able to offer a comparable level
11 of confidentiality as a nonprofit entity that provides
12 similar victim services.”;

13 (15) in paragraph (28), as redesignated—

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

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

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

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

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

23 (17) by inserting after paragraph (29), as re-
24 designated, the following:

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

7 (18) by striking paragraph (31), as redesign-
8 nated, and inserting the following:

9 “(31) SEXUAL ASSAULT.—The term ‘sexual as-
10 sault’ means any nonconsensual sexual act pro-
11 scribed by Federal, tribal, or State law, including
12 when the victim lacks capacity to consent.”;

13 (19) by amending paragraph (41), as redesign-
14 nated, to read as follows:

15 “(41) UNDERSERVED POPULATIONS.—The
16 term ‘underserved populations’ means populations
17 who face barriers in accessing and using victim serv-
18 ices, and includes populations underserved because
19 of geographic location, sexual orientation, gender
20 identity, underserved racial and ethnic populations,
21 populations underserved because of special needs
22 (such as language barriers, disabilities, alienage sta-
23 tus, or age), and any other population determined to
24 be underserved by the Attorney General or by the

1 Secretary of Health and Human Services, as appro-
2 priate.”;

3 (20) by inserting after paragraph (41), as re-
4 designated, the following:

5 “(42) UNIT OF LOCAL GOVERNMENT.—The
6 term ‘unit of local government’ means any city,
7 county, township, town, borough, parish, village, or
8 other general purpose political subdivision of a
9 State.”;

10 (21) by striking paragraph (36), as in effect be-
11 fore the amendments made by this subsection, and
12 inserting the following:

13 “(45) VICTIM SERVICES OR SERVICES.—The
14 terms ‘victim services’ and ‘services’ mean services
15 provided to victims of domestic violence, dating vio-
16 lence, sexual assault, or stalking, including tele-
17 phonic or web-based hotlines, legal advocacy, eco-
18 nomic advocacy, emergency and transitional shelter,
19 accompaniment and advocacy through medical, civil
20 or criminal justice, immigration, and social support
21 systems, crisis intervention, short-term individual
22 and group support services, information and refer-
23 rals, culturally specific services, population specific
24 services, and other related supportive services.

1 “(46) VICTIM SERVICE PROVIDER.—The term
2 ‘victim service provider’ means a nonprofit, non-
3 governmental or tribal organization or rape crisis
4 center, including a State or tribal coalition, that as-
5 sists domestic violence, dating violence, sexual as-
6 sault, or stalking victims, including domestic violence
7 shelters, faith-based organizations, and other organi-
8 zations, with a documented history of effective work
9 concerning domestic violence, dating violence, sexual
10 assault, or stalking.”; and

11 (22) by striking paragraph (47), as redesign-
12 nated, and inserting the following:

13 “(47) YOUTH.—The term ‘youth’ means a per-
14 son who is 11 to 24 years old.”.

15 (b) GRANTS CONDITIONS.—Subsection (b) of section
16 40002 of the Violence Against Women Act of 1994 (42
17 U.S.C. 13925(b)) is amended—

18 (1) in paragraph (2)—

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

21 “(i) disclose, reveal, or release any
22 personally identifying information or indi-
23 vidual information collected in connection
24 with services requested, utilized, or denied
25 through grantees’ and subgrantees’ pro-

1 grams, regardless of whether the informa-
2 tion has been encoded, encrypted, hashed,
3 or otherwise protected; or

4 “(ii) disclose, reveal, or release indi-
5 vidual client information without the in-
6 formed, written, reasonably time-limited
7 consent of the person (or in the case of an
8 unemancipated minor, the minor and the
9 parent or guardian or in the case of legal
10 incapacity, a court-appointed guardian)
11 about whom information is sought, wheth-
12 er for this program or any other Federal,
13 State, tribal, or territorial grant program,
14 except that consent for release may not be
15 given by the abuser of the minor, incapaci-
16 tated person, or the abuser of the other
17 parent of the minor.

18 If a minor or a person with a legally appointed
19 guardian is permitted by law to receive services
20 without the parent’s or guardian’s consent, the
21 minor or person with a guardian may release
22 information without additional consent.”;

23 (B) by amending subparagraph (D), to
24 read as follows:

25 “(D) INFORMATION SHARING.—

1 “(i) Grantees and subgrantees may
2 share—

3 “(I) nonpersonally identifying
4 data in the aggregate regarding serv-
5 ices to their clients and nonpersonally
6 identifying demographic information
7 in order to comply with Federal,
8 State, tribal, or territorial reporting,
9 evaluation, or data collection require-
10 ments;

11 “(II) court-generated information
12 and law enforcement-generated infor-
13 mation contained in secure, govern-
14 mental registries for protection order
15 enforcement purposes; and

16 “(III) law enforcement-generated
17 and prosecution-generated information
18 necessary for law enforcement and
19 prosecution purposes.

20 “(ii) In no circumstances may—

21 “(I) an adult, youth, or child vic-
22 tim of domestic violence, dating vio-
23 lence, sexual assault, or stalking be
24 required to provide a consent to re-
25 lease his or her personally identifying

1 information as a condition of eligi-
2 bility for the services provided by the
3 grantee or subgrantee;

4 “(II) any personally identifying
5 information be shared in order to
6 comply with Federal, tribal, or State
7 reporting, evaluation, or data collec-
8 tion requirements, whether for this
9 program or any other Federal, tribal,
10 or State grant program.”;

11 (C) by redesignating subparagraph (E) as
12 subparagraph (F);

13 (D) by inserting after subparagraph (D)
14 the following:

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

21 (E) by inserting after subparagraph (F),
22 as redesignated, the following:

23 “(G) CONFIDENTIALITY ASSESSMENT AND
24 ASSURANCES.—Grantees and subgrantees must
25 document their compliance with the confiden-

1 tiality and privacy provisions required under
2 this section.”;

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

5 “(3) APPROVED ACTIVITIES.—In carrying out
6 the activities under this title, grantees and sub-
7 grantees may collaborate with, or provide informa-
8 tion to Federal, State, local, tribal, and territorial
9 public officials and agencies to develop and imple-
10 ment policies and develop and promote State, local,
11 or tribal legislation or model codes designed to re-
12 duce or eliminate domestic violence, dating violence,
13 sexual assault, and stalking.”;

14 (3) in paragraph (7), by inserting at the end
15 the following:

16 “Final reports of such evaluations shall be made
17 available to the public via the agency’s website.”;
18 and

19 (4) by inserting after paragraph (11) the fol-
20 lowing:

21 “(12) DELIVERY OF LEGAL ASSISTANCE.—Any
22 grantee or subgrantee providing legal assistance with
23 funds awarded under this title shall comply with the
24 eligibility requirements in section 1201(d) of the Vi-

1 violence Against Women Act of 2000 (42 U.S.C.
2 3796gg-6(d)).

3 “(13) CIVIL RIGHTS.—

4 “(A) NONDISCRIMINATION.—No person in
5 the United States shall on the basis of actual
6 or perceived race, color, religion, national ori-
7 gin, sex, gender identity (as defined in para-
8 graph 249(c)(4) of title 18, United States
9 Code), sexual orientation, or disability be ex-
10 cluded from participation in, be denied the ben-
11 efits of, or be subjected to discrimination under
12 any program or activity funded in whole or in
13 part with funds made available under the Vio-
14 lence Against Women Act of 1994 (title IV of
15 Public Law 103–322; 108 Stat. 1902), the Vio-
16 lence Against Women Act of 2000 (division B
17 of Public Law 106–386; 114 Stat. 1491), the
18 Violence Against Women and Department of
19 Justice Reauthorization Act of 2005 (title IX of
20 Public Law 109–162; 119 Stat. 3080), the Vio-
21 lence Against Women Reauthorization Act of
22 2011, and any other program or activity funded
23 in whole or in part with funds appropriated for
24 grants, cooperative agreements, and other as-

1 sistance administered by the Office on Violence
2 Against Women.

3 “(B) EXCEPTION.—If gender segregation
4 or gender-specific programming is necessary to
5 the essential operation of a program, nothing in
6 this paragraph shall prevent any such program
7 or activity from consideration of an individual’s
8 gender. In such circumstances, alternative rea-
9 sonable accommodations are sufficient to meet
10 the requirements of this paragraph.

11 “(C) DISCRIMINATION.—The provisions of
12 paragraphs (2) through (4) of section 809(e) of
13 the Omnibus Crime Control and Safe Streets
14 Act of 1968 (42 U.S.C. 3789d(e)) apply to vio-
15 lations of subparagraph (A).

16 “(D) CONSTRUCTION.—Nothing contained
17 in this paragraph shall be construed, inter-
18 preted, or applied to supplant, displace, pre-
19 empt, or otherwise diminish the responsibilities
20 and liabilities under other State or Federal civil
21 rights law, whether statutory or common.

22 “(14) CLARIFICATION OF VICTIM SERVICES AND
23 LEGAL ASSISTANCE.—Victim services and legal as-
24 sistance provided under this title may include serv-
25 ices and assistance to victims of domestic violence,

1 dating violence, sexual assault, or stalking who are
2 also victims of severe forms of trafficking in persons
3 as defined by section 103 of the Trafficking Victims
4 Protection Act of 2000 (22 U.S.C. 7102).

5 “(15) CONFERRAL.—

6 “(A) IN GENERAL.—The Office on Vio-
7 lence Against Women shall establish a biennial
8 conferral process with State and tribal coali-
9 tions and technical assistance providers who re-
10 ceive funding through grants administered by
11 the Office on Violence Against Women and au-
12 thorized by this Act, and other key stake-
13 holders.

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

16 “(i) the administration of grants;

17 “(ii) unmet needs;

18 “(iii) promising practices in the field;

19 and

20 “(iv) emerging trends.

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

1 “(D) REPORT.—Not later than 90 days
2 after the conclusion of each conferral period,
3 the Office on Violence Against Women shall
4 publish a comprehensive report that—

5 “(i) summarizes the issues presented
6 during conferral and what, if any, policies
7 it intends to implement to address those
8 issues; and

9 “(ii) is made available to the public on
10 the Office on Violence Against Women’s
11 website and submitted to the Committee
12 on the Judiciary of the Senate and the
13 Committee on the Judiciary of the House
14 of Representatives.

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

18 “(A) AUDIT REQUIREMENT.—

19 “(i) IN GENERAL.—Beginning in the
20 first fiscal year beginning after the date of
21 the enactment of this Act, and in each fis-
22 cal year thereafter, the Inspector General
23 of the Department of Justice shall conduct
24 audits of recipients of grants under this
25 Act to prevent waste, fraud, and abuse of

1 funds by grantees. The Inspector General
2 shall determine the appropriate number of
3 grantees to be audited each year.

4 “(ii) DEFINITION.—In this paragraph,
5 the term ‘unresolved audit finding’ means
6 a finding in the final audit report of the
7 Inspector General of the Department of
8 Justice that the audited grantee has uti-
9 lized grant funds for an unauthorized ex-
10 penditure or otherwise unallowable cost
11 that is not closed or resolved within 12
12 months from the date when the final audit
13 report is issued.

14 “(iii) MANDATORY EXCLUSION.—A re-
15 cipient of grant funds under this Act that
16 is found to have an unresolved audit find-
17 ing shall not be eligible to receive grant
18 funds under this Act during the following
19 2 fiscal years.

20 “(iv) PRIORITY.—In awarding grants
21 under this Act, the Attorney General shall
22 give priority to eligible entities that did not
23 have an unresolved audit finding during
24 the 3 fiscal years prior to submitting an
25 application for a grant under this Act.

1 “(v) REIMBURSEMENT.—If an entity
2 is awarded grant funds under this Act dur-
3 ing the 2-fiscal-year period in which the
4 entity is barred from receiving grants
5 under paragraph (2), the Attorney General
6 shall—

7 “(I) deposit an amount equal to
8 the grant funds that were improperly
9 awarded to the grantee into the Gen-
10 eral Fund of the Treasury; and

11 “(II) seek to recoup the costs of
12 the repayment to the fund from the
13 grant recipient that was erroneously
14 awarded grant funds.

15 “(B) NONPROFIT ORGANIZATION REQUIRE-
16 MENTS.—

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

1 “(ii) PROHIBITION.—The Attorney
2 General may not award a grant under any
3 grant program described in this Act to a
4 nonprofit organization that holds money in
5 offshore accounts for the purpose of avoid-
6 ing paying the tax described in section
7 511(a) of the Internal Revenue Code of
8 1986.

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

1 mation disclosed under this subsection
2 available for public inspection.

3 “(C) CONFERENCE EXPENDITURES.—

4 “(i) LIMITATION.—No amounts au-
5 thorized to be appropriated to the Depart-
6 ment of Justice under this Act may be
7 used by the Attorney General, or by any
8 individual or organization awarded discre-
9 tionary funds through a cooperative agree-
10 ment under this Act, to host or support
11 any expenditure for conferences that uses
12 more than \$20,000 in Department funds,
13 unless the Deputy Attorney General or
14 such Assistant Attorney Generals, Direc-
15 tors, or principal deputies as the Deputy
16 Attorney General may designate, provides
17 prior written authorization that the funds
18 may be expended to host a conference.

19 “(ii) WRITTEN APPROVAL.—Written
20 approval under clause (i) shall include a
21 written estimate of all costs associated
22 with the conference, including the cost of
23 all food and beverages, audiovisual equip-
24 ment, honoraria for speakers, and any en-
25 tertainment.

1 “(iii) REPORT.—The Deputy Attorney
2 General shall submit an annual report to
3 the Committee on the Judiciary of the
4 Senate and the Committee on the Judici-
5 ary of the House of Representatives on all
6 approved conference expenditures ref-
7 erenced in paragraph (1).

8 “(D) ANNUAL CERTIFICATION.—Beginning
9 in the first fiscal year beginning after the date
10 of the enactment of this Act, the Attorney Gen-
11 eral shall submit, to the Committee on the Ju-
12 diciary and the Committee on Appropriations of
13 the Senate and the Committee on the Judiciary
14 and the Committee on Appropriations of the
15 House of Representatives, an annual certifi-
16 cation that—

17 “(i) all audits issued by the Office of
18 the Inspector General under paragraph (1)
19 have been completed and reviewed by the
20 appropriate Assistant Attorney General or
21 Director;

22 “(ii) all mandatory exclusions required
23 under subparagraph (A)(iii) have been
24 issued;

1 “(iii) all reimbursements required
2 under subparagraph (A)(v) have been
3 made; and

4 “(iv) includes a list of any grant re-
5 cipients excluded under subparagraph (A)
6 from the previous year.”.

