

109TH CONGRESS  
1ST SESSION

# H. R. 3171

To reauthorize the Violence Against Women Act of 1994.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Ms. ZOE LOFGREN of California (for herself, Ms. PELOSI, Ms. SOLIS, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Mr. CONYERS, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. DINGELL, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Mr. SCOTT of Virginia, Mr. WATT, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. GRIJALVA, Mr. HINOJOSA, Ms. MATSUI, Mr. PALLONE, Mr. FILNER, Mr. BUTTERFIELD, Mr. PASTOR, Mr. BISHOP of Georgia, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Mrs. LOWEY, Mr. HONDA, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. BOSWELL, Mrs. JONES of Ohio, Ms. LEE, Mr. CASE, Mr. DICKS, Ms. NORTON, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. KENNEDY of Rhode Island, Mr. GUTIERREZ, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. BRADY of Pennsylvania, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. SANDERS, Mr. HINCHEY, Mrs. MCCARTHY, Mr. STARK, Mr. McNULTY, Ms. WATSON, Ms. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. MORAN of Virginia, Mr. HIGGINS, Mr. INSLEE, Mr. HOLT, Ms. CARSON, Mrs. TAUSCHER, Mr. MARKEY, Ms. DELAURO, Mr. WYNN, Mr. ACKERMAN, Mr. KILDEE, Mr. LARSON of Connecticut, Mr. CUELLAR, Mr. MCGOVERN, Ms. HERSETH, Mr. PETERSON of Minnesota, Mr. EVANS, Mr. CUMMINGS, Mr. OBERSTAR, Mr. CLAY, Ms. LORETTA SANCHEZ of California, Ms. ESHOO, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. MOORE of Kansas, Ms. BERKLEY, Ms. BORDALLO, Mr. GENE GREEN of Texas, Ms. DEGETTE, Ms. MCKINNEY, Mr. EMANUEL, Ms. HARMAN, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. LEWIS of Georgia, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DAVIS of California, Ms. KAPTUR, Ms. SCHWARTZ of Pennsylvania, Ms. BEAN, Ms. HOOLEY, Mr. LANTOS, Mr. BLUMENAUER, Mr. PRICE of North Carolina, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Ways and Means, Financial Services, and Agriculture, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## 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 “VAWA 2005 Reau-  
 5        thorization Act”.

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. Grant provisions for Violence Against Women Act of 1994.

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

Sec. 101. STOP grants improvements.

Sec. 102. Grants to encourage arrest and enforce protection orders improve-  
 ments.

Sec. 103. Legal assistance for victims improvements.

Sec. 104. Court training and improvements.

Sec. 105. Domestic violence courts assistance.

Sec. 106. Full faith and credit improvements.

Sec. 107. Privacy protections for victims of domestic violence, dating violence,  
 sexual violence, and stalking.

Sec. 108. Stalker database.

Sec. 109. Victim assistants for District of Columbia.

Sec. 110. Preventing cyberstalking.

Sec. 111. Repeat offender provision.

Sec. 112. Prohibiting dating violence.

Sec. 113. Preventing attacks from phony police and public officials.

Sec. 114. DNA database for violent predators against minor girls and women.

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

Sec. 201. Violence Against Women programs.

- Sec. 202. Sexual assault services program.
- Sec. 203. Amendments to the rural domestic violence and child abuse enforcement assistance program.
- Sec. 204. Assistance for victims of abuse.
- Sec. 205. GAO study of National Domestic Violence Hotline.
- Sec. 206. Domestic violence prevention, education, and awareness.

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

- Sec. 301. Rape prevention and education.
- Sec. 302. Services, education, protection and justice for young victims of violence.
- Sec. 303. Grants to reduce violence against women on campus.
- Sec. 304. Safe havens.
- Sec. 305. Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY  
PREVENTING VIOLENCE IN THE HOME

- Sec. 401. Preventing violence against women, men, and children.

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

- Sec. 501. Purpose.
- Sec. 502. Training and education of health professionals in domestic and sexual violence.
- Sec. 503. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
- Sec. 504. Improving Federal health programs' response to domestic violence, dating violence, sexual assault, and stalking.
- Sec. 505. Research on effective interventions in the healthcare setting.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR  
BATTERED WOMEN AND CHILDREN

- Sec. 601. Addressing the housing needs of 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, or stalking.
- Sec. 603. Public and Indian housing authority plans reporting requirement.
- Sec. 604. Housing strategies.
- Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
- Sec. 606. Amendments to the low income housing assistance voucher program.
- Sec. 607. Amendments to the public housing program.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF  
VIOLENCE

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Definitions.

Subtitle A—Entitlement to Emergency Leave for Addressing Domestic or  
Sexual Violence

- Sec. 711. Purposes.
- Sec. 712. Entitlement to emergency leave for addressing domestic or sexual violence.
- Sec. 713. Existing leave usable for addressing domestic or sexual violence.
- Sec. 714. Emergency benefits.
- Sec. 715. Effect on other laws and employment benefits.
- Sec. 716. Conforming amendment.
- Sec. 717. Effective date.

Subtitle B—Entitlement to Unemployment Compensation for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

- Sec. 721. Purposes.
- Sec. 722. Unemployment compensation and training provisions.

Subtitle C—Victims’ Employment Sustainability

- Sec. 731. Short title.
- Sec. 732. Purposes.
- Sec. 733. Prohibited discriminatory acts.
- Sec. 734. Enforcement.
- Sec. 735. Attorney’s fees.

Subtitle D—Victims of Abuse Insurance Protection

- Sec. 741. Short title.
- Sec. 742. Definitions.
- Sec. 743. Discriminatory acts prohibited.
- Sec. 744. Insurance protocols for subjects of abuse.
- Sec. 745. Reasons for adverse actions.
- Sec. 746. Life insurance.
- Sec. 747. Subrogation without consent prohibited.
- Sec. 748. Enforcement.
- Sec. 749. Effective date.

Subtitle E—National Clearinghouse on Domestic and Sexual Violence in the Workplace Grant

- Sec. 751. National clearinghouse on domestic and sexual violence in the workplace grant.

Subtitle F—Severability

- Sec. 761. Severability.

TITLE VIII—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

- Sec. 801. Short title; references to VAWA–2000; regulations.

Subtitle A—Immigration Protections

PART 1—VICTIMS OF CRIME

- Sec. 811. Conditions applicable to U and T visas.
- Sec. 812. Clarification of basis for relief under hardship waivers for conditional permanent residence.
- Sec. 813. Adjustment of status for victims of trafficking.

## PART 2—VAWA PETITIONERS

- Sec. 821. Definition of VAWA petitioner.
- Sec. 822. Self-petitioning for children.
- Sec. 823. Self-petitioning parents.
- Sec. 824. Promoting consistency in VAWA adjudications.
- Sec. 825. Relief for certain victims pending actions on petitions and applications for relief.
- Sec. 826. Access to VAWA protection regardless of manner of entry.
- Sec. 827. Eliminating abusers' control over applications for adjustments of status.
- Sec. 828. Parole for VAWA petitioners and derivatives.
- Sec. 829. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to depart voluntarily.
- Sec. 830. Clarification of access to naturalization for victims of domestic violence.
- Sec. 831. Consolidating adjudication of VAWA cases in VAWA unit.
- Sec. 832. Prohibition of adverse determinations of admissibility or deportability based on protected information.

## PART 3—MISCELLANEOUS PROVISIONS

- Sec. 841. Removing 2 year custody and residency requirement for battered adopted children.
- Sec. 842. Waiver of certain grounds of inadmissibility for VAWA petitioners.
- Sec. 843. Treatment of good moral character.
- Sec. 844. Employment authorization for battered spouses of H-1B visa holders.
- Sec. 845. Grounds for hardship waiver for conditional permanent residence for intended spouses.
- Sec. 846. Cancellation of removal.
- Sec. 847. Motions to reopen.
- Sec. 848. Removal proceedings.
- Sec. 849. Conforming relief in suspension of deportation parallel to the relief available in VAWA-2000 cancellation for bigamy.
- Sec. 850. Correction of cross-reference to credible evidence provisions.
- Sec. 851. Technical corrections.

