

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4970) TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT OF 1994, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4310) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2013 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR FISCAL YEAR 2013, AND FOR OTHER PURPOSES

MAY 15, 2012.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 656]

The Committee on Rules, having had under consideration House Resolution 656, by a record vote of 7 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4970, the Violence Against Women Reauthorization Act of 2012, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, as modified by the amendment printed in this report, shall be considered as adopted. The bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

Additionally, the resolution provides for consideration of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The resolution waives all points of order against consideration of the bill. Lastly, the resolution provides that after general debate the Committee of the Whole shall rise without motion and that no further consideration of the bill shall occur except pursuant to a subsequent order of the House.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4970 includes a waiver of clause 4(a) of rule XIII, which prohibits consideration of legislation in the House until the third calendar day on which each report of a committee on that measure or matter has been available to Members, Delegates and the Resident Commissioner. The Committee on the Judiciary filed its report on May 15, 2012.

Although the resolution waives all points of order against provisions in H.R. 4970, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 4310 includes a waiver of clause 4(a) of rule XIII, which prohibits consideration of legislation in the House until the third calendar day on which each report of a committee on that measure or matter has been available to Members, Delegates and the Resident Commissioner. While the Committee on Armed Services filed its report on May 11, 2012, the Committee requested authority to file a supplemental report, which includes a more comprehensive cost estimate from the Congressional Budget Office. The revised cost estimate was made publicly available on May 15, 2012, and the Committee on Armed Services filed its supplemental report on May 15, 2012. The supplemental report also includes a correction to a Member vote that occurred during the Committee markup of H.R. 4310. The waiver also includes a waiver of clause 3(e)(1) of rule XIII (Ramseyer), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 219

Motion by Mr. McGovern to grant H.R. 4970 an open rule. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 220

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #6 to H.R. 4970, offered by Rep. Conyers Jr. (MI) and Rep. Lofgren (CA) and Rep. Moore (WI), which would strike all after the enacting clause and insert the language of the bipartisan Senate-passed VAWA Reauthorization S. 1925. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 221

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #5 to H.R. 4970, offered by Rep. Scott (VA), which would remove provisions in the bill that would impose mandatory minimum sentences. Defeated: 2–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 222

Motion by Ms. Foxx to report the rule. Adopted: 7–2.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Mr. McGovern	Nay
Mr. Bishop of Utah	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea		
Mr. Nugent	Yea		
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 4970 CONSIDERED AS ADOPTED

1. Adams (FL): (Manager’s Amendment)—Would (i) continue the role of Vermont service center in adjudicating self-petitions by battered aliens; (ii) prohibit USCIS from interviewing alleged batterers; (iii) reduce evidentiary standards petitioners must meet; (iv) authorize domestic violence victims or Indian tribes on behalf of victims to seek protection orders from U.S. district courts against Indian or non-Indian abusers; (v) require Attorney General and HHS Secretary to provide appropriate training and technical assistance to grant recipients on how to comply with financial record-keeping and accounting practices; (vi) maintain language from 2005 re-authorization that was inadvertently omitted to authorize VAWA funds to be used for culturally specific programs; (vii) modify nondiscrimination clause to ensure that faith-based groups are not required to forfeit their ability to make employment decisions on a religious basis when they receive funds from programs; and (viii) make technical and conforming changes.

TEXT OF AMENDMENT TO H.R. 4970 CONSIDERED AS ADOPTED

Page 19, strike line 21 and all that follows through page 20, line 3, and insert the following:

“(A) NONDISCRIMINATION.—No person in any State shall on the basis of actual or perceived race, color, religion, national origin, sex, or disability be denied the assistance of, or excluded from receiving services from, a grantee under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act

Page 28, line 15, insert “or the Secretary of Health and Human Services, as applicable,” after “Attorney General”.

Page 28, line 18, insert “or the Secretary of Health and Human Services, as applicable,” after “Attorney General”.

Page 29, after line 22, insert the following:

(e) TRAINING AND RESOURCES FOR VAWA GRANTEES.—Section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) is further amended—

(1) in the heading, by striking “**and grant provisions**” and inserting “**, grant provisions, and training and resources for vawa grantees**”; and

(2) by adding at the end the following new subsection:

“(d) TRAINING AND RESOURCES FOR VAWA GRANTEES.—

“(1) IN GENERAL.—The Attorney General and Secretary of Health and Human Services, as applicable, shall—

“(A) develop standards, protocols, and sample tools and forms to provide guidance to grantees and subgrantees under any program or activity described in paragraph (2) regarding financial record-keeping and accounting practices required of such grantees and subgrantees as recipients of funds from the disbursing agency;

“(B) provide training to such grantees and subgrantees regarding such standards, protocols, and sample tools and forms; and

“(C) publish on the public Internet website of the Office of Violence Against Women information to assist such grantees and subgrantees with compliance with such standards, protocols, and sample tools and forms.

“(2) VAWA PROGRAMS AND ACTIVITIES.—For purposes of paragraph (1), a program or activity described in this paragraph is any program or activity funded in whole or in part with funds made available under this title, the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.”.