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

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

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

15 (1) in section 1001(a)(18) (42 U.S.C.
16 3793(a)(18)), by striking “\$225,000,000 for each of
17 fiscal years 2007 through 2011” and inserting
18 “\$222,000,000 for each of fiscal years 2012 through
19 2016”;

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

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) by striking “equipment” and in-
24 serting “resources”; and

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

3 (B) in paragraph (1), by striking “sexual
4 assault” and all that follows through “dating
5 violence” and inserting “domestic violence, dat-
6 ing violence, sexual assault, and stalking, in-
7 cluding the appropriate use of nonimmigrant
8 status under subparagraphs (T) and (U) of sec-
9 tion 101(a)(15) of the Immigration and Nation-
10 ality Act (8 U.S.C. 1101(a))”;

11 (C) in paragraph (2), by striking “sexual
12 assault and domestic violence” and inserting
13 “domestic violence, dating violence, sexual as-
14 sult, and stalking”;

15 (D) in paragraph (3), by striking “sexual
16 assault and domestic violence” and inserting
17 “domestic violence, dating violence, sexual as-
18 sult, and stalking, as well as the appropriate
19 treatment of victims”;

20 (E) in paragraph (4)—

21 (i) by striking “sexual assault and do-
22 mestic violence” and inserting “domestic
23 violence, dating violence, sexual assault,
24 and stalking”; and

1 (ii) by inserting “, classifying,” after
2 “identifying”;

3 (F) in paragraph (5)—

4 (i) by inserting “and legal assistance”
5 after “victim services”;

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

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

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

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

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

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

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

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

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

20 (ii) by striking “and” at the end;

21 (L) in paragraph (13), as redesignated by
22 subparagraph (G)—

23 (i) by striking “to provide” and in-
24 serting “providing”;

1 (ii) by striking “nonprofit nongovern-
2 mental”;

3 (iii) by striking the comma after
4 “local governments”; and

5 (iv) by striking the period at the end
6 and inserting a semicolon;

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

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

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

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

22 “(17) developing, enlarging, or strengthening
23 programs addressing sexual assault against men,
24 women, and youth in correctional and detention set-
25 tings;

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

6 “(19) developing, enlarging, or strengthening
7 programs and projects to provide services and re-
8 sponses targeting male and female victims of domes-
9 tic violence, dating violence, sexual assault, or stalk-
10 ing, whose ability to access traditional services and
11 responses is affected by their sexual orientation or
12 gender identity, as defined in section 249(c) of title
13 18, United States Code; and

14 “(20) developing, enhancing, or strengthening
15 prevention and educational programming to address
16 domestic violence, dating violence, sexual assault, or
17 stalking, with not more than 5 percent of the
18 amount allocated to a State to be used for this pur-
19 pose.”; and

20 (N) in the flush text at the end, by strik-
21 ing “paragraph (14)” and inserting “paragraph
22 (13)”;

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

24 (A) in subsection (a), by striking “non-
25 profit nongovernmental victim service pro-

1 grams” and inserting “victim service pro-
2 viders”;

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

5 (C) in subsection (c)—

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

8 “(2) grantees and subgrantees shall develop a
9 plan for implementation and shall consult and co-
10 ordinate with—

11 “(A) the State sexual assault coalition;

12 “(B) the State domestic violence coalition;

13 “(C) the law enforcement entities within
14 the State;

15 “(D) prosecution offices;

16 “(E) State and local courts;

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

19 “(G) representatives from underserved
20 populations;

21 “(H) victim service providers;

22 “(I) population specific organizations; and

23 “(J) other entities that the State or the
24 Attorney General identifies as needed for the
25 planning process;”;

1 (ii) by striking paragraph (4);

2 (iii) by redesignating paragraph (3) as
3 paragraph (4);

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

6 “(3) grantees shall coordinate the State imple-
7 mentation plan described in paragraph (2) with the
8 State plans described in section 307 of the Family
9 Violence Prevention and Services Act (42 U.S.C.
10 10407) and the plans described in the Victims of
11 Crime Act of 1984 (42 U.S.C. 10601 et seq.) and
12 section 393A of the Public Health Service Act (42
13 U.S.C. 280b–1b).”;

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

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

19 (II) by redesignating subpara-
20 graphs (B) and (C) as subparagraphs
21 (C) and (D);

22 (III) by inserting after subpara-
23 graph (A), the following:

24 “(B) not less than 25 percent shall be allo-
25 cated for prosecutors.”;

1 (IV) in subparagraph (C), as re-
2 designated by subclause (II), by strik-
3 ing “culturally specific community
4 based” and inserting “population spe-
5 cific”; and

6 (V) in subparagraph (D) as re-
7 designated by subclause (II) by strik-
8 ing “for” and inserting “to”; and

9 (vi) by adding at the end the fol-
10 lowing:

11 “(5) not later than 3 years after the date of en-
12 actment of this Act, and every year thereafter, not
13 less than 25 percent of the total amount granted to
14 a State under this subchapter shall be allocated for
15 programs or projects that meaningfully address sex-
16 ual assault, including stranger rape, acquaintance
17 rape, alcohol or drug-facilitated rape, and rape with-
18 in the context of an intimate partner relationship.”;

19 (D) by striking subsection (d) and insert-
20 ing the following:

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

23 “(1) the certifications of qualification required
24 under subsection (c);

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

4 “(3) proof of compliance with the requirements
5 for paying fees and costs relating to domestic vio-
6 lence and protection order cases, described in section
7 2011 of this title;

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

11 “(5) an implementation plan required under
12 subsection (i); and

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

15 (E) in subsection (e)—

16 (i) in paragraph (2)—

17 (I) in subparagraph (A), by strik-
18 ing “domestic violence and sexual as-
19 sault” and inserting “domestic vio-
20 lence, dating violence, sexual assault,
21 and stalking”; and

22 (II) in subparagraph (D), by
23 striking “linguistically and culturally”
24 and inserting “population”; and

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

3 “(3) CONDITIONS.—In disbursing grants under
4 this part, the Attorney General may impose reason-
5 able conditions on grant awards to ensure that the
6 States meet statutory, regulatory, and other pro-
7 grams requirements.”;

8 (F) in subsection (f), by striking the period
9 at the end and inserting “, except that, for pur-
10 poses of this subsection, the costs of the
11 projects for victim services or tribes for which
12 there is an exemption under section
13 40002(b)(1) of the Violence Against Women
14 Act of 1994 (42 U.S.C. 13925(b)(1)) shall not
15 count toward the total costs of the projects.”;
16 and

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

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

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

24 “(2) submit to the Attorney General—

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

3 “(B) documentation from each member of
4 the planning committee as to their participation
5 in the planning process;

6 “(C) documentation from the prosecution,
7 law enforcement, court, and victim services pro-
8 grams to be assisted, describing—

9 “(i) the need for the grant funds;

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

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

14 “(iv) the demographic characteristics
15 of the populations to be served, including
16 age, disability, race, ethnicity, and lan-
17 guage background;

18 “(D) a description of how the State will
19 ensure that any subgrantees will consult with
20 victim service providers during the course of de-
21 veloping their grant applications in order to en-
22 sure that the proposed activities are designed to
23 promote the safety, confidentiality, and eco-
24 nomic independence of victims;

1 “(E) demographic data on the distribution
2 of underserved populations within the State and
3 a description of how the State will meet the
4 needs of underserved populations, including the
5 minimum allocation for population specific serv-
6 ices required under subsection (c)(4)(C);

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

9 “(G) goals and objectives for reducing do-
10 mestic violence-related homicides within the
11 State; and

12 “(H) any other information requested by
13 the Attorney General.

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

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

19 “(2) the State does not receive sufficient eligi-
20 ble applications to award the full funding within the
21 allocations in subparagraphs (A) through (d) of sub-
22 section (c)(3),”;

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

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

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

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

9 “(B) coordinates with health care providers
10 in the region to notify victims of sexual assault
11 of the availability of rape exams at no cost to
12 the victims.”;

13 (B) in subsection (b)—

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

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

18 (iii) by striking paragraph (3);

19 (C) in subsection (c), by striking “, except
20 that such funds” and all that follows and in-
21 serting a period; and

22 (D) by amended subsection (d) to read as
23 follows:

24 “(d) NONCOOPERATION.—

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

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

11 (5) in section 2011(a)(1) (42 U.S.C. 3796gg–
 12 5(a)(1))—

13 (A) by inserting “modification, enforce-
 14 ment, dismissal,” after “registration,” each
 15 place it appears; and

16 (B) by striking “domestic violence” and all
 17 that follows through “sexual assault” and in-
 18 serting “domestic violence, dating violence, sex-
 19 ual assault, or stalking”.

20 **SEC. 102. GRANTS TO ENCOURAGE ARREST POLICIES AND**
 21 **ENFORCEMENT OF PROTECTION ORDERS.**

22 (a) IN GENERAL.—Part U of title I of the Omnibus
 23 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 24 3796hh et seq.) is amended—

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

1 (A) in subsection (b)—

2 (i) in the matter preceding paragraph
3 (1), by striking “States,” and all that fol-
4 lows through “units of local government”
5 and inserting “grantees”;

6 (ii) in paragraph (1), by inserting
7 “and enforcement of protection orders
8 across State and tribal lines” before the
9 period;

10 (iii) in paragraph (2), by striking
11 “and training in police departments to im-
12 prove tracking of cases” and inserting
13 “data collection systems, and training in
14 police departments to improve tracking of
15 cases and classification of complaints”;

16 (iv) in paragraph (4), by inserting
17 “and provide the appropriate training and
18 education about domestic violence, dating
19 violence, sexual assault, and stalking” after
20 “computer tracking systems”;

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

24 (vi) in paragraph (6), by striking
25 “judges” and inserting “Federal, State,

1 tribal, territorial, and local judges, courts,
2 and court-based and court-related per-
3 sonnel”;

4 (vii) in paragraph (8), by striking
5 “and sexual assault” and inserting “dating
6 violence, sexual assault, and stalking”;

7 (viii) in paragraph (10), by striking
8 “non-profit, non-governmental victim serv-
9 ices organizations,” and inserting “victim
10 service providers, population specific orga-
11 nizations,”; and

12 (ix) by adding at the end the fol-
13 lowing:

14 “(14) To develop and implement training pro-
15 grams for prosecutors and other prosecution-related
16 personnel regarding best practices to ensure offender
17 accountability, victim safety, and victim consultation
18 in cases involving domestic violence, dating violence,
19 sexual assault, and stalking.

20 “(15) To develop or strengthen policies, proto-
21 cols, and training for law enforcement officers, pros-
22 ecutors, and the judiciary in recognizing, inves-
23 tigating, and prosecuting instances of domestic vio-
24 lence, dating violence, sexual assault, and stalking
25 against immigrant victims, including the appropriate

1 use of applications for nonimmigrant status under
2 subparagraphs (T) and (U) of section 101(a)(15) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1101(a)(15)).

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

10 “(17) To develop, implement, or enhance sexual
11 assault nurse examiner programs or sexual assault
12 forensic examiner programs, including the hiring
13 and training of such examiners.

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

17 “(19) To develop and strengthen policies, proto-
18 cols, and training for law enforcement officers and
19 prosecutors regarding the investigation and prosecu-
20 tion of sexual assault cases and the appropriate
21 treatment of victims.

22 “(20) To provide human immunodeficiency
23 virus testing programs, counseling, and prophylaxis
24 for victims of sexual assault.

1 “(21) To identify and inventory backlogs of sex-
2 ual assault evidence collection kits and to develop
3 protocols for responding to and addressing such
4 backlogs, including policies and protocols for noti-
5 fying and involving victims.

6 “(22) To develop multidisciplinary high-risk
7 teams focusing on reducing domestic violence and
8 dating violence homicides by—

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

12 “(B) identifying and managing high-risk
13 offenders; and

14 “(C) providing ongoing victim advocacy
15 and referrals to comprehensive services includ-
16 ing legal, housing, health care, and economic
17 assistance.”;

18 (B) in subsection (c)—

19 (i) in paragraph (1)—

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

23 (II) by redesignating subpara-
24 graphs (A) and (B) as clauses (i) and

1 (ii), and adjusting the margin accord-
2 ingly;

3 (ii) in paragraph (2), by inserting
4 “except for a court,” before “dem-
5 onstrate”;

6 (iii) in paragraph (4)—

7 (I) by inserting “modification,
8 enforcement, dismissal,” after “reg-
9 istration,” each place it appears;

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

12 (III) by striking “and” at the
13 end;

14 (iv) in paragraph (5)—

15 (I) in the matter preceding sub-
16 paragraph (A), by striking “, not later
17 than 3 years after the date of enact-
18 ment of this section,”;

19 (II) by inserting “, trial of, or
20 sentencing for” after “investigation
21 of” each place it appears;

22 (III) by redesignating subpara-
23 graphs (A) and (B) as clauses (i) and
24 (ii), and adjusting the margin accord-
25 ingly;

1 (IV) in clause (ii), as redesignated by subclause (III) of this
2 clause, by striking “subparagraph (A)” and inserting “clause (i)”; and
3
4

5 (V) by striking the period at the end and inserting “; and”;
6

7 (v) by redesignating paragraphs (1) through (5), as amended by this subparagraph, as subparagraphs (A) through (E),
8
9
10 respectively;

11 (vi) in the matter preceding subparagraph (A), as redesignated by clause (v) of this subparagraph—
12
13

14 (I) by striking the comma that immediately follows another comma;
15
16 and

17 (II) by striking “grantees are States” and inserting the following:
18

19 “grantees are—

20 “(1) States”; and

21 (vii) by adding at the end the following:
22

23 “(2) a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service
24 provider that partners with a State, Indian tribal
25

1 government, or unit of local government that cer-
2 tifies that the State, Indian tribal government, or
3 unit of local government meets the requirements
4 under paragraph (1).”;

5 (C) in subsection (d)—

6 (i) in paragraph (1)—

7 (I) in the matter preceding sub-
8 paragraph (A), by inserting “, policy,”
9 after “law”; and

10 (II) in subparagraph (A), by in-
11 sserting “and the defendant is in cus-
12 tody or has been served with the in-
13 formation or indictment” before the
14 semicolon; and

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

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

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

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

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

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

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

14 (1) by striking “\$75,000,000” and all that fol-
15 lows through “2011.” and inserting “\$70,000,000
16 for each of fiscal years 2012 through 2016.”; and

17 (2) by striking the period that immediately fol-
18 lows another period.

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

20 Section 1201 of the Violence Against Women Act of
21 2000 (42 U.S.C. 3796gg–6) is amended—

22 (1) in subsection (a)—

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

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

3 (2) in subsection (b)—

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

7 (B) by inserting “and grant conditions”
8 after “definitions”;

9 (3) in subsection (c)—

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

13 (B) by striking paragraph (3) and insert-
14 ing the following:

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

22 (4) in subsection (d)—

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

1 “(A) has demonstrated expertise in pro-
 2 viding legal assistance or advocacy to victims of
 3 domestic violence, dating violence, sexual as-
 4 sault, or stalking in the targeted population; or

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

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

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

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

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

23 (a) IN GENERAL.—Title III of division B of the Vie-
 24 tims of Trafficking and Violence Protection Act of 2000
 25 (Public Law 106–386; 114 Stat. 1509) is amended by

1 striking the section preceding section 1302 (42 U.S.C.
2 10420), as amended by section 306 of the Violence
3 Against Women and Department of Justice Reauthoriza-
4 tion Act of 2005 (Public Law 109–162; 119 Stat. 316),
5 and inserting the following:

6 **“SEC. 1301. COURT TRAINING AND SUPERVISED VISITATION**
7 **IMPROVEMENTS.**

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

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

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

23 “(2) develop and promote State, local, and trib-
24 al legislation, policies, and best practices for improv-
25 ing civil and criminal court functions, responses,

1 practices, and procedures in cases involving a history
2 of domestic violence or sexual assault, or in cases in-
3 volving allegations of child sexual abuse, including
4 cases in which the victim proceeds pro se;

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

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

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

23 “(A) court infrastructure (such as special-
24 ized courts, consolidated courts, dockets, intake
25 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 are proceeding with the assistance of a legal advo-
14 cate; 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 organization or coalition on the dy-
25 namics of domestic violence and sexual assault, in-

1 including child sexual abuse, that includes training on
2 how to review evidence of past abuse and the use of
3 evidenced-based theories to make recommendations
4 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 Section 2261A of title 18, United States Code, is
4 amended to read as follows:

5 **“§ 2261A. Stalking**

6 “Whoever—

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

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

17 “(i) that person;

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

20 “(iii) a spouse or intimate partner of
21 that person; or

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

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

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

13 “(B) causes or attempts to cause or would
14 be reasonably expected to cause substantial
15 emotional distress to a person described in
16 clause (i), (ii), or (iii) of paragraph (1)(A),
17 shall be punished as provided in section 2261(b) of
18 this title.”.