## Subtitle B—Additional Protections

## PART 1—ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES

- Sec. 861. Ensuring crime victim access to legal services.

PART 2—ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS OF ALIENS  
SUFFERING FROM DOMESTIC ABUSE

- Sec. 871. Eligibility for certain public benefits of aliens suffering from domestic abuse.

## PART 3—LAW ENFORCEMENT TRAINING GRANTS

- Sec. 881. Grants for law enforcement training programs to identify and protect victims of trafficking.

## TITLE IX—SAFETY FOR INDIAN WOMEN

- Sec. 901. Purposes.
- Sec. 902. Consultation.

- Sec. 903. Analysis and research on violence against Indian women.  
 Sec. 904. Tracking of violence against Indian women.  
 Sec. 905. Tribal Division of the Office on Violence Against Women.

TITLE X—BEST HELP FOR RAPE VICTIMS

- Sec. 1001. Short title.  
 Sec. 1002. Required element of national protocol for sexual assault medical forensic examinations.

TITLE XI—INCREASED PROTECTION FOR VICTIMS OF  
TRAFFICKING

- Sec. 1101. Protection of children from trafficking in persons.  
 Sec. 1102. Creation of nonimmigrant visa to protect aliens who file complaints of abuse against their former employers.  
 Sec. 1103. Protection for victims who are trafficked by persons with diplomatic immunity.  
 Sec. 1104. Lowering the bar for adjustment of status.  
 Sec. 1105. Allowing for renewal of T visas.  
 Sec. 1106. Allowing for resettlement to the united states of trafficked persons who are identified in countries that are unable or unwilling to offer adequate protection to the victim.  
 Sec. 1107. Access to counsel.  
 Sec. 1108. Requirement to permit continued presence in the United States.  
 Sec. 1109. Additional duties of the Senior Policy Operating Group.  
 Sec. 1110. Authorizations of appropriations.  
 Sec. 1111. Special Unit to Investigate Trafficking in Persons within Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.  
 Sec. 1112. Assistance from United States diplomatic and consular posts.  
 Sec. 1113. Mechanisms to prevent trafficking and provide protection and assistance for victims of trafficking.  
 Sec. 1114. Longer statute of limitation for slavery-related offenses.

1 **SEC. 3. GRANT PROVISIONS FOR VIOLENCE AGAINST**  
 2 **WOMEN ACT OF 1994.**

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

6 **“SEC. 40002. GRANT PROVISIONS.**

7 “(a) GRANT CONDITIONS.—

8 “(1) NONDISCLOSURE OF CONFIDENTIAL OR  
 9 PRIVATE INFORMATION.—

1           “(A) IN GENERAL.—In order to ensure the  
2 safety of adult and minor victims of domestic  
3 violence, dating violence, sexual assault, or  
4 stalking, and their families, grantee and sub-  
5 grantees under this title shall reasonably pro-  
6 tect the confidentiality and privacy of persons  
7 receiving services.

8           “(B) NONDISCLOSURE.—Subject to sub-  
9 paragraph (C), grantees and subgrantees  
10 should not—

11           “(i) disclose any personally identifying  
12 information or individual information col-  
13 lected in connection with services re-  
14 quested, utilized, or denied through grant-  
15 ees’ and subgrantees’ programs; or

16           “(ii) reveal individual client informa-  
17 tion without the informed, written, reason-  
18 ably time-limited consent of the person (or  
19 in the case of an unemancipated minor, the  
20 minor and the parent or guardian or in the  
21 case of persons with disabilities, the guard-  
22 ian) about whom information is sought,  
23 whether for this program or any other  
24 Federal, State, tribal, or territorial grant  
25 program.

1           “(C) RELEASE.—If release of information  
2 described in subparagraph (B) is compelled by  
3 statutory or court mandate—

4           “(i) grantees and subgrantees shall  
5 make reasonable attempts to provide notice  
6 to victims affected by the disclosure of in-  
7 formation; and

8           “(ii) grantees and subgrantees shall  
9 take steps necessary to protect the privacy  
10 and safety of the persons affected by the  
11 release of the information.

12           “(D) INFORMATION SHARING.—Grantees  
13 and subgrantees may share—

14           “(i) nonpersonally identifying data in  
15 the aggregate regarding services to their  
16 clients and nonpersonally identifying demo-  
17 graphic information in order to comply  
18 with Federal, State, tribal, or territorial  
19 reporting, evaluation, or data collection re-  
20 quirements; and

21           “(ii) court-generated information and  
22 law-enforcement generated information  
23 contained in secure, governmental reg-  
24 istries for protection order enforcement  
25 purposes.



1           “(2) APPROVED ACTIVITIES.—In carrying out  
2 the activities under this title, grantees and sub-  
3 grantees may collaborate with and provide informa-  
4 tion to Federal, State, local, tribal, and territorial  
5 public officials and agencies to develop and imple-  
6 ment policies to reduce or eliminate domestic vio-  
7 lence, dating violence, sexual assault, and stalking.

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

12           “(4) USE OF FUNDS.—Funds authorized and  
13 appropriated under this title may be used only for  
14 the specific purposes described in this title and shall  
15 remain available until expended.

16           “(5) EVALUATION.—Grantees under this Act  
17 must collect data for use to evaluate the effective-  
18 ness of the program, pursuant to the requirements  
19 described in paragraph (1)(D).

20           “(6) UNDERSERVED POPULATION.—For each  
21 grant program under this Act, the grantee must  
22 identify the underserved population for their area  
23 and program. The grantor must ensure that suffi-  
24 cient funds are given to programs that will address  
25 the underserved populations within the grant pro-

1 gram. Underserved populations will change depend-  
2 ing on the program but will include but not be lim-  
3 ited to rural, urban, religious, race and ethnic fac-  
4 tors, language barriers, disabilities, alienage status,  
5 age, or any other factor determined by the Attorney  
6 General to indicate that a population is underserved.

7 “(7) COMMUNITY-BASED ORGANIZATION DE-  
8 FINED.—In this title, the term ‘community-based or-  
9 ganization’ means an organization that—

10 “(A) focuses primarily on violence against

11 women;

12 “(B) has established a specialized cul-

13 turally specific program that addresses violence

14 against women;

15 “(C) has a primary focus on underserved

16 communities (and includes representatives from

17 these communities) and violence against women;

18 or

19 “(D) obtains violence against women ex-

20 pertise through collaboration.”.

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

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

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 1001(a)(18) of title I of the Omnibus Crime Control and  
8 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(8)) is  
9 amended by striking “\$185,000,000 for each of fiscal  
10 years 2001 through 2005” and inserting “\$225,000,000  
11 for each of fiscal years 2006 through 2010”.

12 (b) PURPOSE AREA ENHANCEMENTS.—Section  
13 2001(b) of title I of the Omnibus Crime Control and Safe  
14 Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

15 (1) by striking “and specifically, for the pur-  
16 poses of—” and inserting “, including collaborating  
17 with and informing public officials and agencies in  
18 order to develop and implement policies to reduce or  
19 eliminate domestic violence, dating violence, sexual  
20 assault, and stalking, and specifically only for the  
21 purposes of—”;

22 (2) in paragraph (5), by inserting after “protec-  
23 tion orders are granted,” the following: “supporting  
24 nonprofit nongovernmental victim services programs  
25 and tribal organizations in working with public offi-

1 cials and agencies to develop and implement policies,  
2 rules, and procedures in order to reduce or eliminate  
3 domestic violence, dating violence, sexual assault,  
4 and stalking.”;

5 (3) in paragraph (10), by striking “and” after  
6 the semicolon;

7 (4) in paragraph (11), by striking the period  
8 and inserting “; and”; and

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

10 “(12) maintaining core victim services and  
11 criminal justice initiatives, while supporting com-  
12plementary new initiatives and emergency services  
13 for victims and their families.”.