Page 36, strike lines 11 through 13 and insert the following:

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

Page 36, line 14, strike “(iv)” and insert “(iii)”.

Page 36, line 24, strike “(v)” and insert “(iv)”.

Page 36, line 25, strike “clause (iii)” and insert “clause (ii)”.

Page 37, line 19, insert “and” after the second semi-colon.

Page 37, strike lines 20 through 24.

Page 38, line 1, strike “(V)” and insert “(IV)”.

Page 39, strike lines 6 through 8, and insert the following:

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

Page 49, line 2, strike “the second occurrence of”.

Page 49, line 24, insert “, and adjusting the margin accordingly” after “respectively”.

Page 69, line 22, move the margin for the subparagraph (C) two ems to the right.

Page 89, line 12, insert “the first occurrence of” after “through”.

Page 141, line 24, insert before the period at the end the following: “so long as this evidence is not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”.

Page 142, line 7, move the margin of the subclause (III) eight ems to the left.

Page 142, beginning on line 8, strike “under this clause” and all that follows through “investigative officer”, and insert the following: “under this clause shall be assigned to an investigative officer”.

Page 142, beginning on line 21, strike “may also gather” and all that follows through “to be interviewed.” and insert the following: “may also gather other evidence so long as this evidence is not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The investigative officer who conducted the in-person interview shall provide to the investigative officer who is responsible for the adjudication and final determination of eligibility a summary of the interview and any other evidence gathered and a determination of the credibility of the interviewee and other evidence gathered.”.

Page 143, insert after line 4 the following, and redesignate provisions accordingly:

“(dd) The investigative officer who is responsible for the adjudication and final determination of eligibility shall determine whether the petitioner had filed previous applications or petitions for immigration benefits that had been denied and whether the petitioner had been the beneficiary of a previous petition filed pursuant to this section that had been denied. If either was the case, the investigative officer shall consider the denials and the reasons for the denials as part of the adjudication of the petition.

“(ee) The investigative officer who is responsible for the adjudication and final determination of eligibility shall as part of the adjudication of the petition consult with the investigative officer at the local office of United States Citizenship and Immigration Services who had conducted the in-person interview of the alien who filed the petition.

Page 143, line 7, insert after “the investigative officer” the following: “who is responsible for the adjudication and final determination of eligibility”.

Page 143, beginning on line 17, strike “clear and convincing evidence” and insert “a preponderance of the evidence”.

Page 143, beginning on line 23, strike “clear and convincing evidence” and insert “a preponderance of the evidence”.

Page 144, line 5, insert “so long as this evidence was not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996” before the period at the end.

Page 144, beginning on line 8, strike “at the local office of United States Citizenship and Immigration Services” and insert “who is responsible for the adjudication and final determination of eligibility”.

Page 145, strike line 12 and all that follows through page 147, line 4 and redesignate provisions accordingly.

Page 147, strike lines 16 through 19 and insert the following:

(3) in subparagraph (A)(vii), by adding at the end the following continuation text:

“The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).”.

Page 147, line 22, move the margin of the subclause (III) eight ems to the left.

Page 147, line 23, strike “under this clause” and all that follows through “an investigative officer” on page 148, line 1, and insert the following: “under this clause shall be assigned to an investigative officer”.

Page 148, line 11, strike “may also gather” and all that follows through “interviewed” on line 15, and insert the following: “may also gather other evidence so long as this evidence is not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The investigative officer who conducted the in-person interview shall provide to the investigative officer who is responsible for the adjudication and final determination of eligibility a summary of the interview and any other evidence gathered and a determination of the credibility of the interviewee and other evidence gathered.”.

Page 148, insert after line 20 the following, and redesignate provisions accordingly:

“(dd) The investigative officer who is responsible for the adjudication and final determination of eligibility shall determine whether the petitioner had filed previous applications or petitions for immigration benefits that had been denied and whether the petitioner had been the beneficiary of a previous petition filed pursuant to this section that had been denied. If either was the case, the investigative officer shall consider the denials and the reasons for the denials as part of the adjudication of the petition.

“(ee) The investigative officer who is responsible for the adjudication and final determination of eligibility shall as part of the adjudication of the petition consult with the investigative officer at the local office of United States Citizenship and Immigration Services who had conducted the in-person interview of the alien who filed the petition.

Page 148, line 22, insert after “the investigative officer” the following: “who is responsible for the adjudication and final determination of eligibility”.

Page 149, beginning on line 7, strike “clear and convincing evidence” and insert “a preponderance of the evidence”.

Page 149, beginning on line 13, strike “clear and convincing evidence” and insert “a preponderance of the evidence”.

Page 149, line 19, add at the end “so long as this evidence was not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”

Page 149, beginning on line 22, strike “at the local office of United States Citizenship and Immigration Services” and insert “who is responsible for the adjudication and final determination of eligibility”.

Strike page 151, line 1, and all that follows through page 152, line 18, and redesignate provisions accordingly.