19 **SEC. 108. OUTREACH AND SERVICES TO UNDERSERVED**
20 **POPULATIONS GRANT.**

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

1 **“SEC. 120. GRANTS FOR OUTREACH AND SERVICES TO UN-**
2 **DERSERVED POPULATIONS.**

3 “(a) GRANTS AUTHORIZED.—

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

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

22 “(A) Section 2001 of the Omnibus Crime
23 Control and Safe Streets Act of 1968 (STOP
24 Grants).

1 “(B) Section 2101 of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (Grants
3 to Encourage Arrest Policies).

4 “(b) ELIGIBLE ENTITIES.—Eligible entities under
5 this section are—

6 “(1) population specific organizations that have
7 demonstrated experience and expertise in providing
8 population specific services in the relevant under-
9 served communities or population specific organiza-
10 tions working in partnership with a victim service
11 provider or domestic violence or sexual assault coal-
12 tion;

13 “(2) victim service providers offering population
14 specific services for a specific underserved popu-
15 lation; or

16 “(3) victim service providers working in part-
17 nership with a national, State, or local organization
18 that has demonstrated experience and expertise in
19 providing population specific services in the relevant
20 underserved population.

21 “(c) PLANNING GRANTS.—The Attorney General
22 may use up to 30 percent of funds available under this
23 section to make one-time planning grants to eligible enti-
24 ties to support the planning and development of specially

1 designed and targeted programs for adult and youth vic-
2 tims in one or more underserved populations, including—

3 “(1) identifying, building and strengthening
4 partnerships with potential collaborators within un-
5 derserved populations, Federal, State, tribal, terri-
6 torial or local government entities, and public and
7 private organizations;

8 “(2) conducting a needs assessment of the com-
9 munity and the targeted underserved population or
10 populations to determine what the barriers are to
11 service access and what factors contribute to those
12 barriers, using input from the targeted underserved
13 population or populations;

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

17 “(4) developing a plan, with the input of the
18 targeted underserved population or populations, for
19 implementing prevention, outreach and intervention
20 strategies to address the barriers to accessing serv-
21 ices, promoting community engagement in the pre-
22 vention of domestic violence, dating violence, sexual
23 assault, and stalking within the targeted under-
24 served populations, and evaluating the program.

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

6 “(1) working with Federal, State, tribal, terri-
7 torial and local governments, agencies, and organiza-
8 tions to develop or enhance population specific vic-
9 tim services;

10 “(2) strengthening the capacity of underserved
11 populations to provide population specific victim
12 services;

13 “(3) strengthening the capacity of traditional
14 victim service providers to provide population spe-
15 cific services;

16 “(4) strengthening the effectiveness of criminal
17 and civil justice interventions by providing training
18 for law enforcement, prosecutors, judges and other
19 court personnel on domestic violence, dating vio-
20 lence, sexual assault, or stalking in underserved pop-
21 ulations; or

22 “(5) working in cooperation with an under-
23 served population to develop and implement out-
24 reach, education, prevention, and intervention strate-
25 gies that highlight available resources and the spe-

1 cific issues faced by victims of domestic violence,
2 dating violence, sexual assault, or stalking from un-
3 derserved populations.

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

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

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—In ad-
14 dition to the funds identified in subsection (a)(1), there
15 are authorized to be appropriated to carry out this section
16 \$2,000,000 for each of fiscal years 2012 through 2016.

17 “(h) DEFINITIONS AND GRANT CONDITIONS.—In
18 this section the definitions and grant conditions in section
19 40002 of the Violence Against Women Act of 1994 (42
20 U.S.C. 13925) shall apply.”

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

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

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

3 (2) by striking “and linguistically” each place it
4 appears;

5 (3) by striking “and linguistic” each place it
6 appears;

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

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

11 “(A) Section 2101 of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (Grants
13 to Encourage Arrest Policies and Enforcement
14 of Protection Orders).

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

19 “(C) Section 40295 of the Violence
20 Against Women Act of 1994 (42 U.S.C. 13971)
21 (Rural Domestic Violence, Dating Violence,
22 Sexual Assault, Stalking, and Child Abuse En-
23 forcement Assistance).

24 “(D) Section 40802a of the Violence
25 Against Women Act of 1994 (42 U.S.C.

1 14041a) (Enhanced Training and Services to
2 End Violence Against Women Later in Life).

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

9 (5) in subsection (g), by striking “linguistic
10 and”.

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

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

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

20 (1) in paragraph (1)—

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

23 (B) by striking “other programs” and all
24 that follows and inserting “other nongovern-
25 mental or tribal programs and projects to assist

1 individuals who have been victimized by sexual
2 assault, without regard to the age of the indi-
3 vidual.”;

4 (2) in paragraph (2)—

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

9 (B) in subparagraph (C)(v), by striking
10 “linguistically and”; and

11 (3) in paragraph (4)—

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

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

17 (C) by striking “0.125 percent” and in-
18 serting “0.25 percent”; and

19 (D) by striking “The District of Columbia
20 shall be treated as a territory for purposes of
21 calculating its allocation under the preceding
22 formula.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
24 41601(f)(1) of the Violence Against Women Act of 1994
25 (42 U.S.C. 14043g(f)(1)) is amended by striking

1 “\$50,000,000 to remain available until expended for each
2 of the fiscal years 2007 through 2011” and inserting
3 “\$40,000,000 to remain available until expended for each
4 of fiscal years 2012 through 2016”.

5 **SEC. 202. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE,**
6 **SEXUAL ASSAULT, STALKING, AND CHILD**
7 **ABUSE ENFORCEMENT ASSISTANCE.**

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

10 (1) in subsection (a)(1)(H), by inserting “, in-
11 cluding sexual assault forensic examiners” before the
12 semicolon;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “victim advocacy
16 groups” and inserting “victim service pro-
17 viders”; and

18 (ii) by inserting “, including devel-
19 oping multidisciplinary teams focusing on
20 high risk cases with the goal of preventing
21 domestic and dating violence homicides”
22 before the semicolon;

23 (B) in paragraph (2)—

24 (i) by striking “and other long- and
25 short-term assistance” and inserting “legal

1 assistance, and other long-term and short-
 2 term victim and population specific serv-
 3 ices”; and

4 (ii) by striking “and” at the end;

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

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

8 “(4) developing, enlarging, or strengthening
 9 programs addressing sexual assault, including sexual
 10 assault forensic examiner programs, Sexual Assault
 11 Response Teams, law enforcement training, and pro-
 12 grams addressing rape kit backlogs.”; and

13 (3) in subsection (e)(1), by striking
 14 “\$55,000,000 for each of the fiscal years 2007
 15 through 2011” and inserting “\$50,000,000 for each
 16 of fiscal years 2012 through 2016”.

17 **SEC. 203. TRAINING AND SERVICES TO END VIOLENCE**
 18 **AGAINST WOMEN WITH DISABILITIES**
 19 **GRANTS.**

20 Section 1402 of division B of the Victims of Traf-
 21 ficking and Violence Protection Act of 2000 (42 U.S.C.
 22 3796gg-7) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1), by inserting “(in-
 25 cluding using evidence-based indicators to as-

1 sess the risk of domestic and dating violence
2 homicide)” after “risk reduction”;

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

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

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

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

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

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

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

23 “(a) DEFINITIONS.—In this section—

24 “(1) the term ‘eligible entity’ means an entity
25 that—

1 “(A) is—

2 “(i) a State;

3 “(ii) a unit of local government;

4 “(iii) a tribal government or tribal or-
5 ganization;

6 “(iv) a population specific organiza-
7 tion with demonstrated experience in as-
8 sisting individuals in later life;

9 “(v) a victim service provider; or

10 “(vi) a State, tribal, or territorial do-
11 mestic violence or sexual assault coalition;
12 and

13 “(B) is partnered with—

14 “(i) a law enforcement agency;

15 “(ii) an office of a prosecutor;

16 “(iii) a victim service provider; or

17 “(iv) a nonprofit program or govern-
18 ment agency with demonstrated experience
19 in assisting individuals in later life;

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

23 “(3) the term ‘later life’, relating to an indi-
24 vidual, means the individual is 50 years of age or
25 older; and

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

5 “(b) GRANT PROGRAM.—

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

9 “(2) MANDATORY AND PERMISSIBLE ACTIVI-
10 TIES.—

11 “(A) MANDATORY ACTIVITIES.—An eligible
12 entity receiving a grant under this section shall
13 use the funds received under the grant to—

14 “(i) provide training programs to as-
15 sist law enforcement agencies, prosecutors,
16 agencies of States or units of local govern-
17 ment, population specific organizations,
18 victim service providers, victim advocates,
19 and relevant officers in Federal, tribal,
20 State, territorial, and local courts in recog-
21 nizing and addressing instances of elder
22 abuse;

23 “(ii) provide or enhance services for
24 victims of elder abuse;

1 “(iii) establish or support multidisci-
2 plinary collaborative community responses
3 to victims of elder abuse; and

4 “(iv) conduct cross-training for law
5 enforcement agencies, prosecutors, agen-
6 cies of States or units of local government,
7 attorneys, health care providers, population
8 specific organizations, faith-based advo-
9 cates, victim service providers, and courts
10 to better serve victims of elder abuse.

11 “(B) PERMISSIBLE ACTIVITIES.—An eligi-
12 ble entity receiving a grant under this section
13 may use not more than 10 percent of the funds
14 received under the grant to—

15 “(i) provide training programs to as-
16 sist attorneys, health care providers, faith-
17 based leaders, or other community-based
18 organizations in recognizing and address-
19 ing instances of elder abuse; or

20 “(ii) conduct outreach activities and
21 awareness campaigns to ensure that vic-
22 tims of elder abuse receive appropriate as-
23 sistance.

24 “(3) UNDERSERVED POPULATIONS.—In making
25 grants under this section, the Attorney General shall

1 give priority to proposals providing culturally spe-
 2 cific or population specific services.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to carry out
 5 this section \$6,000,000 for each of fiscal years 2012
 6 through 2016.”.

7 **TITLE III—SERVICES, PROTEC-**
 8 **TION, AND JUSTICE FOR**
 9 **YOUNG VICTIMS OF VIO-**
 10 **LENCE**

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

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

14 (1) in subsection (a)—

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

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

20 (2) in subsection (c)—

21 (A) in paragraph (1), by striking
 22 “\$80,000,000 for each of fiscal years 2007
 23 through 2011” and inserting “\$50,000,000 for
 24 each of fiscal years 2012 through 2016”; and

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

1 “(3) BASELINE FUNDING FOR STATES, THE
 2 DISTRICT OF COLUMBIA, AND PUERTO RICO.—A
 3 minimum allocation of \$150,000 shall be awarded in
 4 each fiscal year for each of the States, the District
 5 of Columbia, and Puerto Rico. If any State, the Dis-
 6 trict of Columbia, or Puerto Rico does not utilize its
 7 \$150,000, such amount shall be redistributed on the
 8 basis of population.”.

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

12 Subtitle L of the Violence Against Women Act of
 13 1994 is amended by striking sections 41201 through
 14 41204 (42 U.S.C. 14043e through 14043e-3) and insert-
 15 ing the following:

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

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

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

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

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

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

1 termining relevant barriers to such services in
2 a particular locality, and developing a commu-
3 nity protocol to address such problems collabo-
4 ratively;

5 “(B) develop and implement policies, prac-
6 tices, and procedures to effectively respond to
7 domestic violence, dating violence, sexual as-
8 sault, or stalking against youth; or

9 “(C) provide technical assistance and
10 training to enhance the ability of school per-
11 sonnel, victim service providers, child protective
12 service workers, staff of law enforcement agen-
13 cies, prosecutors, court personnel, individuals
14 who work in after school programs, medical
15 personnel, social workers, mental health per-
16 sonnel, and workers in other programs that
17 serve children and youth to improve their ability
18 to appropriately respond to the needs of chil-
19 dren and youth who are victims of domestic vio-
20 lence, dating violence, sexual assault, and stalk-
21 ing, and to properly refer such children, youth,
22 and their families to appropriate services.

23 “(2) SUPPORTING YOUTH THROUGH EDU-
24 CATION AND PROTECTION.—To enable middle

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

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

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

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

21 “(D) implement developmentally appro-
22 priate educational programming for students re-
23 garding domestic violence, dating violence, sex-
24 ual assault, and stalking and the impact of such
25 violence on youth; or

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

6 “(c) ELIGIBLE APPLICANTS.—

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

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

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

19 “(2) PARTNERSHIPS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(g) ALLOTMENT.—

1 (iii) by inserting “, and to develop and
2 strengthen prevention education and
3 awareness programs” before the period;
4 and

5 (B) in paragraph (2), by striking
6 “\$500,000” and inserting “\$300,000”;

7 (2) in subsection (b)—

8 (A) in paragraph (2)—

9 (i) by inserting “, strengthen,” after
10 “To develop”; and

11 (ii) by inserting “including the use of
12 technology to commit these crimes,” after
13 “sexual assault and stalking,”;

14 (B) in paragraph (4)—

15 (i) by inserting “and population spe-
16 cific services” after “strengthen victim
17 services programs”;

18 (ii) by striking “entities carrying out”
19 and all that follows through “stalking vic-
20 tim services programs” and inserting “vic-
21 tim service providers”; and

22 (iii) by inserting “, regardless of
23 whether the services are provided by the
24 institution or in coordination with commu-

1 nity victim service providers” before the
2 period at the end; and

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

4 “(9) To develop or adapt and provide develop-
5 mental, culturally appropriate, and linguistically ac-
6 cessible print or electronic materials to address both
7 prevention and intervention in domestic violence,
8 dating violence, sexual violence, and stalking.

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

13 (3) in subsection (c)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (B), by striking
16 “any non-profit” and all that follows
17 through “victim services programs” and
18 inserting “victim service providers”;

19 (ii) by redesignating subparagraphs
20 (D) through (F) as subparagraphs (E)
21 through (G), respectively; and

22 (iii) by inserting after subparagraph
23 (C), the following:

24 “(D) describe how underserved populations
25 in the campus community will be adequately

1 served, including the provision of relevant popu-
2 lation specific services;” and

3 (B) in paragraph (3), by striking “2007
4 through 2011” and inserting “2012 through
5 2016”;

6 (4) in subsection (d)—

7 (A) by redesignating paragraph (3) as
8 paragraph (4); and

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

11 “(3) GRANTEE MINIMUM REQUIREMENTS.—
12 Each grantee shall comply with the following min-
13 imum requirements during the grant period:

14 “(A) The grantee shall create a coordi-
15 nated community response including both orga-
16 nizations external to the institution and rel-
17 evant divisions of the institution.

18 “(B) The grantee shall establish a manda-
19 tory prevention and education program on do-
20 mestic violence, dating violence, sexual assault,
21 and stalking for all incoming students.

22 “(C) The grantee shall train all campus
23 law enforcement to respond effectively to do-
24 mestic violence, dating violence, sexual assault,
25 and stalking.