14 (c) TECHNICAL AMENDMENT RELATING TO  
15 MISDESIGNATED SECTIONS.—

16 (1) RENUMBERING.—Section 402(2) of Public  
17 Law 107–273 (116 Stat. 1789) is amended by strik-  
18ing “as sections 2006 through 2011, respectively”  
19 and inserting “as sections 2007 through 2011, re-  
20spectively”.

21 (2) EFFECTIVE DATE.—The amendment made  
22 by paragraph (1) shall take effect on the date of en-  
23actment of Public Law 107–273.

24 (d) CLARIFICATION OF ACTIVITIES REGARDING UN-  
25 DERSERVED POPULATIONS.—Section 2006 of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (42  
2 U.S.C. 3796gg–1) is amended—

3 (1) in subsection (c)(2), by inserting before the  
4 semicolon the following: “and describe how the State  
5 will address the needs of racial and ethnic minorities  
6 and racial and ethnic and other underserved popu-  
7 lations”; and

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

10 “(D) recognize and meaningfully respond  
11 to the needs of racial and ethnic and other un-  
12 derserved populations and ensure that monies  
13 set aside to fund services and activities for ra-  
14 cial and ethnic and other underserved popu-  
15 lations are distributed equally among those popu-  
16 lations.”.

17 (e) TRIBAL AND TERRITORIAL SETASIDES.—Section  
18 2007 of the Omnibus Crime Control and Safe Streets Act  
19 of 1968 (42 U.S.C. 3796gg–1), as redesignated by sub-  
20 section (c), is amended—

21 (1) in subsection (b)—

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

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

1 (C) in paragraph (3), by striking “and the  
2 coalition for the combined Territories of the  
3 United States, each receiving an amount equal  
4 to  $\frac{1}{54}$ ” and inserting “Guam, American Samoa,  
5 the United States Virgin Islands, and the Com-  
6 monwealth of the Northern Mariana Islands,  
7 each receiving an amount equal to  $\frac{1}{56}$ ”;

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

10 (E) in paragraph (5), by striking “and”  
11 after the semicolon;

12 (F) in paragraph (6), by striking the pe-  
13 riod and inserting “; and”; and

14 (G) by adding at the end:

15 “(7) such funds shall remain available until ex-  
16 pended.”;

17 (2) in subsection (c)(3)(B), by inserting after  
18 “victim services” the following: “, of which at least  
19 10 percent shall be distributed to culturally specific  
20 community-based organizations”; and

21 (3) in subsection (d)—

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

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

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

2 “(4) documentation showing that tribal, terri-  
3 torial, State or local prosecution, law enforcement,  
4 and court and victim service provider subgrantees  
5 have consulted with tribal, territorial, State, or local  
6 victim services programs during the course of devel-  
7 oping their grant applications in order to ensure  
8 that proposed services, activities and equipment ac-  
9 quisitions are designed to promote the safety, con-  
10 fidentiality, and economic independence of victims of  
11 domestic violence, sexual assault, stalking, and dat-  
12 ing violence.”.

13 (f) TRAINING, TECHNICAL ASSISTANCE, AND DATA  
14 COLLECTION.—Section 2007 of the Omnibus Crime Con-  
15 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-  
16 1), as redesignated by subsection (c), is amended by add-  
17 ing at the end the following:

18 “(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA  
19 COLLECTION.—

20 “(1) IN GENERAL.—Of the total amounts ap-  
21 propriated under this part, not less than 3 percent  
22 and up to 8 percent shall be available for providing  
23 training, technical assistance, and data collection re-  
24 lating to the purpose areas of this part to improve  
25 the capacity of grantees, subgrantees and other enti-

1 ties to offer services and assistance to victims of do-  
2 mestic violence, sexual assault, stalking, and dating  
3 violence.

4 “(2) INDIAN TRAINING.—The Director of the  
5 Violence Against Women Office shall ensure that  
6 training or technical assistance regarding violence  
7 against Indian women will be developed and pro-  
8 vided by entities having expertise in tribal law and  
9 culture.”.

10 (g) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—  
11 Section 2010 of the Omnibus Crime Control and Safe  
12 Streets Act of 1968 (42 U.S.C. 3796gg–4), as redesi-  
13 gnated by subsection (c), is amended by adding at the end  
14 the following:

15 “(c) USE OF FUNDS.—A State or Indian tribal gov-  
16 ernment may use Federal grant funds under this part to  
17 pay for forensic medical exams performed by trained ex-  
18 aminers for victims of sexual assault, except that such  
19 funds may not be used to pay for forensic medical exams  
20 by any State or Indian tribal government that requires  
21 victims of sexual assault to seek reimbursement for such  
22 exams from their insurance carriers.

23 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion shall be construed to permit a State to require a vic-  
25 tim of sexual assault to participate in the criminal justice



1 system or cooperate with law enforcement in order to be  
2 provided with a forensic medical exam, reimbursement for  
3 charges incurred on account of such an exam, or both.”.

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

8 **“SEC. 2012. POLYGRAPH TESTING PROHIBITION.**

9 “In order to be eligible for grants under this part,  
10 a State, Indian tribal government, or unit of local govern-  
11 ment must certify within three years of enactment of the  
12 VAWA 2005 Reauthorization Act that their laws, policies,  
13 or practices ensure that no law enforcement officer, pros-  
14 ecuting officer or other government official shall ask or  
15 require an adult or child victim of a sex offense as defined  
16 under Federal, Tribal, State, Territorial or local law to  
17 submit to a polygraph examination or similar truth-telling  
18 device or method as a condition for proceeding with the  
19 investigation, charging or prosecution of such an offense.  
20 A victim’s refusal to submit to the aforementioned shall  
21 not prevent the investigation, charging or prosecution of  
22 the pending case.”.

23 (i) NO MATCHING REQUIREMENT.—Part T of title  
24 I of the Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3796gg et seq.) is amended by adding  
2 at the end the following new section:

3 **“SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN**  
4 **GRANTEES.**

5 “No matching funds shall be required for a grant or  
6 subgrant made under this part, if made to a small law  
7 enforcement agency (under 20 officers) or to a victim serv-  
8 ice provider.”.

9 **SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE**  
10 **PROTECTION ORDERS IMPROVEMENTS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 1001(a)(19) of title I of the Omnibus Crime Control and  
13 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is  
14 amended by striking “\$65,000,000 for each of fiscal years  
15 2001 through 2005” and inserting “\$75,000,000 for each  
16 of fiscal years 2006 through 2010. Funds appropriated  
17 under this paragraph shall remain available until ex-  
18 pended.”.

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

22 (1) in subsection (a), by striking “to treat do-  
23 mestic violence as a serious violation” and inserting  
24 “to treat domestic violence, dating violence, sexual  
25 assault, and stalking as serious violations”;

1 (2) in subsection (b)—

2 (A) in the matter before paragraph (1), by  
3 inserting after “State” the following: “, tribal,  
4 territorial,”;

5 (B) in paragraph (1), by striking “manda-  
6 tory arrest or”;

7 (C) in paragraph (2), by—

8 (i) inserting after “educational pro-  
9 grams,” the following: “protection order  
10 registries,”;

11 (ii) striking “domestic violence and  
12 dating violence” and inserting “domestic  
13 violence, dating violence, sexual assault,  
14 and stalking. Policies, educational pro-  
15 grams, registries, and training described in  
16 this paragraph shall incorporate confiden-  
17 tiality and privacy protections for victims  
18 of domestic violence, dating violence, sex-  
19 ual assault, and stalking”;

20 (D) in paragraph (3), by—

21 (i) striking “domestic violence cases”  
22 and inserting “domestic violence, dating vi-  
23 olence, sexual assault, and stalking cases”;  
24 and

1 (ii) striking “groups” and inserting  
2 “teams”;

3 (E) in paragraph (5), by striking “domes-  
4 tic violence and dating violence” and inserting  
5 “domestic violence, dating violence, sexual as-  
6 sult, and stalking”;

7 (F) in paragraph (6), by—

8 (i) striking “other” and inserting  
9 “civil”; and

10 (ii) inserting after “domestic violence”  
11 the following: “, dating violence, sexual as-  
12 sult, and stalking”; and

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

14 “(9) To enhance and support the capacity of  
15 victims services programs to collaborate with and in-  
16 form efforts by State and local jurisdictions and  
17 public officials and agencies to develop best practices  
18 and policies regarding arrest of domestic violence,  
19 dating violence, sexual assault, and stalking offend-  
20 ers and to strengthen protection order enforcement  
21 and to reduce or eliminate domestic violence, dating  
22 violence, sexual assault, and stalking.