On page 158, strike lines 2 through 18, and insert the following (and redesignate provisions accordingly):

(a) IN GENERAL.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 1255(m)) is amended by striking “the alien is not described” and inserting “the individual who was convicted of the criminal activity referred to in section 101(a)(15)(U)(i)(I) that was the basis for the alien being admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) was himself or herself an alien and has been physically removed to the foreign state of which the alien with nonimmigrant status under section 101(a)(15)(U) is a national, and if the alien with nonimmigrant status under section 101(a)(15)(U) is not described”.

(b) DURATION OF NONIMMIGRANT STATUS.—Section 214(p)(6) of such Act (8 U.S.C. 1184(p)(6)) is amended by striking “if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended”.

Page 162, line 23, strike “(a) IN GENERAL.—” and adjust the margin accordingly.

Page 163, strike line 16 and all that follows through page 164, line 9.

Page 180, strike line 17 and insert the following:

“§ 2261A. Stalking.

Page 181, line 25, insert a period after “section 2261”.

Page 185, insert after line 8 the following:

SEC. 1006. FEDERAL PROTECTION ORDERS.

(a) FEDERAL PROTECTION ORDERS.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2262 the following:

“§ 2262A. Federal domestic violence protection orders involving Indians and Indian country

“(a) PETITION FOR PROTECTION ORDER.—

“(1) IN GENERAL.—A victim of an act of domestic violence, or an Indian tribe as *parens patriae* on behalf of the victim of an act of domestic violence, may petition a district court of the United States to issue a protection order against the person (whether an Indian or a non-Indian) who is alleged to have committed the act of domestic violence if—

“(A) the victim is an Indian or a minor who resides with or is in the care and custody of an Indian;

“(B) the victim resides or is employed at a place located in the Indian country of the Indian tribe that files the petition; and

“(C) the person against whom the order is sought is alleged to have committed an act of domestic violence in the Indian country.

“(2) CONTENTS OF PETITION.—A petition filed under this section shall contain—

“(A) the facts that meet the requirements under paragraph (1);

“(B) the name of each victim on whose behalf the protection order is sought;

“(C) the name and, if known, the residential address of the person against whom the order is sought;

“(D) a detailed description of the alleged act of domestic violence, including the date or approximate date and the location of the act of domestic violence; and

“(E) the relief sought.

“(3) ISSUANCE OF PROTECTION ORDER.—The court may issue a protection order in accordance with this section and subsections (b) and (c) of section 2265 and Rule 65(d)(1) of the Federal Rules of Civil Procedure if the court finds that such order is reasonably necessary to provide protection against violence, threats, or harassment against, contact or communication with, or physical proximity to—

“(A) a spouse or intimate partner who resides or is employed at a location in the Indian country of the Indian tribe involved in the proceeding; or

“(B) a minor who resides with or is in the care or custody of a spouse or intimate partner who resides or is employed at a location in the Indian country.

“(4) SCOPE OF PROTECTION ORDERS.—Any protection order under this section may—

“(A) prohibit the person against whom the order is sought from—

“(i) threatening to commit or committing an act of domestic violence against or otherwise harassing the spouse or intimate partner or minor who resides with or is in the care or custody of the spouse or intimate partner;

“(ii) communicating, directly or indirectly, with the spouse or intimate partner or minor who resides with or is in the care or custody of the spouse or intimate partner; and

“(iii) knowingly coming within a specified distance from the spouse or intimate partner or minor who resides with or is in the care or custody of the spouse or intimate partner;

“(B) direct the person against whom the order is sought to stay away from the residence, school, or place of employment of the spouse or intimate partner, or any other specified place frequented by the spouse or intimate partner, regardless of whether the residence, school, place of employment, or other specified place is located in Indian country; and

“(C) exclude or bar the person against whom the order is sought from the Indian country of the Indian tribe in-

volved in the proceeding or any portion or area of that Indian country.

“(5) EMERGENCY EX PARTE ORDERS.—If a petition requests an emergency ex-parte protection order and from the facts alleged in the petition there appears to be a danger of a further, imminent act of domestic violence against a victim, the court may grant an emergency ex-parte protection order against the person against whom the order is sought in accordance with the requirements of section 2265(b)(2).

“(6) DURATION OF PROTECTION ORDER.—A protection order under this section may be permanent or of such other shorter duration as the court determines necessary to protect a victim from a further act of domestic violence by the person against whom the order is sought.

“(b) VIOLATION OF PROTECTION ORDER.—A person who intentionally violates a protection order under this section shall be punished as provided in section 2262(b).”

(b) VIOLATION OF FEDERAL PROTECTION ORDER.—Section 2262(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking “this section” and inserting “this section or a protection order issued under section 2262A”.

(c) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by inserting after paragraph (10) the following:

“(11) ACT OF DOMESTIC VIOLENCE.—The term ‘act of domestic violence’ means an act or attempted act of violence or stalking, or a threatened act of violence, by a person against a spouse or intimate partner, or a minor residing with or in the care or custody of the spouse or intimate partner.

“(12) INDIAN.—The term ‘Indian’ means a person who is a member of any Indian tribe, regardless of whether that Indian tribe is the plaintiff Indian tribe under section 2262A.

“(13) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

“(14) MINOR.—The term ‘minor’ means a person under the age of 18 years.”

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2262 the following: “2262A. Federal domestic violence protection orders involving Indians and Indian country.”