1 “(D) The grantee shall train all members
2 of campus disciplinary boards to respond effec-
3 tively to situations involving domestic violence,
4 dating violence, sexual assault, or stalking.”;
5 and

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

10 **SEC. 304. CAMPUS SEXUAL VIOLENCE, DOMESTIC VIO-**
11 **LENCE, DATING VIOLENCE, AND STALKING**
12 **EDUCATION AND PREVENTION.**

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

15 (1) in paragraph (1)—

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

20 (B) in subparagraph (F)—

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

23 (ii) in clause (ii)—

24 (I) by striking “sexual orienta-
25 tion” and inserting “national origin,

1 sexual orientation, gender identity,”;
2 and

3 (II) by striking the period and
4 inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

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

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

14 (3) in paragraph (6)(A)—

15 (A) by redesignating clauses (i), (ii), and
16 (iii) as clauses (ii), (iii), and (iv), respectively;

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

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

23 (C) by inserting after clause (iv), as redес-
24 igned by subparagraph (A), the following:

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

5 (4) in paragraph (7)—

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

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

16 (5) by striking paragraph (8) and inserting the
17 following:

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

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

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

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

10 “(i) Education programs to promote the aware-
11 ness of rape, acquaintance rape, domestic violence,
12 dating violence, sexual assault, and stalking, which
13 shall include—

14 “(I) primary prevention and awareness
15 programs for all incoming students and new
16 employees, which shall include—

17 “(aa) a statement that the institution
18 of higher education prohibits the offenses
19 of domestic violence, dating violence, sex-
20 ual assault, and stalking;

21 “(bb) the definition of domestic vio-
22 lence, dating violence, sexual assault, and
23 stalking in the applicable jurisdiction;

1 “(cc) the definition of consent, in ref-
2 erence to sexual activity, in the applicable
3 jurisdiction;

4 “(dd) safe and positive options for by-
5 stander intervention that may be carried
6 out by an individual to prevent harm or in-
7 tervene when there is a risk of domestic vi-
8 olence, dating violence, sexual assault, or
9 stalking against a person other than such
10 individual;

11 “(ee) information on risk reduction to
12 recognize warning signs of abusive behav-
13 ior and how to avoid potential attacks; and

14 “(ff) the information described in
15 clauses (ii) through (vii); and

16 “(II) ongoing prevention and awareness
17 campaigns for students and faculty, including
18 information described in items (aa) through (ff)
19 of subclause (I).

20 “(ii) Possible sanctions or protective measures
21 that such institution may impose following a final
22 determination of an institutional disciplinary proce-
23 dure regarding rape, acquaintance rape, domestic vi-
24 olence, dating violence, sexual assault, or stalking.

1 “(iii) Procedures victims should follow if a sex
2 offense, domestic violence, dating violence, sexual as-
3 sault, or stalking has occurred, including informa-
4 tion in writing about—

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

9 “(II) to whom the alleged offense should
10 be reported;

11 “(III) options regarding law enforcement
12 and campus authorities, including notification
13 of the victim’s option to—

14 “(aa) notify proper law enforcement
15 authorities, including on-campus and local
16 police;

17 “(bb) be assisted by campus authori-
18 ties in notifying law enforcement authori-
19 ties if the victim so chooses; and

20 “(cc) decline to notify such authori-
21 ties; and

22 “(IV) where applicable, the rights of vic-
23 tims and the institution’s responsibilities re-
24 garding orders of protection, no contact orders,

1 restraining orders, or similar lawful orders
2 issued by a criminal, civil, or tribal court.

3 “(iv) Procedures for institutional disciplinary
4 action in cases of alleged domestic violence, dating
5 violence, sexual assault, or stalking, which shall in-
6 clude a clear statement that—

7 “(I) such proceedings shall—

8 “(aa) provide a prompt and equitable
9 investigation and resolution; and

10 “(bb) be conducted by officials who
11 receive annual training on the issues re-
12 lated to domestic violence, dating violence,
13 sexual assault, and stalking and how to
14 conduct an investigation and hearing pro-
15 cess that protects the safety of victims and
16 promotes accountability;

17 “(II) the accuser and the accused are enti-
18 tled to the same opportunities to have others
19 present during an institutional disciplinary pro-
20 ceeding, including the opportunity to be accom-
21 panied to any related meeting or proceeding by
22 an advisor of their choice; and

23 “(III) both the accuser and the accused
24 shall be simultaneously informed, in writing,
25 of—

1 “(aa) the outcome of any institutional
2 disciplinary proceeding that arises from an
3 allegation of domestic violence, dating vio-
4 lence, sexual assault, or stalking;

5 “(bb) the institution’s procedures for
6 the accused and the victim to appeal the
7 results of the institutional disciplinary pro-
8 ceeding;

9 “(cc) of any change to the results that
10 occurs prior to the time that such results
11 become final; and

12 “(dd) when such results become final.

13 “(v) Information about how the institution will
14 protect the confidentiality of victims, including how
15 publicly-available recordkeeping will be accomplished
16 without the inclusion of identifying information
17 about the victim, to the extent permissible by law.

18 “(vi) Notification of students about existing
19 counseling, health, mental health, victim advocacy,
20 legal assistance, and other services available for vic-
21 tims both on-campus and in the community.

22 “(vii) Notification of victims about options for,
23 and available assistance in, changing academic, liv-
24 ing, transportation, and working situations, if so re-
25 quested by the victim and if such accommodations

1 are reasonably available, regardless of whether the
2 victim chooses to report the crime to campus police
3 or local law enforcement.

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

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

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

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

22 “(B) The Secretary shall seek the advice and counsel
23 of the Attorney General of the United States and the Sec-
24 retary of Health and Human Services concerning the de-
25 velopment, and dissemination to institutions of higher

1 education, of best practices information about preventing
 2 and responding to incidents of domestic violence, dating
 3 violence, sexual assault, and stalking, including elements
 4 of institutional policies that have proven successful based
 5 on evidence-based outcome measurements.”; and

6 (8) by striking paragraph (17) and inserting
 7 the following:

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

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

20 **TITLE IV—VIOLENCE**
 21 **REDUCTION PRACTICES**

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

24 Section 402(c) of the Violence Against Women and
 25 Department of Justice Reauthorization Act of 2005 (42

1 U.S.C. 280b–4(c)) is amended by striking “\$2,000,000 for
 2 each of the fiscal years 2007 through 2011” and inserting
 3 “\$1,000,000 for each of the fiscal years 2012 through
 4 2016”.

5 **SEC. 402. SAVING MONEY AND REDUCING TRAGEDIES**
 6 **THROUGH PREVENTION GRANTS.**

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

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

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

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

23 “(1) TENN DATING VIOLENCE AWARENESS AND
 24 PREVENTION.—To develop, maintain, or enhance
 25 programs that change attitudes and behaviors

1 around the acceptability of domestic violence, dating
2 violence, sexual assault, and stalking and provide
3 education and skills training to young individuals
4 and individuals who influence young individuals. The
5 prevention program may use evidence-based, evi-
6 dence-informed, or innovative strategies and prac-
7 tices focused on youth. Such a program should in-
8 clude—

9 “(A) age and developmentally-appropriate
10 education on domestic violence, dating violence,
11 sexual assault, stalking, and sexual coercion, as
12 well as healthy relationship skills, in school, in
13 the community, or in health care settings;

14 “(B) community-based collaboration and
15 training for those with influence on youth, such
16 as parents, teachers, coaches, healthcare pro-
17 viders, faith-leaders, older teens, and mentors;

18 “(C) education and outreach to change en-
19 vironmental factors contributing to domestic vi-
20 olence, dating violence, sexual assault, and
21 stalking; and

22 “(D) policy development targeted to pre-
23 vention, including school-based policies and pro-
24 tocols.

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

8 “(A) providing services for children ex-
9 posed to domestic violence, dating violence, sex-
10 ual assault or stalking, including direct coun-
11 seling or advocacy, and support for the non-
12 abusing parent; and

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

21 “(3) ENGAGING MEN AS LEADERS AND ROLE
22 MODELS.—To develop, maintain or enhance pro-
23 grams that work with men to prevent domestic vio-
24 lence, dating violence, sexual assault, and stalking
25 by helping men to serve as role models and social

1 influencers of other men and youth at the individual,
2 school, community or statewide levels.

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

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

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

24 “(A) A public, charter, tribal, or nationally
25 accredited private middle or high school, a

1 school administered by the Department of De-
2 fense under section 2164 of title 10, United
3 States Code or section 1402 of the Defense De-
4 pendents' Education Act of 1978, a group of
5 schools, or a school district.

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

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

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

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

1 “(F) Any other agencies, population-spe-
2 cific organizations, or nonprofit, nongovern-
3 mental organizations with the capacity to pro-
4 vide necessary expertise to meet the goals of the
5 program.

6 “(d) GRANTEE REQUIREMENTS.—

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

14 “(2) POLICIES AND PROCEDURES.—Applicants
15 under this section shall establish and implement
16 policies, practices, and procedures that—

17 “(A) include appropriate referral systems
18 to direct any victim identified during program
19 activities to highly qualified follow-up care;

20 “(B) protect the confidentiality and pri-
21 vacy of adult and youth victim information,
22 particularly in the context of parental or third
23 party involvement and consent, mandatory re-
24 porting duties, and working with other service
25 providers;

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

7 “(D) document how prevention programs
8 are coordinated with service programs in the
9 community.

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

13 “(A) include outcome-based evaluation;
14 and

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

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

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section,
3 \$15,000,000 for each of fiscal years 2012 through 2016.
4 Amounts appropriated under this section may only be used
5 for programs and activities described under this section.

6 “(g) ALLOTMENT.—

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

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

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

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

23 (2) Section 403 of the Violence Against Women
24 and Department of Justice Reauthorization Act of
25 2005 (42 U.S.C. 14045c).

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

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

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

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

18 “(a) IN GENERAL.—The Secretary shall award
 19 grants for—

20 “(1) the development or enhancement and im-
 21 plementation of interdisciplinary training for health
 22 professionals, public health staff, and allied health
 23 professionals;

24 “(2) the development or enhancement and im-
 25 plementation of education programs for medical,

1 nursing, dental, and other health profession students
2 and residents to prevent and respond to domestic vi-
3 olence, dating violence, sexual assault, and stalking;
4 and

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

12 “(b) USE OF FUNDS.—

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

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

18 “(i) are designed to train medical,
19 psychology, dental, social work, nursing,
20 and other health profession students, in-
21 terns, residents, fellows, or current health
22 care providers to identify and provide
23 health care services (including mental or
24 behavioral health care services and refer-
25 rals to appropriate community services) to

1 individuals who are or who have been vic-
2 tims of domestic violence, dating violence,
3 sexual assault, or stalking; and

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

18 “(B) design and implement comprehensive
19 strategies to improve the response of the health
20 care system to domestic or sexual violence in
21 clinical and public health settings, hospitals,
22 clinics, and other health settings (including be-
23 havioral and mental health), under subsection
24 (a)(3) through—

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

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

1 “(iii) the development of measures
2 and methods for the evaluation of the
3 practice of identification, intervention, and
4 documentation regarding victims of domes-
5 tic violence, dating violence, sexual assault,
6 and stalking, including the development
7 and testing of quality improvement meas-
8 urements; and

9 “(iv) the provision of training and fol-
10 low-up technical assistance to health care
11 professionals, and public health staff, and
12 allied health professionals to identify, as-
13 sess, treat, and refer clients who are vic-
14 tims of domestic violence, dating violence,
15 sexual assault, or stalking, including using
16 tools and training materials already devel-
17 oped.

18 “(2) PERMISSIBLE USES.—

19 “(A) CHILD AND ELDER ABUSE.—To the
20 extent consistent with the purpose of this sec-
21 tion, a grantee may use amounts received under
22 this section to address, as part of a comprehen-
23 sive programmatic approach implemented under
24 the grant, issues relating to child or elder
25 abuse.

1 “(B) RURAL AREAS.—Grants funded
2 under paragraphs (1) and (2) of subsection (a)
3 may be used to offer to rural areas community-
4 based training opportunities, which may include
5 the use of distance learning networks and other
6 available technologies needed to reach isolated
7 rural areas, for medical, nursing, and other
8 health profession students and residents on do-
9 mestic violence, dating violence, sexual assault,
10 stalking, and, as appropriate, other forms of vi-
11 olence and abuse.

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

14 “(i) the development of training mod-
15 ules and policies that address the overlap
16 of child abuse, domestic violence, dating vi-
17 olence, sexual assault, and stalking and
18 elder abuse, as well as childhood exposure
19 to domestic and sexual violence;

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

24 “(iii) the inclusion of the health ef-
25 fects of lifetime exposure to violence and

1 abuse as well as related protective factors
2 and behavioral risk factors in health pro-
3 fessional training schools including med-
4 ical, dental, nursing, social work, and men-
5 tal and behavioral health curricula, and al-
6 lied health service training courses; or

7 “(iv) the integration of knowledge of
8 domestic violence, dating violence, sexual
9 assault, and stalking into health care ac-
10 creditation and professional licensing ex-
11 aminations, such as medical, dental, social
12 work, and nursing boards, and where ap-
13 propriate, other allied health exams.

14 “(c) REQUIREMENTS FOR GRANTEES.—

15 “(1) CONFIDENTIALITY AND SAFETY.—

16 “(A) IN GENERAL.—Grantees under this
17 section shall ensure that all programs developed
18 with grant funds address issues of confiden-
19 tiality and patient safety and comply with appli-
20 cable confidentiality and nondisclosure require-
21 ments under section 40002(b)(2) of the Vio-
22 lence Against Women Act of 1994 and the
23 Family Violence Prevention and Services Act,
24 and that faculty and staff associated with deliv-
25 ering educational components are fully trained

1 in procedures that will protect the immediate
2 and ongoing security and confidentiality of the
3 patients, patient records, and staff. Such grant-
4 ees shall consult entities with demonstrated ex-
5 pertise in the confidentiality and safety needs of
6 victims of domestic violence, dating violence,
7 sexual assault, and stalking on the development
8 and adequacy of confidentiality and security pro-
9 cedures, and provide documentation of such
10 consultation.

11 “(B) ADVANCE NOTICE OF INFORMATION
12 DISCLOSURE.—Grantees under this section shall
13 provide to patients advance notice about any
14 circumstances under which information may be
15 disclosed, such as mandatory reporting laws,
16 and shall give patients the option to receive in-
17 formation and referrals without affirmatively
18 disclosing abuse.

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

23 “(3) APPLICATION.—

24 “(A) PREFERENCE.—In selecting grant re-
25 cipients under this section, the Secretary shall

1 give preference to applicants based on the
2 strength of their evaluation strategies, with pri-
3 ority given to outcome based evaluations.

4 “(B) SUBSECTION (a)(1) AND (2) GRANT-
5 EES.—Applications for grants under para-
6 graphs (1) and (2) of subsection (a) shall in-
7 clude—

8 “(i) documentation that the applicant
9 represents a team of entities working col-
10 laboratively to strengthen the response of
11 the health care system to domestic vio-
12 lence, dating violence, sexual assault, or
13 stalking, and which includes at least one of
14 each of—

15 “(I) an accredited school of
16 allopathic or osteopathic medicine,
17 psychology, nursing, dentistry, social
18 work, or other health field;

19 “(II) a health care facility or sys-
20 tem; or

21 “(III) a government or nonprofit
22 entity with a history of effective work
23 in the fields of domestic violence, dat-
24 ing violence, sexual assault, or stalk-
25 ing; and

1 “(ii) strategies for the dissemination
2 and sharing of curricula and other edu-
3 cational materials developed under the
4 grant, if any, with other interested health
5 professions schools and national resource
6 repositories for materials on domestic vio-
7 lence, dating violence, sexual assault, and
8 stalking.