23 “(10) To develop State, tribal, territorial, or  
24 local policies, procedures, and protocols for pre-  
25 venting dual arrests and prosecutions in cases of do-

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

5 “(11) To plan, develop and establish com-  
6 prehensive victim service and support centers, such  
7 as family justice centers, designed to bring together  
8 victim advocates from non-profit, non-governmental  
9 victim services organizations, law enforcement offi-  
10 cers, prosecutors, probation officers, governmental  
11 victim assistants, forensic medical professionals, civil  
12 legal attorneys, chaplains, legal advocates, represent-  
13 atives from community-based organizations and  
14 other relevant public or private agencies or organiza-  
15 tions into one centralized location, in order to im-  
16 prove safety, access to services, and confidentiality  
17 for victims and families.

18 “(12) To develop and implement policies and  
19 training for police, prosecutors, and the judiciary in  
20 recognizing, investigating, and prosecuting instances  
21 of sexual assault, with an emphasis on recognizing  
22 the threat to the community for repeat crime per-  
23 petration by such individuals.”;

24 (3) in subsection (c)—

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

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

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

6 “(5) certify within three years of enactment of  
7 the VAWA 2005 Reauthorization Act that their  
8 laws, policies, or practices ensure that—

9 “(A) no law enforcement officer, pros-  
10 ecuting officer or other government official shall  
11 ask or require an adult or child victim of a sex  
12 offense as defined under Federal, tribal, State,  
13 territorial, or local law to submit to a polygraph  
14 examination or other truth telling device as a  
15 condition for proceeding with the investigation,  
16 charging or prosecution of such an offense; and

17 “(B) the refusal of a victim to submit to  
18 an examination described in subparagraph (A)  
19 shall not prevent the investigation, charging or  
20 prosecution of the offense.”; and

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

23 “(d) ALLOTMENT FOR INDIAN TRIBES.—Not less  
24 than 10 percent of the total amount made available for

1 grants under this section for each fiscal year shall be avail-  
2 able for grants to Indian tribe governments.”.

3 (c) APPLICATIONS.—Section 2102(b) of the Omnibus  
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
5 3796hh–1(b)) is amended in each of paragraphs (1) and  
6 (2) by inserting after “involving domestic violence” the fol-  
7 lowing: “, dating violence, sexual assault, or stalking”.

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

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

13 “Of the total amounts appropriated under this part,  
14 not less than 5 percent and up to 8 percent shall be avail-  
15 able for providing training, technical assistance, and data  
16 collection relating to the purpose areas of this part to im-  
17 prove the capacity of grantees, subgrantees and other enti-  
18 ties to offer services and assistance to victims of domestic  
19 violence and dating violence.”.

20 **SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVE-**  
21 **MENTS.**

22 Section 1201 of the Violence Against Women Act of  
23 2000 (42 U.S.C. 3796gg–6) is amended—

24 (1) in subsection (a), by—

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

3 (B) inserting after “effective aid to” the  
4 following: “adult and minor”;

5 (C) striking “domestic violence, stalking,  
6 or sexual assault” and inserting “domestic vio-  
7 lence, dating violence, sexual assault, or stalk-  
8 ing”; and

9 (D) inserting at the end the following:  
10 “The Attorney shall use funds appropriated  
11 under this section only for the purposes de-  
12 scribed in subsection (c).”;

13 (2) in subsection (c), by striking “private non-  
14 profit entities, Indian tribal governments” and in-  
15 serting “nonprofit, nongovernmental organizations,  
16 Indian tribal governments and tribal organizations,  
17 territorial organizations”;

18 (3) in paragraphs (1), (2), and (3) of sub-  
19 section (c), by striking “victims of domestic violence,  
20 sexual assault, and stalking” wherever it appears  
21 and inserting “victims of domestic violence, dating  
22 violence, sexual assault, and stalking”;

23 (4) in subsection (d)—

24 (A) in paragraph (1), by striking “domes-  
25 tic violence or sexual assault” and inserting



1 “domestic violence, dating violence, sexual as-  
2 sault, or stalking”;

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

5 “(2) any training program conducted in satis-  
6 faction of the requirement of paragraph (1) has been  
7 or will be developed with input from and in collabo-  
8 ration with a tribal, State, territorial, or local do-  
9 mestic violence, dating violence, sexual assault or  
10 stalking organization or coalition, as well as appro-  
11 priate tribal, State, territorial, and local law enforce-  
12 ment officials;

13 “(3) any person or organization providing legal  
14 assistance through a program funded under sub-  
15 section (c) has informed and will continue to inform  
16 tribal, State, territorial, or local domestic violence,  
17 dating violence, sexual assault or stalking organiza-  
18 tions and coalitions, as well as appropriate tribal,  
19 State, territorial, and local law enforcement officials  
20 of their work; and”;

21 (C) in paragraph (4), by inserting “dating  
22 violence,” after “domestic violence,”;

23 (5) in subsection (e), by inserting “dating vio-  
24 lence,” after “domestic violence,”; and

25 (6) in subsection (f)—

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

3 “(1) IN GENERAL.—There is authorized to be  
4 appropriated to carry out this section \$65,000,000  
5 for each of fiscal years 2006 through 2010. Funds  
6 appropriated under this section shall remain avail-  
7 able until expended and may only be used for the  
8 specific programs and activities described in this sec-  
9 tion.”; and

10 (B) in paragraph (2)—

11 (i) in subparagraph (A), by—

12 (I) striking “5 percent” and in-  
13 serting “10 percent”;

14 (II) striking “programs” and in-  
15 serting “tribal governments or tribal  
16 organizations”;

17 (III) inserting “adult and minor”  
18 after “that assist”; and

19 (IV) striking “domestic violence,  
20 stalking, and sexual assault” and in-  
21 serting “domestic violence, dating vio-  
22 lence, sexual assault, and stalking”;  
23 and

24 (ii) in subparagraph (B), by striking  
25 “technical assistance to support projects

1 focused solely or primarily on providing  
2 legal assistance to victims of sexual as-  
3 sault” and inserting “technical assistance  
4 in civil and crime victim matters to adult  
5 and minor victims of sexual assault”.

6 **SEC. 104. COURT TRAINING AND IMPROVEMENTS.**

7 The Violence Against Women Act of 1994 (108 Stat.  
8 1902 et seq.) is amended by adding at the end the fol-  
9 lowing:

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

13 **“SEC. 41001. SHORT TITLE.**

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

17 **“SEC. 41002. PURPOSE.**

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

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

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

7           “(3) collaboration and training with Federal,  
8           State, and local public agencies and officials and  
9           nonprofit, non-governmental organizations to im-  
10          prove implementation and enforcement of relevant  
11          Federal, State, tribal, territorial and local law;

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

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

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

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

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

4           “(E) education and outreach programs  
5 (such as interpreters) to improve community  
6 access, including enhanced access for racial and  
7 ethnic communities and racial and ethnic and  
8 other underserved populations (as described in  
9 section 40002); and

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

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

17 **“SEC. 41003. GRANT REQUIREMENTS.**

18           “Grants awarded under this subtitle shall be subject  
19 to the following conditions:

20           “(1) ELIGIBLE GRANTEEES.—Eligible grantees  
21 may include—

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

24           “(B) national, tribal, State, or local pri-  
25 vate, nonprofit organizations with demonstrated

1 expertise in developing and providing judicial  
2 education about domestic violence, dating vio-  
3 lence, sexual assault, or stalking.

4 “(2) CONDITIONS OF ELIGIBILITY.—To be eligi-  
5 ble for a grant under section 41003, applicants shall  
6 certify in writing that—

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

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

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

1 **“SEC. 41004. EVALUATION.**

2 “(a) IN GENERAL.—The Attorney General, through  
3 the Director of the Office on Violence Against Women,  
4 may evaluate the grants funded under section 41002.

5 “(b) TRIBAL GRANTEEES.—Evaluation of tribal grant-  
6 ees under this section shall be conducted by entities with  
7 expertise in Federal Indian law and tribal court practice.

8 **“SEC. 41005. NATIONAL EDUCATIONAL CURRICULA.**

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

18 “(b) ELIGIBLE ENTITIES.—Any curricula developed  
19 under this section—

20 “(1) shall be developed by an entity or entities  
21 having demonstrated expertise in developing judicial  
22 education curricula on issues relating to domestic vi-  
23 olence, dating violence, sexual assault, and stalking;  
24 or

25 “(2) if the primary grantee does not have dem-  
26 onstrated expertise such issues, the curricula shall

1 be developed by the primary grantee in partnership  
2 with an organization having such expertise.

3 **“SEC. 41006. TRIBAL CURRICULA.**

4 “(a) IN GENERAL.—The Attorney General, through  
5 the Office on Violence Against Women, shall fund efforts  
6 to develop education curricula for tribal court judges to  
7 ensure that all tribal courts have relevant information  
8 about promising practices, procedures, policies, and law  
9 regarding tribal court responses to adult and youth domes-  
10 tic violence, dating violence, sexual assault, and stalking.

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

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

18 “(2) if the primary grantee does not have such  
19 expertise, the curricula shall be developed by the pri-  
20 mary grantee through partnership with organiza-  
21 tions having such expertise.

22 **“SEC. 41007. AUTHORIZATION OF APPROPRIATIONS.**

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



1       “(b) AVAILABILITY.—Funds appropriated under this  
2 section shall remain available until expended and may only  
3 be used for the specific programs and activities described  
4 in this subtitle.

5       “(c) SET ASIDE.—Of the amounts made available  
6 under this subsection in each fiscal year, not less than 10  
7 percent shall be used for grants to tribes.

8 **“SEC. 41008. ACCESS TO JUSTICE FOR TEENS.**

9       “(a) PURPOSE.—It is the purpose of this section to  
10 encourage cross training and collaboration between the  
11 courts, domestic violence and sexual assault service pro-  
12 viders, youth organizations and service providers, violence  
13 prevention programs, and law enforcement agencies, so  
14 that communities can establish and implement policies,  
15 procedures, and practices to protect and more comprehen-  
16 sively and effectively serve youth victims of dating vio-  
17 lence, domestic violence, sexual assault, and stalking be-  
18 tween the ages of 12 and 24, and to engage, where nec-  
19 essary, other entities addressing the safety, health, mental  
20 health, social service, housing, and economic needs of  
21 youth victims of domestic violence, dating violence, sexual  
22 assault, and stalking.

23       “(b) GRANT AUTHORITY.—

24               “(1) IN GENERAL.—The Attorney General,  
25 through the Director of the Office on Violence

1 Against Women (in this section referred to as the  
2 ‘Director’), shall make grants to eligible entities to  
3 enable entities to jointly carry out cross training and  
4 other collaborative initiatives that seek to carry out  
5 the purposes of this section. Amounts appropriated  
6 under this section may only be used for programs  
7 and activities described under subsection (c).

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

10 “(3) ELIGIBLE ENTITIES.—To be eligible for a  
11 grant under this section, a grant applicant shall es-  
12 tablish a collaboration that shall include—

13 “(A) a Tribal, State, Territorial or local  
14 juvenile, family, civil, criminal or other trial  
15 court with jurisdiction over domestic violence,  
16 dating violence, sexual assault or stalking cases  
17 (hereinafter referred to as “courts”); and

18 “(B) a victim service provider that has ex-  
19 perience in working on domestic violence, dating  
20 violence, sexual assault, or stalking and the ef-  
21 fect that those forms of abuse have on young  
22 people.

23 “(c) USES OF FUNDS.—An entity that receives a  
24 grant under this section shall use the funds made available

1 through the grant for cross-training and collaborative ef-  
2 forts to—

3           “(1) assess and analyze currently available serv-  
4 ices for youth victims of domestic violence, dating vi-  
5 olence, sexual assault, and stalking; determine rel-  
6 evant barriers to such services in a particular local-  
7 ity;

8           “(2) establish and enhance linkages and col-  
9 laboration between courts; domestic violence or sex-  
10 ual assault service providers, and, where applicable,  
11 law enforcement agencies, and other entities ad-  
12 dressing the safety, health, mental health, social  
13 service, housing, and economic needs of youth vic-  
14 tims of domestic violence, dating violence, sexual as-  
15 sault or stalking, including community-based sup-  
16 ports such as schools, local health centers, commu-  
17 nity action groups, and neighborhood coalitions to  
18 identify, assess, and respond appropriately to the  
19 varying needs of youth victims of dating violence,  
20 domestic violence, sexual assault or stalking;

21           “(3) educate the staff of courts, domestic vio-  
22 lence and sexual assault service providers, and, as  
23 applicable, the staff of law enforcement agencies,  
24 youth organizations, schools, healthcare providers  
25 and other community prevention and intervention

1 programs to responsibly address youth victims and  
2 perpetrators of domestic violence, dating violence,  
3 sexual assault and stalking, and to understand rel-  
4 evant laws, court procedures and policies; and

5 “(4) provide appropriate resources in juvenile  
6 court matters to respond to dating violence, domestic  
7 violence, sexual assault and stalking and assure nec-  
8 essary services dealing with the health and mental  
9 health of youth victims are available.

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

16 “(e) PRIORITY.—In awarding grants under this sec-  
17 tion, the Director shall give priority to entities that have  
18 submitted applications in partnership with law enforce-  
19 ment agencies and religious and community organizations  
20 and service providers that work primarily with youth, es-  
21 pecially teens, and who have demonstrated a commitment  
22 to coalition building and cooperative problem solving in  
23 dealing with problems of dating violence, domestic vio-  
24 lence, sexual assault, and stalking in teen populations.

1       “(f) DISTRIBUTION.—In awarding grants under this  
2 section—

3           “(1) not less than 10 percent of funds appro-  
4 priated under this section in any year shall be avail-  
5 able for grants to collaborations involving tribal  
6 courts, tribal coalitions, tribal organizations, or do-  
7 mestic violence or sexual assault service providers  
8 the primary purpose of which is to provide culturally  
9 relevant services to American Indian or Alaska Na-  
10 tive women or youth;

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

15           “(3) the Attorney General shall not use more  
16 than 2.5 percent of funds appropriated under this  
17 section in any year for administration of grants  
18 made available under this section; and

19           “(4) up to 8 percent of funds appropriated  
20 under this section in any year shall be available to  
21 provide technical assistance for programs funded  
22 under this section.

23       “(g) REPORTING AND DISSEMINATION OF INFORMA-  
24 TION.—

1           “(1) REPORTS.—Each of the entities that are  
2 members of the applicant collaboration described in  
3 subsection (b)(3) and that receive a grant under this  
4 section shall jointly prepare and submit a report to  
5 the Director every 18 months detailing the activities  
6 that the entities have undertaken under the grant  
7 and such additional information as the Director may  
8 require.