9 “(C) SUBSECTION (a)(3) GRANTEES.—An
10 entity desiring a grant under subsection (a)(3)
11 shall submit an application to the Secretary at
12 such time, in such a manner, and containing
13 such information and assurances as the Sec-
14 retary may require, including—

15 “(i) documentation that all training,
16 education, screening, assessment, services,
17 treatment, and any other approach to pa-
18 tient care will be informed by an under-
19 standing of violence and abuse victimiza-
20 tion and trauma-specific approaches that
21 will be integrated into prevention, interven-
22 tion, and treatment activities;

23 “(ii) strategies for the development
24 and implementation of policies to prevent
25 and address domestic violence, dating vio-

1 lence, sexual assault, and stalking over the
2 lifespan in health care settings;

3 “(iii) a plan for consulting with State
4 and tribal domestic violence or sexual as-
5 sault coalitions, national nonprofit victim
6 advocacy organizations, State or tribal law
7 enforcement task forces (where appro-
8 priate), and population specific organiza-
9 tions with demonstrated expertise in do-
10 mestic violence, dating violence, sexual as-
11 sault, or stalking;

12 “(iv) with respect to an application
13 for a grant under which the grantee will
14 have contact with patients, a plan, devel-
15 oped in collaboration with local victim serv-
16 ice providers, to respond appropriately to
17 and make correct referrals for individuals
18 who disclose that they are victims of do-
19 mestic violence, dating violence, sexual as-
20 sault, stalking, or other types of violence,
21 and documentation provided by the grantee
22 of an ongoing collaborative relationship
23 with a local victim service provider; and

24 “(v) with respect to an application for
25 a grant proposing to fund a program de-

1 scribed in subsection (b)(2)(C)(ii), a cer-
2 tification that any sexual assault forensic
3 medical examination and sexual assault
4 nurse examiner programs supported with
5 such grant funds will adhere to the guide-
6 lines set forth by the Attorney General.

7 “(d) ELIGIBLE ENTITIES.—

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

11 “(A) a nonprofit organization with a his-
12 tory of effective work in the field of training
13 health professionals with an understanding of,
14 and clinical skills pertinent to, domestic vio-
15 lence, dating violence, sexual assault, or stalk-
16 ing, and lifetime exposure to violence and
17 abuse;

18 “(B) an accredited school of allopathic or
19 osteopathic medicine, psychology, nursing, den-
20 tistry, social work, or allied health;

21 “(C) a health care provider membership or
22 professional organization, or a health care sys-
23 tem; or

24 “(D) a State, tribal, territorial, or local en-
25 tity.

1 “(2) SUBSECTION (a)(3) GRANTEES.—To be eli-
2 gible to receive funding under subsection (a)(3), an
3 entity shall be—

4 “(A) a State department (or other divi-
5 sion) of health, a State, tribal, or territorial do-
6 mestic violence or sexual assault coalition or
7 victim service provider, or any other nonprofit,
8 nongovernmental organization with a history of
9 effective work in the fields of domestic violence,
10 dating violence, sexual assault, or stalking, and
11 health care, including physical or mental health
12 care; or

13 “(B) a local victim service provider, a local
14 department (or other division) of health, a local
15 health clinic, hospital, or health system, or any
16 other community-based organization with a his-
17 tory of effective work in the field of domestic vi-
18 olence, dating violence, sexual assault, or stalk-
19 ing and health care, including physical or men-
20 tal health care.

21 “(e) TECHNICAL ASSISTANCE.—

22 “(1) IN GENERAL.—Of the funds made avail-
23 able to carry out this section for any fiscal year, the
24 Secretary may make grants or enter into contracts
25 to provide technical assistance with respect to the

1 planning, development, and operation of any pro-
2 gram, activity or service carried out pursuant to this
3 section. Not more than 8 percent of the funds ap-
4 propriated under this section in each fiscal year may
5 be used to fund technical assistance under this sub-
6 section.

7 “(2) AVAILABILITY OF MATERIALS.—The Sec-
8 retary shall make publicly available materials devel-
9 oped by grantees under this section, including mate-
10 rials on training, best practices, and research and
11 evaluation.

12 “(3) REPORTING.—The Secretary shall publish
13 a biennial report on—

14 “(A) the distribution of funds under this
15 section; and

16 “(B) the programs and activities supported
17 by such funds.

18 “(f) RESEARCH AND EVALUATION.—

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

24 “(A) grants awarded under this section;
25 and

1 “(B) other training for health professionals
2 and effective interventions in the health care
3 setting that prevent domestic violence, dating
4 violence, and sexual assault across the lifespan,
5 prevent the health effects of such violence, and
6 improve the safety and health of individuals
7 who are currently being victimized.

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

10 “(A) research on the effects of domestic vi-
11 olence, dating violence, sexual assault, and
12 childhood exposure to domestic, dating or sex-
13 ual violence on health behaviors, health condi-
14 tions, and health status of individuals, families,
15 and populations, including underserved popu-
16 lations;

17 “(B) research to determine effective health
18 care interventions to respond to and prevent do-
19 mestic violence, dating violence, sexual assault,
20 and stalking;

21 “(C) research on the impact of domestic,
22 dating and sexual violence, childhood exposure
23 to such violence, and stalking on the health care
24 system, health care utilization, health care
25 costs, and health status; and

1 “(D) research on the impact of adverse
2 childhood experiences on adult experience with
3 domestic violence, dating violence, sexual as-
4 sault, stalking, and adult health outcomes, in-
5 cluding how to reduce or prevent the impact of
6 adverse childhood experiences through the
7 health care setting.

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

11 “(h) DEFINITIONS.—Except as otherwise provided
12 herein, the definitions provided for in section 40002 of the
13 Violence Against Women Act of 1994 shall apply to this
14 section.”.

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

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

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

1 **TITLE VI—SAFE HOMES FOR VIC-**
2 **TIMS OF DOMESTIC VIO-**
3 **LENCE, DATING VIOLENCE,**
4 **SEXUAL ASSAULT, AND**
5 **STALKING**

6 **SEC. 601. HOUSING PROTECTIONS FOR VICTIMS OF DOMES-**
7 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
8 **ASSAULT, AND STALKING.**

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

12 (1) by inserting after the subtitle heading the
13 following:

14 **“CHAPTER 1—GRANT PROGRAMS”;**

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

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

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

1 **“CHAPTER 2—HOUSING RIGHTS**

2 **“SEC. 41411. HOUSING RIGHTS FOR VICTIMS OF DOMESTIC**
3 **VIOLENCE, DATING VIOLENCE, SEXUAL AS-**
4 **SAULT, AND STALKING.**

5 “(a) DEFINITIONS.—In this chapter:

6 “(1) APPROPRIATE AGENCY.—The term ‘appro-
7 prate agency’ means, with respect to a covered
8 housing program, the Executive department (as de-
9 fined in section 101 of title 5, United States Code)
10 that carries out the covered housing program.

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

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

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

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

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

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

4 “(F) the program under paragraph (3) of
5 section 221(d) of the National Housing Act (12
6 U.S.C. 1715l(d)) that bears interest at a rate
7 determined under the proviso under paragraph
8 (5) of such section 221(d);

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

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

14 “(I) rural housing assistance provided
15 under sections 514, 515, 516, 533, and 538 of
16 the Housing Act of 1949 (42 U.S.C. 1484,
17 1485, 1486, 1490m, and 1490p-2); and

18 “(J) the low income housing tax credit
19 program under section 42 of the Internal Rev-
20 enue Code of 1986.

21 “(3) IMMEDIATE FAMILY MEMBER.—The term
22 ‘immediate family member’ means, with respect to
23 an individual—

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

4 “(B) any individual living in the household
5 of such individual who is related to such indi-
6 vidual by blood or marriage; or

7 “(C) any individual living in the household
8 of such individual who is related to such indi-
9 vidual by affinity whose close association or in-
10 timate relationship with such individual is the
11 equivalent of a family relationship.

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

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

23 “(2) CONSTRUCTION OF LEASE TERMS.—An in-
24 cident of actual or threatened domestic violence, dat-

1 ing violence, sexual assault, or stalking shall not be
2 construed as—

3 “(A) a serious or repeated violation of a
4 lease for housing assisted under a covered hous-
5 ing program by the victim or threatened victim
6 of such incident; or

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

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

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

1 such domestic violence, dating violence, sexual
2 assault, or stalking.

3 “(B) BIFURCATION.—

4 “(i) IN GENERAL.—Notwithstanding
5 subparagraph (A), an owner or manager of
6 housing assisted under a covered housing
7 program may bifurcate a lease for the
8 housing in order to evict, remove, or termi-
9 nate assistance to any individual who is a
10 tenant or lawful occupant of the housing
11 and who engages in criminal activity di-
12 rectly relating to domestic violence, dating
13 violence, sexual assault, or stalking against
14 an immediate family member or other indi-
15 vidual, without evicting, removing, termi-
16 nating assistance to, or otherwise penal-
17 izing a victim of such criminal activity who
18 is also a tenant or lawful occupant of the
19 housing.

20 “(ii) EFFECT OF EVICTION ON OTHER
21 TENANTS.—If an owner or manager of
22 housing assisted under a covered housing
23 program evicts, removes, or terminates as-
24 sistance to an individual under clause (i),
25 and the individual is the sole tenant eligi-

1 ble to receive assistance under a covered
2 housing program, the owner or manager of
3 housing assisted under the covered housing
4 program shall provide any remaining ten-
5 ant an opportunity to establish eligibility
6 for the covered housing program. If a ten-
7 ant described in the preceding sentence
8 cannot establish eligibility, the owner or
9 manager of the housing shall provide the
10 tenant a reasonable time, as determined by
11 the appropriate agency, to find new hous-
12 ing or to establish eligibility for housing
13 under another covered housing program.

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

16 “(i) to limit the authority of an owner
17 or manager of housing assisted under a
18 covered housing program, when notified of
19 a court order, to comply with a court order
20 with respect to—

21 “(I) the rights of access to or
22 control of property, including civil
23 protection orders issued to protect a
24 victim of domestic violence, dating vio-
25 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 an owner or manager of hous-
6 ing assisted under a covered housing pro-
7 gram to evict or terminate assistance to a
8 tenant for any violation of a lease not pre-
9 mised on the act of violence in question
10 against the tenant or an immediate family
11 member of the tenant, if the owner or
12 manager does not subject an individual
13 who is or has been a victim of domestic vi-
14 olence, dating violence, or stalking to a
15 more demanding standard than other ten-
16 ants in determining whether to evict or ter-
17 minate;

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 the owner or manager
22 of the housing can demonstrate that an ac-
23 tual and imminent threat to other tenants
24 or individuals employed at or providing
25 service to the property would be present if

1 the assistance is not terminated or the ten-
2 ant is not evicted; or

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

8 “(c) DOCUMENTATION.—

9 “(1) REQUEST FOR DOCUMENTATION.—If an
10 applicant for or tenant of housing assisted under a
11 covered housing program represents to the owner or
12 manager of the housing that the individual is enti-
13 tled to protection under subsection (b), the owner or
14 manager may request, in writing, that the tenant
15 submit to the owner or manager a form of docu-
16 mentation described in paragraph (3).

17 “(2) FAILURE TO PROVIDE CERTIFICATION.—If
18 a tenant does not provide the documentation re-
19 quested under paragraph (1) within 14 business
20 days after the tenant receives a request in writing
21 for such certification from the owner or manager of
22 the housing, nothing in this chapter may be con-
23 strued to limit the authority of the owner or man-
24 ager to evict any tenant or lawful occupant that
25 commits violations of a lease. The owner or manager

1 of the housing may extend the 14-day deadline at its
2 discretion.

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

5 “(A) a certification form approved by the
6 appropriate agency that—

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

10 “(ii) states that the incident of domes-
11 tic violence, dating violence, sexual assault,
12 or stalking that is the ground for protec-
13 tion under subsection (b) meets the re-
14 quirements under subsection (b); and

15 “(iii) at the option of the applicant or
16 tenant, includes the name of the individual
17 who committed the domestic violence, dat-
18 ing violence, sexual assault, or stalking;

19 “(B) a document that—

20 “(i) is signed by—

21 “(I) an employee, agent, or vol-
22 unteer of a victim service provider, an
23 attorney, a medical professional, or a
24 mental health professional from whom
25 an applicant or tenant has sought as-

1 sistance relating to domestic violence,
2 dating violence, sexual assault, or
3 stalking, or the effects of the abuse;
4 and

5 “(II) the applicant or tenant; and

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

13 “(C) a record of a Federal, State, tribal,
14 territorial, or local law enforcement agency,
15 court, or administrative agency; or

16 “(D) at the discretion of an owner or man-
17 ager of housing assisted under a covered hous-
18 ing program, a statement or other evidence pro-
19 vided by an applicant or tenant.

20 “(4) CONFIDENTIALITY.—Any information sub-
21 mitted to an owner or manager under this sub-
22 section, including the fact that an individual is a vic-
23 tim of domestic violence, dating violence, sexual as-
24 sault, or stalking shall be maintained in confidence
25 by the owner or manager and may not be entered

1 into any shared database or disclosed to any other
2 entity or individual, except to the extent that the
3 disclosure is—

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

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

8 “(C) otherwise required by applicable law.

9 “(5) DOCUMENTATION NOT REQUIRED.—Noth-
10 ing in this subsection shall be construed to require
11 an owner or manager of housing assisted under a
12 covered housing program to request that an indi-
13 vidual submit documentation of the status of the in-
14 dividual as a victim of domestic violence, dating vio-
15 lence, sexual assault, or stalking.

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

1 of housing assisted under a covered housing program
2 for failure to comply with subsection (b).

3 “(7) PREEMPTION.—Nothing in this subsection
4 shall be construed to supersede any provision of any
5 Federal, State, or local law that provides greater
6 protection than this subsection for victims of domes-
7 tic violence, dating violence, sexual assault, or stalk-
8 ing.

9 “(d) NOTIFICATION.—Each owner or manager of
10 housing assisted under a covered housing program shall
11 provide to each applicant for or tenant of such housing
12 notice of the rights of individuals under this section, in-
13 cluding the right to confidentiality and the limits thereof,
14 together with the form described in subsection (c)(3)(A)—

15 “(1) at the time the individual applies to live in
16 a dwelling unit assisted under the covered housing
17 program;

18 “(2) at the time the individual is admitted to a
19 dwelling unit assisted under the covered housing
20 program;

21 “(3) with any notification of eviction or notifi-
22 cation of termination of assistance;

23 “(4) in multiple languages, consistent with
24 guidance issued by the Secretary of Housing and
25 Urban Development in accordance with Executive

1 Order 13166 (42 U.S.C. 2000d–1 note; relating to
2 access to services for persons with limited English
3 proficiency); and

4 “(5) by posting the notification in a public area
5 of such housing.

6 “(e) EMERGENCY TRANSFERS.—Notwithstanding
7 any other provision of law, each owner or manager of
8 housing assisted under a covered program shall adopt an
9 emergency transfer policy for tenants who are victims of
10 domestic violence, dating violence, sexual assault, or stalk-
11 ing that—

12 “(1) allows tenants who are victims of domestic
13 violence, dating violence, sexual assault, or stalking
14 to transfer to another available and safe dwelling
15 unit assisted under a covered housing program if—

16 “(A) the tenant expressly requests the
17 transfer; and

18 “(B)(i) the tenant reasonably believes that
19 the tenant is threatened with imminent harm
20 from further violence if the tenant remains
21 within the same dwelling unit assisted under a
22 covered housing program; or

23 “(ii) in the case of a tenant who is a victim
24 of sexual assault, the sexual assault occurred on

1 the premises during the 90 day period pre-
2 ceding the request for transfer; and

3 “(2) incorporates reasonable confidentiality
4 measures to ensure that the owner or manager does
5 not disclose the location of the dwelling unit of a
6 tenant to a person that commits an act of domestic
7 violence, dating violence, sexual assault, or stalking
8 against the tenant.