9           “(2) DISSEMINATION OF INFORMATION.—Not  
10 later than 12 months after the end of the grant pe-  
11 riod under this section, the Director shall prepare,  
12 submit to Congress, and make widely available, in-  
13 cluding through electronic means, summaries that  
14 contain information on—

15                   “(A) the activities implemented by the re-  
16 cipients of the grants awarded under this sec-  
17 tion; and

18                   “(B) related initiatives undertaken by the  
19 Director to promote attention to dating vio-  
20 lence, domestic violence, sexual assault, and  
21 stalking and their impact on young victims  
22 by—

23                           “(i) the staffs of courts;

1                   “(ii) domestic violence, dating vio-  
2                   lence, sexual assault, and stalking service  
3                   providers; and

4                   “(iii) law enforcement agencies and  
5                   community organizations.

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

9 **SEC. 105. DOMESTIC VIOLENCE COURTS ASSISTANCE.**

10           (a) SHORT TITLE.—This section may be cited as the  
11 “Domestic Violence Courts Assistance Act”.

12           (b) FINDINGS.—The Congress finds the following:

13                   (1) Nearly one-third of American women report  
14                   being physically or sexually abused by a husband or  
15                   boyfriend at some point in their lives.

16                   (2) Family violence costs the nation between  
17                   \$5,000,000,000 and \$10,000,000,000 each year in  
18                   medical expenses, police and court costs, shelters  
19                   and foster care, sick leave, absenteeism, and non-  
20                   productivity.

21                   (3) The Nation’s first specialized domestic vio-  
22                   lence court was established in Chicago in the early  
23                   1980s to centralize the prosecution of domestic vio-  
24                   lence offenders.

1           (4) There are presently more than 300 domestic  
2 violence courts in at least 23 States nationwide.

3           (5) Specialized domestic violence courts in sev-  
4 eral communities have resulted in cutting the proc-  
5 essing time of domestic violence, reducing a backlog  
6 of existing domestic violence cases and raising the  
7 conviction rate.

8           (6) Specialized domestic violence courts allow  
9 judges, prosecutors and defense attorneys to focus  
10 on the intricacies of domestic violence cases, espe-  
11 cially with regards to repeat offenders.

12       (c) ESTABLISHMENT OF DOMESTIC VIOLENCE  
13 COURT SYSTEMS FROM AMOUNTS AVAILABLE FOR  
14 GRANTS TO COMBAT VIOLENCE AGAINST WOMEN.—

15           (1) IN GENERAL.—Part T of the Omnibus  
16 Crime Control and Safe Streets Act of 1968 (relat-  
17 ing to grants to combat violent crimes against  
18 women) is amended as follows:

19           (A) PURPOSES FOR WHICH GRANTS MAY  
20 BE USED.—Section 2001(b) of that Act (42  
21 U.S.C. 3796gg(b)) is amended—

22           (i) in paragraph (10), by striking  
23 “and” at the end;



1 (ii) in paragraph (11), by striking the  
2 period at the end and inserting “; and”;  
3 and

4 (iii) by adding at the end the fol-  
5 lowing new paragraph:

6 “(12) providing the resources to establish and  
7 maintain a court system dedicated to the adjudica-  
8 tion of domestic violence cases, including providing  
9 such resources as—

10 “(A) prosecutors and court personnel, in-  
11 cluding those who perform interpretation and  
12 translation services;

13 “(B) technical assistance and counseling;

14 “(C) training of attorneys, judges, and  
15 court personnel, including those who perform  
16 interpretation and translation services (which  
17 should be carried out in consultation with local  
18 domestic violence advocates, State domestic vio-  
19 lence coalitions, or both);

20 “(D) technological improvements and data  
21 collection; and

22 “(E) improvement of court facilities, in-  
23 cluding the creation of safe waiting areas and  
24 improved security.”.

1           (B) QUALIFICATION FOR FUNDS.—Section  
2           2002(c)(3)(C) of that Act (42 U.S.C. 3796gg-  
3           1(c)(3)(C)) is amended by inserting after “in-  
4           cluding juvenile courts” the following: “and spe-  
5           cialized domestic violence courts”.

6           (2) ATTORNEY GENERAL REPORT.—Not later  
7           than thirty days after the expiration of the third fis-  
8           cal year beginning after the date of the enactment  
9           of this Act, the Attorney General shall submit to  
10          Congress a report on the implementation and effec-  
11          tiveness of the amendments made by paragraph (1),  
12          including the effectiveness of grants made under  
13          such amendments in reducing the rates of domestic  
14          violence and shortening the period of judicial review  
15          in domestic violence cases.

16          (3) STATE JUSTICE INSTITUTE.—Section  
17          206(c) of the State Justice Institute Act of 1984  
18          (42 U.S.C. 10705(c)) is amended—

19                 (A) in paragraph (14) by striking “and”;

20                 (B) in paragraph (15) by striking the pe-  
21                 riod at the end and inserting a semicolon; and

22                 (C) by adding at the end the following new  
23                 paragraphs:

1           “(16) implement and evaluate court-based ap-  
2           proaches to adjudicating domestic violence cases in  
3           State courts, including—

4                   “(A) domestic violence courts;

5                   “(B) integrated case management informa-  
6           tion systems;

7                   “(C) collaborations among courts, law en-  
8           forcement agencies, social service agencies,  
9           women’s shelters, and victims of crime support  
10          organizations; and

11                  “(D) any other innovative practices likely  
12          to improve the criminal justice system’s re-  
13          sponse to domestic violence; and

14          “(17) provide technical assistance to State  
15          courts to facilitate the development and adoption of  
16          improved practices in the adjudication of domestic  
17          violence cases.”.

18           (4) AUTHORIZATION OF APPROPRIATIONS.—

19          There are authorized to be appropriated to carry out  
20          paragraphs (16) and (17) of section 206(c) of the  
21          State Justice Institute Act of 1984, as added by  
22          paragraph (3), \$1,500,000 for each of fiscal years  
23          2006 through 2009.

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

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

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

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

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

17 (c) PROTECTION ORDERS.—Sections 2265 and 2266  
18 of title 18, United States Code, are amended by striking  
19 “protection order” each place it appears and inserting  
20 “protection order, restraining order, or injunction”.

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

25 “(3) LIMITS ON INTERNET PUBLICATION OF  
26 REGISTRATION INFORMATION.—A State, Indian

1       tribe, or territory shall not publish publicly on the  
2       Internet any information regarding the registration  
3       or filing of a protection order, restraining order, or  
4       injunction in either the issuing or enforcing State,  
5       tribal or territorial jurisdiction, if such publication  
6       would be likely to publicly reveal the identity or loca-  
7       tion of the party protected under such order. A  
8       State, Indian tribe, or territory may share court-gen-  
9       erated law enforcement generated information con-  
10      tained in secure, governmental registries for protec-  
11      tion order enforcement purposes.”.

12      (e) DEFINITIONS.—Section 2266 of title 18, United  
13      States Code, is amended by striking paragraph (5) and  
14      inserting the following:

15           “(5) PROTECTION ORDER, RESTRAINING  
16      ORDER, OR INJUNCTION.—The term ‘protection  
17      order, restraining order, or injunction’ includes—

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

1           tion or as a pendente lite order in another pro-  
2           ceeding so long as any civil or criminal order  
3           was issued in response to a complaint, petition,  
4           or motion filed by or on behalf of a person seek-  
5           ing protection; and

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

15 **SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMES-**  
16 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**  
17 **VIOLENCE, AND STALKING.**

18           The Violence Against Women Act of 1994 (108 Stat.  
19 1902 et seq.) is amended by adding at the end the fol-  
20 lowing:

1 **“Subtitle K—Privacy Protections**  
2 **for Victims of Domestic Vio-**  
3 **lence, Dating Violence, Sexual**  
4 **Violence, and Stalking**

5 **“SEC. 41101. TASK FORCE.**

6 “The Attorney General shall establish a task force  
7 to review and report on policies, procedures, and techno-  
8 logical issues that may affect the privacy and confiden-  
9 tiality of victims of domestic violence, dating violence,  
10 stalking and sexual assault. The Attorney General shall  
11 include representatives from States, tribes, territories and  
12 private/non-profit organizations whose mission is to help  
13 develop a best practices model to prevent personally identi-  
14 fying information of adult and minor victims of domestic  
15 violence, dating violence, stalking and sexual assault from  
16 being released to the detriment of such victimized persons.  
17 The Attorney General shall designate one staff member  
18 to work with the task force. The Attorney General is  
19 authorized to make grants to develop a demonstration  
20 project to implement the best practices identified by the  
21 Task Force.