9 “(f) POLICIES AND PROCEDURES FOR EMERGENCY
10 TRANSFER.—The Secretary of Housing and Urban Devel-
11 opment shall establish policies and procedures under
12 which a victim requesting an emergency transfer under
13 subsection (e) may receive, subject to the availability of
14 tenant protection vouchers, assistance under section 8(o)
15 of the United States Housing Act of 1937 (42 U.S.C.
16 1437f(o)).

17 “(g) IMPLEMENTATION.—The appropriate agency
18 with respect to each covered housing program shall imple-
19 ment this section, as this section applies to the covered
20 housing program.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) SECTION 6.—Section 6 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437d) is amend-
24 ed—

25 (A) in subsection (c)—

1 (i) by striking paragraph (3); and
2 (ii) by redesignating paragraphs (4)
3 and (5) as paragraphs (3) and (4), respec-
4 tively;

5 (B) in subsection (l)—

6 (i) in paragraph (5), by striking “,
7 and that an incident or incidents of actual
8 or threatened domestic violence, dating vio-
9 lence, or stalking will not be construed as
10 a serious or repeated violation of the lease
11 by the victim or threatened victim of that
12 violence and will not be good cause for ter-
13 minating the tenancy or occupancy rights
14 of the victim of such violence”; and

15 (ii) in paragraph (6), by striking “;
16 except that” and all that follows through
17 “stalking.”; and

18 (C) by striking subsection (u).

19 (2) SECTION 8.—Section 8 of the United States
20 Housing Act of 1937 (42 U.S.C. 1437f) is amend-
21 ed—

22 (A) in subsection (e), by striking para-
23 graph (9);

24 (B) in subsection (d)(1)—

1 (i) in subparagraph (A), by striking
2 “and that an applicant or participant is or
3 has been a victim of domestic violence, dat-
4 ing violence, or stalking is not an appro-
5 priate basis for denial of program assist-
6 ance or for denial of admission if the appli-
7 cant otherwise qualifies for assistance or
8 admission”; and

9 (ii) in subparagraph (B)—

10 (I) in clause (ii), by striking “,
11 and that an incident or incidents of
12 actual or threatened domestic vio-
13 lence, dating violence, or stalking will
14 not be construed as a serious or re-
15 peated violation of the lease by the
16 victim or threatened victim of that vi-
17 olence and will not be good cause for
18 terminating the tenancy or occupancy
19 rights of the victim of such violence”;
20 and

21 (II) in clause (iii), by striking “,
22 except that:” and all that follows
23 through “stalking.”;

24 (C) in subsection (f)—

1 (i) in paragraph (6), by adding “and”
2 at the end;

3 (ii) in paragraph (7), by striking the
4 semicolon at the end and inserting a pe-
5 riod; and

6 (iii) by striking paragraphs (8), (9),
7 (10), and (11);

8 (D) in subsection (o)—

9 (i) in paragraph (6)(B), by striking
10 the last sentence;

11 (ii) in paragraph (7)—

12 (I) in subparagraph (C), by strik-
13 ing “and that an incident or incidents
14 of actual or threatened domestic vio-
15 lence, dating violence, or stalking shall
16 not be construed as a serious or re-
17 peated violation of the lease by the
18 victim or threatened victim of that vi-
19 olence and shall not be good cause for
20 terminating the tenancy or occupancy
21 rights of the victim of such violence”;
22 and

23 (II) in subparagraph (D), by
24 striking “; except that” and all that
25 follows through “stalking.”; and

1 (iii) by striking paragraph (20); and
2 (E) by striking subsection (ee).

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 Act, or the amendments made by this Act, shall be
5 construed—

6 (A) to limit the rights or remedies avail-
7 able to any person under section 6 or 8 of the
8 United States Housing Act of 1937 (42 U.S.C.
9 1437d and 1437f), as in effect on the day be-
10 fore the date of enactment of this Act; or

11 (B) to limit any right, remedy, or proce-
12 dure otherwise available under any provision of
13 part 5, 91, 880, 882, 883, 884, 886, 891, 903,
14 960, 966, 982, or 983 of title 24, Code of Fed-
15 eral Regulations, that—

16 (i) was issued under the Violence
17 Against Women and Department of Jus-
18 tice Reauthorization Act of 2005 (Public
19 Law 109–162; 119 Stat. 2960) or an
20 amendment made by that Act; and

21 (ii) provides greater protection for vic-
22 tims of domestic violence, dating violence,
23 sexual assault, and stalking than this Act.

1 **SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS**
2 **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**
3 **ING VIOLENCE, SEXUAL ASSAULT, AND**
4 **STALKING.**

5 Chapter 11 of the Violence Against Women Act of
6 1994 (42 U.S.C. 13975 et seq.) is amended—

7 (1) in the chapter heading, by striking
8 **“CHILD VICTIMS OF DOMESTIC VIO-**
9 **LENCE, STALKING, OR SEXUAL AS-**
10 **SAULT”** and inserting **“VICTIMS OF DO-**
11 **MESTIC VIOLENCE, DATING VIO-**
12 **LENCE, SEXUAL ASSAULT, OR STALK-**
13 **ING”**; and

14 (2) in section 40299 (42 U.S.C. 13975)—

15 (A) in the header, by striking **“CHILD**
16 **VICTIMS OF DOMESTIC VIOLENCE, STALK-**
17 **ING, OR SEXUAL ASSAULT”** and inserting
18 **“VICTIMS OF DOMESTIC VIOLENCE, DAT-**
19 **ING VIOLENCE, SEXUAL ASSAULT, OR**
20 **STALKING”**;

21 (B) in subsection (a)(1), by striking **“flee-**
22 **ing”**; and

23 (C) in subsection (g)—

24 (i) in paragraph (1), by striking
25 **“\$40,000,000 for each of fiscal years 2007**
26 **through 2011”** and inserting

1 “\$35,000,000” for each of fiscal years
2 2012 through 2016; and

3 (ii) in paragraph (3)—

4 (I) in subparagraph (A), by strik-
5 ing “eligible” and inserting “quali-
6 fied”; and

7 (II) by adding at the end the fol-
8 lowing:

9 “(D) QUALIFIED APPLICATION DE-
10 FINED.—In this paragraph, the term ‘qualified
11 application’ means an application that—

12 “(i) has been submitted by an eligible
13 applicant;

14 “(ii) does not propose any significant
15 activities that may compromise victim safe-
16 ty;

17 “(iii) reflects an understanding of the
18 dynamics of domestic violence, dating vio-
19 lence, sexual assault, or stalking; and

20 “(iv) does not propose prohibited ac-
21 tivities, including mandatory services for
22 victims, background checks of victims, or
23 clinical evaluations to determine eligibility
24 for services.”.

1 **SEC. 603. ADDRESSING THE HOUSING NEEDS OF VICTIMS**
2 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**
3 **SEXUAL ASSAULT, AND STALKING.**

4 Subtitle N of the Violence Against Women Act of
5 1994 (42 U.S.C. 14043e et seq.) is amended—

6 (1) in section 41404(i) (42 U.S.C. 14043e–
7 3(i)), by striking “\$10,000,000 for each of fiscal
8 years 2007 through 2011” and inserting
9 “\$5,000,000 for each of fiscal years 2012 through
10 2016”; and

11 (2) in section 41405(g) (42 U.S.C. 14043e–
12 4(g)), by striking “\$10,000,000 for each of fiscal
13 years 2007 through 2011” and inserting
14 “\$5,000,000 for each of fiscal years 2012 through
15 2016”.

16 **TITLE VII—ECONOMIC SECURITY**
17 **FOR VICTIMS OF VIOLENCE**

18 **SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE**
19 **RESPONSES TO ASSIST VICTIMS OF DOMES-**
20 **TIC AND SEXUAL VIOLENCE.**

21 Section 41501(e) of the Violence Against Women Act
22 of 1994 (42 U.S.C. 14043f(e)) is amended by striking
23 “fiscal years 2007 through 2011” and inserting “fiscal
24 years 2012 through 2016”.

1 **TITLE VIII—PROTECTION OF**
2 **BATTERED IMMIGRANTS**

3 **SEC. 801. U NONIMMIGRANT DEFINITION.**

4 Section 101(a)(15)(U)(iii) of the Immigration and
5 Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended
6 by inserting “dating violence; stalking;” after “sexual ex-
7 ploitation;”.

8 **SEC. 802. ANNUAL REPORT ON IMMIGRATION APPLICA-**
9 **TIONS MADE BY VICTIMS OF ABUSE.**

10 Not later than December 1, 2012, and annually
11 thereafter, the Secretary of Homeland Security shall sub-
12 mit to the Committee on the Judiciary of the Senate and
13 the Committee on the Judiciary of the House of Rep-
14 resentatives a report that includes the following:

15 (1) The number of aliens who—

16 (A) submitted an application for non-
17 immigrant status under paragraph (15)(T)(i),
18 (15)(U)(i), or (51) of section 101(a) of the Im-
19 migration and Nationality Act (8 U.S.C.
20 1101(a)) during the preceding fiscal year;

21 (B) were granted such nonimmigrant sta-
22 tus during such fiscal year; or

23 (C) were denied such nonimmigrant status
24 during such fiscal year.

1 (2) The mean amount of time and median
2 amount of time to adjudicate an application for such
3 nonimmigrant status during such fiscal year.

4 (3) The mean amount of time and median
5 amount of time between the receipt of an application
6 for such nonimmigrant status and the issuance of
7 work authorization to an eligible applicant during
8 the preceding fiscal year.

9 (4) The number of aliens granted continued
10 presence in the United States under section
11 107(c)(3) of the Trafficking Victims Protection Act
12 of 2000 (22 U.S.C. 7105(c)(3)) during the pre-
13 ceding fiscal year.

14 (5) A description of any actions being taken to
15 reduce the adjudication and processing time, while
16 ensuring the safe and competent processing, of an
17 application described in paragraph (1) or a request
18 for continued presence referred to in paragraph (4).

19 **SEC. 803. PROTECTION FOR CHILDREN OF VAWA SELF-PE-**
20 **TITIONERS.**

21 Section 204(l)(2) of the Immigration and Nationality
22 Act (8 U.S.C. 1154(l)(2)) is amended—

23 (1) in subparagraph (E), by striking “or” at
24 the end;

1 (2) by redesignating subparagraph (F) as sub-
2 paragraph (G); and

3 (3) by inserting after subparagraph (E) the fol-
4 lowing:

5 “(F) a derivative beneficiary of an alien
6 who was a VAWA self-petitioner; or”.

7 **SEC. 804. PUBLIC CHARGE.**

8 Section 212(a)(4) of the Immigration and Nationality
9 Act (8 U.S.C. 1182(a)(4)) is amended by adding at the
10 end the following:

11 “(E) SPECIAL RULE FOR QUALIFIED
12 ALIEN VICTIMS.—Subparagraphs (A), (B), and
13 (C) shall not apply to an alien who—

14 “(i) is a VAWA self-petitioner;

15 “(ii) is an applicant for, or is granted,
16 nonimmigrant status under section
17 101(a)(15)(U); or

18 “(iii) is a qualified alien described in
19 section 431(c) of the Personal Responsi-
20 bility and Work Opportunity Reconciliation
21 Act of 1996 (8 U.S.C. 1641(c)).”.

22 **SEC. 805. REQUIREMENTS APPLICABLE TO U VISAS.**

23 (a) PETITIONING PROCEDURES FOR SECTION
24 101(a)(15)(U) VISAS.—Paragraph (1) of section 214(p)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1184(p)) is amended to read as follows:

3 “(1) PETITIONING PROCEDURES FOR SECTION
4 101(a)(15)(U) VISAS.—

5 “(A) CERTIFICATION.—The petition filed
6 by an alien under section 101(a)(15)(U)(i) shall
7 contain a certification—

8 “(i) from—

9 “(I) a Federal, State, or local law
10 enforcement official, prosecutor,
11 judge, or other Federal, State, or local
12 authority investigating criminal activ-
13 ity described in section
14 101(a)(15)(U)(iii); or

15 “(II) an appropriate official of
16 the Department of Homeland Security
17 whose ability to provide such certifi-
18 cation is not limited to information
19 concerning immigration violations;

20 “(ii) that is signed by an official with
21 supervisory responsibilities, but who is not
22 required to be the head of the certifying
23 agency; and

24 “(iii) that states the alien has been
25 helpful, is being helpful, or is likely to be

1 helpful in the investigation or prosecution
2 of criminal activity described in section
3 101(a)(15)(U)(iii).

4 “(B) OTHER EVIDENCE.—The Secretary of
5 Homeland Security may, after considering the
6 totality of the circumstances and reviewing evi-
7 dence related to the alien’s efforts to obtain the
8 certification described in subparagraph (A), ac-
9 cept secondary evidence that the alien has been
10 helpful, is being helpful, or is likely to be help-
11 ful to an investigation.”.

12 (b) NUMERICAL LIMITATIONS.—Section
13 214(p)(2)(A) of the Immigration and Nationality Act (8
14 U.S.C. 1184(p)(2)(A)) is amended by striking “10,000.”
15 and inserting “15,000.”.

16 (c) AGE DETERMINATIONS.—Section 214(p) of the
17 Immigration and Nationality Act (8 U.S.C. 1184(p)) is
18 amended by adding at the end the following:

19 “(7) AGE DETERMINATIONS.—

20 “(A) CHILDREN.—An unmarried alien who
21 seeks to accompany, or follow to join, a parent
22 granted status under section 101(a)(15)(U)(i),
23 and who was under 21 years of age on the date
24 on which such parent petitioned for such status,
25 shall continue to be classified as a child for pur-

1 poses of section 101(a)(15)(U)(ii), if the alien
 2 attains 21 years of age after such parent's peti-
 3 tion was filed but while it was pending.

4 “(B) PRINCIPAL ALIENS.—An alien de-
 5 scribed in clause (i) of section 101(a)(15)(U)
 6 shall continue to be treated as an alien de-
 7 scribed in clause (ii)(I) of such section if the
 8 alien attains 21 years of age after the alien's
 9 application for status under such clause (i) is
 10 filed but while it is pending.”

11 **SEC. 806. HARDSHIP WAIVERS.**

12 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
 13 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
 14 ed—

15 (1) in subparagraph (A), by striking the comma
 16 at the end and inserting a semicolon;

17 (2) in subparagraph (B), by striking “(1), or”
 18 and inserting “(1); or”;

19 (3) in subparagraph (C), by striking the period
 20 at the end and inserting a semicolon and “or”; and

21 (4) by inserting after subparagraph (C) the fol-
 22 lowing:

23 “(D) the alien meets the requirements
 24 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and
 25 following the marriage ceremony was battered

1 by or subject to extreme cruelty perpetrated by
2 the alien's intended spouse and was not at fault
3 in failing to meet the requirements of para-
4 graph (1).”.

5 (b) TECHNICAL CORRECTIONS.—Section 216(c)(4) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1186a(c)(4)), as amended by subsection (a), is further
8 amended—

9 (1) in the matter preceding subparagraph (A),
10 by striking “The Attorney General, in the Attorney
11 General’s” and inserting “The Secretary of Home-
12 land Security, in the Secretary’s”; and

13 (2) in the undesignated paragraph at the end—

14 (A) in the first sentence, by striking “At-
15 torney General” and inserting “Secretary of
16 Homeland Security”;

17 (B) in the second sentence, by striking
18 “Attorney General” and inserting “Secretary”;

19 (C) in the third sentence, by striking “At-
20 torney General.” and inserting “Secretary.”;
21 and

22 (D) in the fourth sentence, by striking
23 “Attorney General” and inserting “Secretary”.