22 **“SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—There is authorized to be appro-  
24 priated to carry out this subtitle \$1,000,000 for each of  
25 fiscal years 2006 through 2010.

1       “(b) AVAILABILITY.—Amounts appropriated under  
2 this section shall remain available until expended and may  
3 only be used for the specific programs and activities de-  
4 scribed in this subtitle.”.

5 **SEC. 108. STALKER DATABASE.**

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

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

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

11 **SEC. 109. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.**

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

15 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM AS-**  
16 **SISTANTS.**

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



1 **SEC. 110. PREVENTING CYBERSTALKING.**

2 (a) IN GENERAL.—Paragraph (1) of section 223 (h)  
3 of the Communications Act of 1934 (47 U.S.C. 223(h)(1))  
4 is amended—

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

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

9 (3) by adding at the end the following new sub-  
10 paragraph:

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

19 (b) RULE OF CONSTRUCTION.—This section and the  
20 amendment made by this section may not be construed  
21 to affect the meaning given the term “telecommunications  
22 device” in section 223(h)(1) of the Communications Act  
23 of 1934, as in effect before the date of the enactment of  
24 this section.

1 **SEC. 111. REPEAT OFFENDER PROVISION.**

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

4 **“§ 2265A. Repeat offender provision**

5 “The maximum term of imprisonment for a violation  
6 of this chapter after a prior interstate domestic violence  
7 offense (as defined in section 2261) or interstate violation  
8 of protection order (as defined in section 2262) or inter-  
9 state stalking (as defined in sections 2261A(a) and  
10 2261A(b)) shall be twice the term otherwise provided for  
11 the violation.”.

12 **SEC. 112. PROHIBITING DATING VIOLENCE.**

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

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

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

21 **SEC. 113. PREVENTING ATTACKS FROM PHONY POLICE**  
22 **AND PUBLIC OFFICIALS.**

23 (a) IN GENERAL.—Section 716 of title 18, United  
24 States Code, is amended—

1 (1) by striking “police badge” each place it ap-  
2 pears in subsections (a) and (b) and inserting “offi-  
3 cial insignia or article of clothing”;

4 (2) in each of paragraphs (2) and (4) of sub-  
5 section (a), by striking “badge of the police” and in-  
6 serting “official insignia or article of clothing”;

7 (3) in subsection (b), by striking “the badge”  
8 and inserting “the insignia or article of clothing”;

9 (4) so that subsection (c) reads as follows:

10 “(c) As used in this section—

11 “(1) the term ‘official insignia or article of  
12 clothing’ means an article of distinctive clothing or  
13 insignia, including a badge, emblem or identification  
14 card, that is an indicium of the authority of a public  
15 employee; and

16 “(2) the term ‘public employee’ means any offi-  
17 cer or employee of the Federal Government or of a  
18 State or local government.”; and

19 (5) in the heading for the section, by striking  
20 “**Police badges**” and inserting “**Public em-  
21 ployee insignia and clothing**”.

22 (b) CONFORMING AMENDMENT TO TABLE OF SEC-  
23 TIONS.—The item in the table of sections at the beginning  
24 of chapter 33 of title 18, United States Code, relating to

1 section 716 is amended by striking “Police badges” and  
2 inserting “Public employee insignia and clothing”.

3 (c) **DIRECTION TO SENTENCING COMMISSION.**—The  
4 United States Sentencing Commission is directed to make  
5 appropriate amendments to sentencing guidelines, policy  
6 statements, and official commentary to assure that the  
7 sentence imposed on a defendant who is convicted of a  
8 Federal offense while wearing or displaying insignia and  
9 clothing received in violation of section 716 of title 18,  
10 United States Code, reflects the gravity of this aggra-  
11 vating factor.

12 **SEC. 114. DNA DATABASE FOR VIOLENT PREDATORS**  
13 **AGAINST MINOR GIRLS AND WOMEN.**

14 (a) **FINDINGS.**—Congress finds the following:

15 (1) Only 22 State sex offender registries collect  
16 and maintain DNA samples as a part of registra-  
17 tion.

18 (2) The single age with the greatest proportion  
19 of sexual assault victims reported to law enforcement  
20 was age 14.

21 (3) There were more victims of sexual assault  
22 between 3 and 17 than in any individual age group  
23 over age 17, and more victims age 2 than in any age  
24 group over 40.

1           (4) Over a four-to-five year period, 13.4 percent  
2 of sex offenders recidivated with another sexual of-  
3 fense.

4           (5) More attention should be given to seeking  
5 solutions to violence against young girls and women.

6           (b) DNA DATABASE FOR VIOLENT PREDATORS  
7 AGAINST MINOR GIRLS AND WOMEN.—

8           (1) IN GENERAL.—The Attorney General shall  
9 establish and maintain, separate from any other  
10 DNA database, a database solely for the purpose of  
11 collecting the DNA information with respect to vio-  
12 lent predators against minor girls and women.  
13 Under regulations issued by the Attorney General,  
14 Federal, State, and local agencies and other entities  
15 may submit DNA information to the Attorney Gen-  
16 eral for inclusion in the database and may compare  
17 DNA information against other DNA information in  
18 the database.

19           (2) AUTHORIZATION OF APPROPRIATIONS.—  
20 There are authorized to be appropriated \$500,000 to  
21 establish the database required by paragraph (1).

22           (c) INCENTIVE GRANTS.—

23           (1) PROGRAM AUTHORIZED.—From amounts  
24 made available to carry out this section, the Attor-  
25 ney General shall make grants to each State that

1 has in effect one or more programs that decrease the  
2 rate of recidivism among violent predators against  
3 minor girls and women, for use by the State to im-  
4 plement improvements to such programs.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to carry out  
7 this subsection such sums as may be necessary.

8 (d) CONSEQUENCES FOR VIOLENT PREDATORS  
9 AGAINST MINOR FEMALES AND WOMEN.—Notwith-  
10 standing any other provision of law, if a person who is  
11 a violent predator against minor females and women com-  
12 mits a crime that would, in and of itself, establish that  
13 person as a violent predator against minor females and  
14 women, the sentence imposed on that person for that  
15 crime shall, without regard to any mitigating circumstance  
16 that would otherwise apply at sentencing, be the maximum  
17 authorized by law.

18 (e) DEFINITION.—As used in this section, the term  
19 “violent predator against minor females and women”  
20 means a person who commits a crime of violence (includ-  
21 ing a sex crime) against either a female individual who  
22 has not attained the age of 18 years or a female who is  
23 age 18 or older.

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

6 **SEC. 201. VIOLENCE AGAINST WOMEN PROGRAMS.**

7 (a) GRANT REQUIREMENTS.—Part T of title I of the  
8 Omnibus Crime Control and Safe Streets Act of 1968 (42  
9 U.S.C. 3796gg et seq.) is amended—

10 (1) in section 2001, by adding at the end the  
11 following:

12 “(d) FUNDING.—

13 “(1) USE OF FUNDS.—Funds appropriated for  
14 grants under this part may only be used for the spe-  
15 cific programs and activities expressly described in  
16 this part.”;

17 (2) by redesignating section 2004 (42 U.S.C.  
18 3796gg–0b) as subsection (e) of section 2003;

19 (3) by redesignating section 2005 (42 U.S.C.  
20 3796gg–0c) as subsection (f) of section 2003;

21 (4) by redesignating sections 2002 and 2003 as  
22 sections 2003 and 2004, respectively;

23 (5) by redesignating section 2006 (as added by  
24 section 402(3) of the Violence Against Women Of-  
25 fice Act) as section 2005;

1           (6) in section 2005, as redesignated, by adding  
2           at the end the following: “Any funds so appropriated  
3           shall remain available until expended.”; and

4           (7) by redesignating section 2007 as section  
5           2002.