1 **SEC. 807. EMPLOYMENT AUTHORIZATION.**

2 Paragraph (1) of section 204(a) of the Immigration
3 and Nationality Act (8 U.S.C. 1154(a)) is amended by
4 adding at the end the following:

5 “(M) Notwithstanding any provision of this Act re-
6 stricting eligibility for employment in the United States,
7 the Secretary of Homeland Security may grant employ-
8 ment authorization to an alien who has filed a petition
9 for status as a VAWA self-petitioner or a nonimmigrant
10 described in section 101(a)(15)(U) on the date that is the
11 earlier of—

12 “(i) the date the alien’s petition for such status
13 is approved; or

14 “(ii) 180 days after the date the alien filed a
15 petition for such status.”.

16 **SEC. 808. PROTECTIONS FOR A FIANCÉE OR FIANCÉ OF A**
17 **CITIZEN.**

18 (a) IN GENERAL.—Section 214 of the Immigration
19 and Nationality Act (8 U.S.C. 1184) is amended—

20 (1) in subsection (d)—

21 (A) in paragraph (1), by striking “crime.”
22 and inserting “crime and information on any
23 permanent protection or restraining order
24 issued against the petitioner related to any
25 specified crime described in paragraph (3)(B).”;

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 such subsection.”; 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) of
20 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. 809. 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 that 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 TO CHIL-
15 DREN.—

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 “WEBSITES.—”;
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 in which the United States client has re-
5 sided during the previous 20 years,” and
6 inserting “Website”; and

7 (ii) in clause (iii)(II), by striking
8 “background information collected by the
9 international marriage broker under para-
10 graph (2)(B);” and inserting “signed cer-
11 tification and accompanying documentation
12 or attestation regarding the background in-
13 formation collected under paragraph
14 (2)(B);”; and

15 (B) by striking subparagraph (C);

16 (4) in paragraph (5)—

17 (A) in subparagraph (A)(ii), by striking “A
18 penalty may be imposed under clause (i) by the
19 Attorney General only” and inserting “At the
20 discretion of the Attorney General, a penalty
21 may be imposed under clause (i) either by a
22 Federal judge, or by the Attorney General”;

23 (B) by amending subparagraph (B) to read
24 as follows:

25 “(B) FEDERAL CRIMINAL PENALTIES.—

1 “(i) FAILURE OF INTERNATIONAL
2 MARRIAGE BROKERS TO COMPLY WITH OB-
3 LIGATIONS.—Except as provided in clause
4 (ii), an international marriage broker that,
5 in circumstances in or affecting interstate
6 or foreign commerce, or within the special
7 maritime and territorial jurisdiction of the
8 United States—

9 “(I) except as provided in sub-
10 clause (II), violates (or attempts to
11 violate) paragraph (1), (2), (3), or (4)
12 shall be fined in accordance with title
13 18, United States Code, or imprisoned
14 for not more than 1 year, or both; or

15 “(II) knowingly commits such a
16 violation or an attempt, an inter-
17 national marriage broker shall be
18 fined in accordance with title 18,
19 United States Code, or imprisoned for
20 not more than 5 years, or both.

21 “(ii) MISUSE OF INFORMATION.—A
22 person who knowingly discloses, uses, or
23 causes to be used any information obtained
24 by an international marriage broker as a
25 result of a requirement under paragraph

1 (2) or (3) for any purpose other than the
2 disclosures required under paragraph (3)
3 shall be fined in accordance with title 18,
4 United States Code, or imprisoned for not
5 more than 1 year, or both.

6 “(iii) RELATIONSHIP TO OTHER PEN-
7 ALTIES.—The penalties provided in clauses
8 (i) and (ii) are in addition to any other
9 civil or criminal liability under Federal or
10 State law to which a person may be subject
11 for the misuse of information, including
12 misuse to threaten, intimidate, or harass
13 any individual.

14 “(iv) CONSTRUCTION.—Nothing in
15 this paragraph or paragraph (3) or (4)
16 may be construed to prevent the disclosure
17 of information to law enforcement or pur-
18 suant to a court order.”; and

19 (C) in subparagraph (C), by striking the
20 period at the end and inserting “including equi-
21 table remedies.”;

22 (5) by redesignating paragraphs (6) and (7) as
23 paragraphs (7) and (8), respectively; and

24 (6) by inserting after paragraph (5) the fol-
25 lowing:

1 “(6) ENFORCEMENT.—

2 “(A) AUTHORITY.—The Attorney General
3 shall be responsible for the enforcement of the
4 provisions of this section, including the prosecu-
5 tion of civil and criminal penalties provided for
6 by this section.

7 “(B) CONSULTATION.—The Attorney Gen-
8 eral shall consult with the head of the Office on
9 Violence Against Women of the Department of
10 Justice to develop policies and public education
11 designed to promote enforcement of this sec-
12 tion.”.

13 (d) GAO STUDY AND REPORT.—Section 833(f) of
14 the International Marriage Broker Regulation Act of 2005
15 (8 U.S.C. 1375a(f)) is amended—

16 (1) in the subsection heading, by striking
17 “STUDY AND REPORT.—” and inserting “STUDIES
18 AND REPORTS.—”; and

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

20 “(4) CONTINUING IMPACT STUDY AND RE-
21 PORT.—

22 “(A) STUDY.—The Comptroller General
23 shall conduct a study on the continuing impact
24 of the implementation of this section and of sec-
25 tion of 214 of the Immigration and Nationality

1 Act (8 U.S.C. 1184) on the process for grant-
2 ing K nonimmigrant visas, including specifically
3 a study of the items described in subparagraphs
4 (A) through (E) of paragraph (1).

5 “(B) REPORT.—Not later than 2 years
6 after the date of the enactment of the Violence
7 Against Women Reauthorization Act of 2011,
8 the Comptroller General shall submit to the
9 Committee on the Judiciary of the Senate and
10 the Committee on the Judiciary of the House of
11 Representatives a report setting forth the re-
12 sults of the study conducted under subpara-
13 graph (A).

14 “(C) DATA COLLECTION.—The Attorney
15 General, the Secretary of Homeland Security,
16 and the Secretary of State shall collect and
17 maintain the data necessary for the Comptroller
18 General to conduct the study required by para-
19 graph (1).”.

20 **SEC. 810. ELIGIBILITY OF CRIME AND TRAFFICKING VIC-**
21 **TIMS IN THE COMMONWEALTH OF THE**
22 **NORTHERN MARIANA ISLANDS TO ADJUST**
23 **STATUS.**

24 Section 705(c) of the Consolidated Natural Resources
25 Act of 2008 (Public Law 110–229; 48 U.S.C. 1806 note),

1 is amended by striking “except that,” and all that follows
2 through the end, and inserting the following: “except
3 that—

4 “(1) for the purpose of determining whether an
5 alien lawfully admitted for permanent residence (as
6 defined in section 101(a)(20) of the Immigration
7 and Nationality Act (8 U.S.C. 1101(a)(20)) has
8 abandoned or lost such status by reason of absence
9 from the United States, such alien’s presence in the
10 Commonwealth, before, on or after November 28,
11 2009, shall be considered to be presence in the
12 United States; and

13 “(2) for the purpose of determining whether an
14 alien whose application for status under subpara-
15 graph (T) or (U) of section 101(a)(15) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1101(a)(15))
17 was granted is subsequently eligible for adjustment
18 under subsection (l) or (m) of section 245 of such
19 Act (8 U.S.C. 1255), such alien’s physical presence
20 in the Commonwealth before, on, or after November
21 28, 2009, and subsequent to the grant of the appli-
22 cation, shall be considered as equivalent to presence
23 in the United States pursuant to a nonimmigrant
24 admission in such status.”.

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 children exposed to domestic vio-
3 lence, dating violence, sexual assault, or stalking, in-
4 cluding support for the nonabusing parent or the
5 caretaker of the 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(d) of title I of the Omnibus Crime Con-
13 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg(d))
14 is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (B), by striking
17 “and” at the end;

18 (B) in subparagraph (C), by striking the
19 period at the end and inserting “; and”; and

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

21 “(D) developing and promoting State,
22 local, or tribal legislation and policies that en-
23 hance best practices for responding to violent
24 crimes against Indian women, including the
25 crimes of domestic violence, dating violence,

1 sexual assault, stalking, and sex trafficking.”;
2 and

3 (2) in paragraph (2)(B), by striking “individ-
4 uals or”.

5 **SEC. 903. CONSULTATION.**

6 Section 903 of the Violence Against Women and De-
7 partment of Justice Reauthorization Act of 2005 (42
8 U.S.C. 14045d) is amended—

9 (1) in subsection (a)—

10 (A) by striking “and the Violence Against
11 Women Act of 2000” and inserting “, the Vio-
12 lence Against Women Act of 2000”; and

13 (B) by inserting “, and the Violence
14 Against Women Reauthorization Act of 2011”
15 before the period at the end;

16 (2) in subsection (b)—

17 (A) in the matter preceding paragraph (1),
18 by striking “Secretary of the Department of
19 Health and Human Services” and inserting
20 “Secretary of Health and Human Services, the
21 Secretary of the Interior,”; and

22 (B) in paragraph (2), by striking “and
23 stalking” and inserting “stalking, and sex traf-
24 ficking”; and

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

1 “(c) ANNUAL REPORT.—The Attorney General shall
2 submit to Congress an annual report on the annual con-
3 sultations required under subsection (a) that—

4 “(1) contains the recommendations made under
5 subsection (b) by Indian tribes during the year cov-
6 ered by the report;

7 “(2) describes actions taken during the year
8 covered by the report to respond to recommenda-
9 tions made under subsection (b) during the year or
10 a previous year; and

11 “(3) describes how the Attorney General will
12 work in coordination and collaboration with Indian
13 tribes, the Secretary of Health and Human Services,
14 and the Secretary of the Interior to address the rec-
15 ommendations made under subsection (b).

16 “(d) NOTICE.—Not later than 120 days before the
17 date of a consultation under subsection (a), the Attorney
18 General shall notify tribal leaders of the date, time, and
19 location of the consultation.”.

20 **SEC. 904. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
21 **TIC VIOLENCE.**

22 Title II of Public Law 90–284 (25 U.S.C. 1301 et
23 seq.) (commonly known as the “Indian Civil Rights Act
24 of 1968”) is amended by adding at the end the following:

1 **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
2 **TIC VIOLENCE.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) DATING VIOLENCE.—The term ‘dating vio-

5 lence’ means violence committed by a person who is

6 or has been in a social relationship of a romantic or

7 intimate nature with the victim, as determined by

8 the length of the relationship, the type of relation-

9 ship, and the frequency of interaction between the

10 persons involved in the relationship.

11 “(2) DOMESTIC VIOLENCE.—The term ‘domes-

12 tic violence’ means violence committed by a current

13 or former spouse or intimate partner of the victim,

14 by a person with whom the victim shares a child in

15 common, by a person who is cohabitating with or

16 has cohabitated with the victim as a spouse or inti-

17 mate partner, or by a person similarly situated to a

18 spouse of the victim under the domestic- or family-

19 violence laws of an Indian tribe that has jurisdiction

20 where the violence occurs.

21 “(3) INDIAN COUNTRY.—The term ‘Indian

22 country’ has the meaning given the term in section

23 1151 of title 18, United States Code.

24 “(4) PARTICIPATING TRIBE.—The term ‘partici-

25 pating tribe’ means an Indian tribe that elects to ex-

1 exercise special domestic violence criminal jurisdiction
2 over the Indian country of that Indian tribe.

3 “(5) PROTECTION ORDER.—The term ‘protec-
4 tion order’ has the meaning given the term in sec-
5 tion 40002(a) of the Violence Against Women Act of
6 1994 (42 U.S.C. 13925(a)).

7 “(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL
8 JURISDICTION.—The term ‘special domestic violence
9 criminal jurisdiction’ means the criminal jurisdiction
10 that a participating tribe may exercise under this
11 section but could not otherwise exercise.

12 “(7) SPOUSE OR INTIMATE PARTNER.—The
13 term ‘spouse or intimate partner’ has the meaning
14 given the term in section 2266 of title 18, United
15 States Code.

16 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

17 “(1) IN GENERAL.—Notwithstanding any other
18 provision of law, in addition to any power of self-
19 government recognized and affirmed by sections 201
20 and 203, the power of self-government of a partici-
21 pating tribe include the inherent power of that tribe,
22 which is hereby recognized and affirmed, to exercise
23 special domestic violence criminal jurisdiction over
24 all persons.

1 “(2) CONCURRENT JURISDICTION.—The exer-
2 cise of special domestic violence criminal jurisdiction
3 by a participating tribe shall be concurrent with the
4 jurisdiction of the United States, of a State, or of
5 both, of an offense described in subsection (c).

6 “(3) APPLICABILITY.—Nothing in this sec-
7 tion—

8 “(A) creates or eliminates any Federal or
9 State criminal jurisdiction over Indian country;
10 or

11 “(B) affects the authority of the United
12 States or any State government that has been
13 delegated authority by the United States to in-
14 vestigate and prosecute a criminal violation in
15 Indian country.

16 “(c) CRIMINAL CONDUCT.—A participating tribe may
17 exercise special domestic violence criminal jurisdiction over
18 a defendant for criminal conduct that falls into one or
19 more of the following categories:

20 “(1) DOMESTIC VIOLENCE AND DATING VIO-
21 LENCE.—An act of domestic violence or dating vio-
22 lence that occurs in the Indian country of the par-
23 ticipating tribe.

24 “(2) VIOLATIONS OF PROTECTION ORDERS.—
25 An act that—

1 “(A) occurs in the Indian country of the
2 participating tribe; and

3 “(B) violates the relevant portion of a pro-
4 tection order that—

5 “(i) was issued against the defendant;

6 “(ii) is enforceable by the partici-
7 pating tribe; and

8 “(iii) is consistent with section
9 2265(b) of title 18, United States Code.

10 “(d) DISMISSAL OF CERTAIN CASES.—

11 “(1) NON-INDIAN VICTIMS AND DEFEND-
12 ANTS.—In a criminal proceeding in which a partici-
13 pating tribe exercises special domestic violence crimi-
14 nal jurisdiction, the case shall be dismissed if—

15 “(A) the defendant files a pretrial motion
16 to dismiss on the grounds that the alleged of-
17 fense did not involve an Indian; and

18 “(B) the participating tribe fails to prove
19 that the defendant or an alleged victim is an
20 Indian.

21 “(2) TIES TO INDIAN TRIBE.—In a criminal
22 proceeding in which a participating tribe exercises
23 special domestic violence criminal jurisdiction, the
24 case shall be dismissed if—

1 “(A) the defendant files a pretrial motion
2 to dismiss on the grounds that the defendant
3 and the alleged victim lack sufficient ties to the
4 Indian tribe; and

5 “(B) the prosecuting tribe fails to prove
6 that the defendant or an alleged victim—

7 “(i) resides in the Indian country of
8 the participating tribe;

9 “(ii) is employed in the Indian coun-
10 try of the participating tribe; or

11 “(iii) is a spouse or intimate partner
12 of a member of the participating tribe.

13 “(3) WAIVER.—A knowing and voluntary fail-
14 ure of a defendant to file a pretrial motion described
15 in paragraph (1) or (2) shall be considered a waiver
16 of the right to seek a dismissal under this sub-
17 section.

18 “(e) RIGHTS OF DEFENDANTS.—In a criminal pro-
19 ceeding in which a participating tribe exercises special do-
20 mestic violence criminal jurisdiction, the participating
21 tribe shall provide to the defendant—

22 “(1) all applicable rights under this Act;

23 “(2) if a term of imprisonment of any length is
24 imposed, all rights described in section 202(c); and

1 “(3) all other rights whose protection is nec-
2 essary under the Constitution of the United States
3 in order for Congress to recognize and affirm the in-
4 herent power of the participating tribe to exercise
5 special domestic violence criminal jurisdiction over
6 the defendant.

7 “(f) PETITIONS TO STAY DETENTION.—

8 “(1) IN GENERAL.—A person who is detained
9 by a participating tribe pending trial under an exer-
10 cise of special domestic violence criminal jurisdiction
11 and has filed a petition for a writ of habeas corpus
12 in a court of the United States under section 203
13 may petition that court to stay further detention of
14 that person by the participating tribe.

15 “(2) GRANT OF STAY.—A court shall grant a
16 stay described in paragraph (1) if the court—

17 “(A) finds that there is a substantial likeli-
18 hood that the habeas corpus petition will be
19 granted; and

20 “(B) after giving each alleged victim in the
21 matter an opportunity to be heard, finds by
22 clear and convincing evidence that under condi-
23 tions imposed by the court, the petitioner is not
24 likely to flee or pose a danger to any person or
25 the community if released.

1 “(g) 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 to
8 strengthen—

9 “(A) law enforcement (including the capac-
10 ity to enter information into and obtain infor-
11 mation from national crime information data-
12 bases);

13 “(B) prosecution;

14 “(C) trial and appellate courts;

15 “(D) probation systems;

16 “(E) detention and correctional facilities;

17 “(F) alternative rehabilitation centers;

18 “(G) culturally appropriate services and
19 assistance for victims and their families; and

20 “(H) criminal codes and rules of criminal
21 procedure, appellate procedure, and evidence;

22 “(2) to provide indigent criminal defendants
23 with the effective assistance of licensed defense
24 counsel, at no cost to the defendant, in criminal pro-
25 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, and consistent with tribal law and cus-
13 tom.

14 “(h) SUPPLEMENT, NOT SUPPLANT.—Amounts
15 made available under this section shall supplement and
16 not supplant any other Federal, State, tribal, or local gov-
17 ernment amounts made available to carry out activities de-
18 scribed in this section.

19 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$5,000,000 for each of
21 fiscal years 2012 through 2016 to carry out subsection
22 (g) and to provide training, technical assistance, data col-
23 lection, and evaluation of the criminal justice systems of
24 participating tribes.”

1 **SEC. 905. TRIBAL PROTECTION ORDERS.**

2 Section 2265 of title 18, United States Code, is
3 amended by striking subsection (e) and inserting the fol-
4 lowing:

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 take other appropriate
11 measures, in matters arising anywhere in the Indian coun-
12 try of the Indian tribe (as defined in section 1151) or oth-
13 erwise within the authority of the Indian tribe.”.

14 **SEC. 906. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**
15 **UTE.**

16 (a) **IN GENERAL.**—Section 113 of title 18, United
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (1) and insert-
20 ing the following:

21 “(1) Assault with intent to commit murder or
22 a violation of section 2241 or 2242, by a fine under
23 this title, imprisonment for not more than 20 years,
24 or both.”;

1 (B) in paragraph (2), by striking “felony
2 under chapter 109A” and inserting “violation
3 of section 2241 or 2242”;

4 (C) in paragraph (3) by striking “and
5 without just cause or excuse,”;

6 (D) in paragraph (4), by striking “six
7 months” and inserting “1 year”;

8 (E) in paragraph (7)—

9 (i) by striking “substantial bodily in-
10 jury to an individual who has not attained
11 the age of 16 years” and inserting “sub-
12 stantial bodily injury to a spouse or inti-
13 mate partner, a dating partner, or an indi-
14 vidual who has not attained the age of 16
15 years”; and

16 (ii) by striking “fine” and inserting
17 “a fine”; and

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

19 “(8) Assault of a spouse, intimate partner, or
20 dating partner by strangling, suffocating, or at-
21 tempting to strangle or suffocate, by a fine under
22 this title, imprisonment for not more than 10 years,
23 or both.”; and

24 (2) in subsection (b)—

1 (A) by striking “(b) As used in this sub-
2 section—” and inserting the following:

3 “(b) DEFINITIONS.—In this section—”;

4 (B) in paragraph (1)(B), by striking
5 “and” at the end;

6 (C) in paragraph (2), by striking the pe-
7 riod at the end and inserting a semicolon; and

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

9 “(3) the terms ‘dating partner’ and ‘spouse or
10 intimate partner’ have the meanings given those
11 terms in section 2266;

12 “(4) the term ‘strangling’ means intentionally,
13 knowingly, or recklessly impeding the normal breath-
14 ing or circulation of the blood of a person by apply-
15 ing pressure to the throat or neck, regardless of
16 whether that conduct results in any visible injury or
17 whether there is any intent to kill or protractedly in-
18 jure the victim; and

19 “(5) the term ‘suffocating’ means intentionally,
20 knowingly, or recklessly impeding the normal breath-
21 ing of a person by covering the mouth of the person,
22 the nose of the person, or both, regardless of wheth-
23 er that conduct results in any visible injury or
24 whether there is any intent to kill or protractedly in-
25 jure the victim.”.

1 (b) INDIAN MAJOR CRIMES.—Section 1153(a) of title
 2 18, United States Code, is amended by striking “assault
 3 with intent to commit murder, assault with a dangerous
 4 weapon, assault resulting in serious bodily injury (as de-
 5 fined in section 1365 of this title)” and inserting “a felony
 6 assault under section 113”.

7 (c) REPEAT OFFENDERS.—Section 2265A(b)(1)(B)
 8 of title 18, United States Code, is amended by inserting
 9 “or tribal” after “State”.

10 **SEC. 907. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
 11 **INDIAN WOMEN.**

12 (a) IN GENERAL.—Section 904(a) of the Violence
 13 Against Women and Department of Justice Reauthoriza-
 14 tion Act of 2005 (42 U.S.C. 3796gg–10 note) is amend-
 15 ed—

16 (1) in paragraph (1)—

17 (A) by striking “The National” and insert-
 18 ing “Not later than 2 years after the date of
 19 enactment of the Violence Against Women Re-
 20 authorization Act of 2011, the National”; and

21 (B) by inserting “and in Native villages”
 22 (as defined in section 3 of the Alaska Native
 23 Claims Settlement Act (43 U.S.C. 1602))” be-
 24 fore the period at the end;

25 (2) in paragraph (2)(A)—

1 (A) in clause (iv), by striking “and” at the
2 end;

3 (B) in clause (v), by striking the period at
4 the end and inserting “; and”; and

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

6 “(vi) sex trafficking.”;

7 (3) in paragraph (4), by striking “this Act” and
8 inserting “the Violence Against Women Reauthoriza-
9 tion Act of 2011”; and

10 (4) in paragraph (5), by striking “this section
11 \$1,000,000 for each of fiscal years 2007 and 2008”
12 and inserting “this subsection \$1,000,000 for each
13 of fiscal years 2012 and 2013”.

14 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
15 905(b)(2) of the Violence Against Women and Depart-
16 ment of Justice Reauthorization Act of 2005 (28 U.S.C.
17 534 note) is amended by striking “fiscal years 2007
18 through 2011” and inserting “fiscal years 2012 through
19 2016”.

20 **SEC. 908. EFFECTIVE DATES; PILOT PROJECT.**

21 (a) **GENERAL EFFECTIVE DATE.**—Except as pro-
22 vided in subsection (b), the amendments made by this title
23 shall take effect on the date of enactment of this Act.

24 (b) **EFFECTIVE DATE FOR SPECIAL DOMESTIC-VIO-**
25 **LENCE CRIMINAL JURISDICTION.**—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), subsections (b) through (e) of section 204
3 of Public Law 90–284 (as added by section 904)
4 shall take effect on the date that is 2 years after the
5 date of enactment of this Act.

6 (2) PILOT PROJECT.—

7 (A) IN GENERAL.—At any time during the
8 2-year period beginning on the date of enact-
9 ment of this Act, an Indian tribe may ask the
10 Attorney General to designate the tribe as a
11 participating tribe under section 204(a) of Pub-
12 lic Law 90–284 on an accelerated basis.

13 (B) PROCEDURE.—The Attorney General
14 may grant a request under subparagraph (A)
15 after coordinating with the Secretary of the In-
16 terior, consulting with affected Indian tribes,
17 and concluding that the criminal justice system
18 of the requesting tribe has adequate safeguards
19 in place to protect defendants’ rights, consistent
20 with section 204 of Public Law 90–284.

21 (C) EFFECTIVE DATES FOR PILOT
22 PROJECTS.—An Indian tribe designated as a
23 participating tribe under this paragraph may
24 commence exercising special domestic violence
25 criminal jurisdiction pursuant to subsections (b)

1 through (e) of section 204 of Public Law 90–
 2 284 on a date established by the Attorney Gen-
 3 eral, after consultation with that Indian tribe,
 4 but in no event later than the date that is 2
 5 years after the date of enactment of this Act.

6 **TITLE X—OTHER MATTERS**

7 **SEC. 1001. CRIMINAL PROVISIONS RELATING TO SEXUAL** 8 **ABUSE.**

9 (a) **SEXUAL ABUSE OF A MINOR OR WARD.**—Section
 10 2243(b) of title 18, United States Code, is amended to
 11 read as follows:

12 “(b) **OF A WARD.**—

13 “(1) **OFFENSES.**—

14 “(A) **IN GENERAL.**—It shall be unlawful
 15 for any person to knowingly engage, or know-
 16 ingly attempt to engage, in a sexual act with
 17 another person who is—

18 “(i) in official detention or supervised
 19 by, or otherwise under the control of, the
 20 United States—

21 “(I) during or after arrest;

22 “(II) after release pretrial;

23 “(III) while on bail, probation,
 24 supervised release, or parole;

1 “(IV) after release following a
2 finding of juvenile delinquency; or

3 “(V) after release pending any
4 further judicial proceedings;

5 “(ii) under the professional custodial,
6 supervisory, or disciplinary control or au-
7 thority of the person engaging or attempt-
8 ing to engage in the sexual act; and

9 “(iii) at the time of the sexual act—

10 “(I) in the special maritime and
11 territorial jurisdiction of the United
12 States;

13 “(II) in a Federal prison, or in
14 any prison, institution, or facility in
15 which persons are held in custody by
16 direction of, or pursuant to a contract
17 or agreement with, the United States;
18 or

19 “(III) under supervision or other
20 control by the United States, or by di-
21 rection of, or pursuant to a contract
22 or agreement with, the United States.

23 “(B) SEXUAL CONTACT.—It shall be un-
24 lawful for any person to knowingly engage in
25 sexual contact with, or cause sexual contact by,

1 another person, if to do so would violate sub-
2 paragraph (A) had the sexual contact been a
3 sexual act.

4 “(2) PENALTIES.—

5 “(A) IN GENERAL.—A person that violates
6 paragraph (1)(A) shall—

7 “(i) be fined under this title, impris-
8 oned for not more than 15 years, or both;
9 and

10 “(ii) if, in the course of committing
11 the violation of paragraph (1), the person
12 engages in conduct that would constitute
13 an offense under section 2241 or 2242 if
14 committed in the special maritime and ter-
15 ritorial jurisdiction of the United States,
16 be subject to the penalties provided for
17 under section 2241 or 2242, respectively.

18 “(B) SEXUAL CONTACT.—A person that
19 violates paragraph (1)(B) shall be fined under
20 this title, imprisoned for not more than 2 years,
21 or both.”.

22 (b) PENALTIES FOR SEXUAL ABUSE.—

23 (1) IN GENERAL.—Chapter 13 of title 18,
24 United States Code, is amended by adding at the
25 end the following:

1 **“§ 250. Penalties for sexual abuse**

2 “(a) OFFENSE.—It shall be unlawful for any person,
3 in the course of committing an offense under this chapter
4 or under section 901 of the Fair Housing Act (42 U.S.C.
5 3631) to engage in conduct that would constitute an of-
6 fense under chapter 109A if committed in the special mar-
7 itime and territorial jurisdiction of the United States.

8 “(b) PENALTIES.—A person that violates subsection
9 (a) shall be subject to the penalties under the provision
10 of chapter 109A that would have been violated if the con-
11 duct was committed in the special maritime and territorial
12 jurisdiction of the United States, unless a greater penalty
13 is otherwise authorized by law.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENT.—The table of sections for chapter 13 of title
16 18, United States Code, is amended by adding at
17 the end the following:

“250. Penalties for sexual abuse.”.

18 **SEC. 1002. SEXUAL ABUSE IN CUSTODIAL SETTINGS.**

19 (a) SUITS BY PRISONERS.—Section 7(e) of the Civil
20 Rights of Institutionalized Persons Act (42 U.S.C.
21 1997e(e)) is amended by inserting before the period at the
22 end the following: “or the commission of a sexual act (as
23 defined in section 2246 of title 18, United States Code)”.

24 (b) UNITED STATES AS DEFENDANT.—Section
25 1346(b)(2) of title 28, United States Code, is amended

1 by inserting before the period at the end the following:
2 “or the commission of a sexual act (as defined in section
3 2246 of title 18)”.

4 (c) ADOPTION AND EFFECT OF NATIONAL STAND-
5 ARDS.—Section 8 of the Prison Rape Elimination Act of
6 2003 (42 U.S.C. 15607) is amended—

7 (1) by redesignating subsection (c) as sub-
8 section (e); and

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

11 “(c) APPLICABILITY TO DETENTION FACILITIES OP-
12 ERATED BY THE DEPARTMENT OF HOMELAND SECU-
13 RITY.—

14 “(1) IN GENERAL.—Not later than 180 days
15 after the date of enactment of the Violence Against
16 Women Reauthorization Act of 2011, the Secretary
17 of Homeland Security shall publish a final rule
18 adopting national standards for the detection, pre-
19 vention, reduction, and punishment of rape and sex-
20 ual assault in facilities that maintain custody of
21 aliens detained for a violation of the immigrations
22 laws of the United States.

23 “(2) APPLICABILITY.—The standards adopted
24 under paragraph (1) shall apply to detention facili-
25 ties operated by the Department of Homeland Secu-

1 rity and to detention facilities operated under con-
2 tract with the Department.

3 “(3) COMPLIANCE.—The Secretary of Home-
4 land Security shall—

5 “(A) assess compliance with the standards
6 adopted under paragraph (1) on a regular
7 basis; and

8 “(B) include the results of the assessments
9 in performance evaluations of facilities com-
10 pleted by the Department of Homeland Secu-
11 rity.

12 “(4) CONSIDERATIONS.—In adopting standards
13 under paragraph (1), the Secretary of Homeland Se-
14 curity shall give due consideration to the rec-
15 ommended national standards provided by the Com-
16 mission under section 7(e).

17 “(d) APPLICABILITY TO CUSTODIAL FACILITIES OP-
18 ERATED BY THE DEPARTMENT OF HEALTH AND HUMAN
19 SERVICES.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of the Violence Against
22 Women Reauthorization Act of 2011, the Secretary
23 of Health and Human Services shall publish a final
24 rule adopting national standards for the detection,
25 prevention, reduction, and punishment of rape and

1 sexual assault in facilities that maintain custody of
2 unaccompanied alien children (as defined in section
3 462(g) of the Homeland Security Act of 2002 (6
4 U.S.C. 279(g))).

5 “(2) APPLICABILITY.—The standards adopted
6 under paragraph (1) shall apply to facilities operated
7 by the Department of Health and Human Services
8 and to facilities operated under contract with the
9 Department.

10 “(3) COMPLIANCE.—The Secretary of Health
11 and Human Services 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 Health and
18 Human Services.

19 “(4) CONSIDERATIONS.—In adopting standards
20 under paragraph (1), the Secretary of Health and
21 Human Services shall give due consideration to the
22 recommended national standards provided by the
23 Commission under section 7(e).”.

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