6           (b) DEFINITIONS.—Section 2002 of the Omnibus  
7           Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
8           3796gg–2), as redesignated by subsection (a)(7), is  
9           amended—

10           (1) by redesignating paragraph (8) as para-  
11           graph (17);

12           (2) by redesignating paragraph (7) as para-  
13           graph (14);

14           (3) by redesignating paragraph (6) as para-  
15           graph (11);

16           (4) by redesignating paragraphs (2), (3), and  
17           (4) as paragraphs (5), (6), and (7), respectively;

18           (5) by redesignating paragraph (1) as para-  
19           graph (2);

20           (6) by redesignating paragraph (9) as para-  
21           graph (1);

22           (7) by redesignating paragraph (5) as para-  
23           graph (9); and

24           (8) by inserting after paragraph (2), as redesign-  
25           ated, the following:



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

2 Part T of title I of the Omnibus Crime Control and  
3 Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is  
4 amended by inserting after section 2006 the following:

5 **“SEC. 2007. SEXUAL ASSAULT SERVICES ACT.**

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

7 “(1) to assist States, tribes, and territories in  
8 providing intervention, advocacy, accompaniment,  
9 support services, and related assistance for—

10 “(A) adult and minor victims of sexual as-  
11 sault;

12 “(B) family and household members of  
13 such victims; and

14 “(C) those collaterally affected by the vic-  
15 timization except for the perpetrator of such  
16 victimization; and

17 “(2) to provide for technical assistance and  
18 training relating to sexual assault to—

19 “(A) Federal, State, tribal, territorial and  
20 local governments, law enforcement agencies,  
21 and courts;

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

24 “(C) nonprofit organizations;

25 “(D) faith-based organizations; and

1           “(E) other individuals and organizations  
2           seeking such assistance.

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

4           “(1) GRANTS AUTHORIZED.—The Attorney  
5           General shall award grants to States and territories  
6           to support the establishment, maintenance, and ex-  
7           pansion of rape crisis centers and other programs  
8           and projects to assist those victimized by sexual as-  
9           sault.

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

11           “(A) ADMINISTRATIVE COSTS.—Not more  
12           than 5 percent of the grant funds received by  
13           a State or territory governmental agency under  
14           this subsection for any fiscal year may be used  
15           for administrative costs.

16           “(B) GRANT FUNDS.—Any funds received  
17           by a State or territory under this subsection  
18           that are not used for administrative costs shall  
19           be used to provide grants to rape crisis centers  
20           and other nonprofit, nongovernmental organiza-  
21           tions for programs and activities within such  
22           State or territory that provide direct interven-  
23           tion and related assistance.

1           “(C) INTERVENTION AND RELATED AS-  
2           SISTANCE.—Intervention and related assistance  
3           under subparagraph (B) may include—

4                   “(i) 24 hour hotline services providing  
5                   crisis intervention services and referral;

6                   “(ii) accompaniment and advocacy  
7                   through medical, criminal justice, and so-  
8                   cial support systems, including medical fa-  
9                   cilities, police, and court proceedings;

10                  “(iii) crisis intervention, short-term  
11                  individual and group support services, and  
12                  comprehensive service coordination, and  
13                  supervision to assist sexual assault victims  
14                  and family or household members;

15                  “(iv) support mechanisms that are  
16                  culturally relevant to the community;

17                  “(v) information and referral to assist  
18                  the sexual assault victim and family or  
19                  household members;

20                  “(vi) community-based, linguistically,  
21                  and culturally-specific service including  
22                  outreach activities for racial and ethnic  
23                  and other underserved communities and  
24                  linkages to existing services in these com-  
25                  munities; and

1           “(vii) the development and distribu-  
2           tion of educational materials on issues re-  
3           lated to sexual assault and the services de-  
4           scribed in clauses (i) through (vii).

5           “(3) APPLICATION.—

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

11          “(B) CONTENTS.—Each application sub-  
12          mitted under subparagraph (A) shall—

13                 “(i) set forth procedures designed to  
14                 assure meaningful involvement of the State  
15                 or territorial sexual assault coalition and  
16                 representatives from racial and ethnic and  
17                 other underserved communities in the de-  
18                 velopment of the application and the imple-  
19                 mentation of the plans;

20                 “(ii) set forth procedures designed to  
21                 ensure an equitable distribution of grants  
22                 and grant funds within the State or terri-  
23                 tory and between urban and rural areas  
24                 within such State or territory;

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

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

8           “(4) REPORTING.—Each State and territory re-  
9           ceiving a grant under this subsection shall submit an  
10          annual report to the Attorney General that describes  
11          the activities carried out with such grant funds.

12          “(5) ALLOCATION OF FUNDS.—The Attorney  
13          General shall allocate to each State not less than  
14          0.50 percent of the total amount so appropriated in  
15          a fiscal year for grants under this section, except  
16          that the United States Virgin Islands, American  
17          Samoa, Guam, the District of Columbia, Puerto  
18          Rico, and the Commonwealth of the Northern Mar-  
19          iana Islands shall each be allocated 0.125 percent of  
20          the total appropriations.

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

23          “(1) GRANTS AUTHORIZED.—The Attorney  
24          General shall award grants to eligible entities to  
25          support the establishment, maintenance, and expan-

1 sion of culturally specific intervention and related  
2 assistance for victims of sexual assault.

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

5 “(A) be a private nonprofit organization  
6 that focuses primarily on racial and ethnic com-  
7 munities;

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

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

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

23 “(3) USE OF FUNDS.—Funds appropriated  
24 under this section may be used for the purposes de-  
25 scribed in this section.

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

4           “(5) DISTRIBUTION.—

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

10           “(B) Up to 5 percent of funds appro-  
11 priated under this section in any year shall be  
12 available for technical assistance by a national  
13 organization or organizations whose primary  
14 focus and expertise is in addressing sexual as-  
15 sault within racial and ethnic communities.

16           “(6) TERM.—The Attorney General shall make  
17 grants under this section for a period of no less than  
18 3 fiscal years.

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

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

25           “(1) GRANTS AUTHORIZED.—

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

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

10           “(C) ELIGIBLE APPLICANTS.—Each of the  
11 State, territorial, and tribal sexual assault coali-  
12 tions as determined by the National Center for  
13 Injury Prevention and Control in collaboration  
14 with the office or Violence Against Women at  
15 the Department of Justice.

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

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

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



1           “(C) work with courts, child protective  
2 services agencies, and children’s advocates to  
3 develop appropriate responses to child custody  
4 and visitation issues when sexual assault has  
5 been determined to be a factor;

6           “(D) design and conduct public education  
7 campaigns;

8           “(E) plan and monitor the distribution of  
9 grants and grant funds to their State, territory,  
10 or tribe; or

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

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

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

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

1           priated to the Territories as defined in section  
2           4002(a)(20) of this Act.

3           “(4) APPLICATION.—Each eligible entity desir-  
4           ing a grant under this subsection shall submit an  
5           application to the Attorney General at such time, in  
6           such manner, and containing by such information as  
7           the Attorney General determines to be essential to  
8           carry out the purposes of this section.

9           “(5) REPORTING.—Each State or territorial  
10          sexual assault coalition receiving a grant under this  
11          subsection shall submit a report to the Attorney  
12          General that describes activities carried out with  
13          such grant funds.

14          “(6) FIRST-TIME APPLICANTS.—No entity shall  
15          be prohibited from submitting an application under  
16          this subsection during any fiscal year for which  
17          funds are available under this subsection because  
18          such entity has not previously applied or received  
19          funding under this subsection.

20          “(e) GRANTS TO TRIBES.—

21          “(1) GRANTS AUTHORIZED.—The Attorney  
22          General may award grants to Indian tribes, tribal  
23          organizations, and nonprofit tribal organizations ap-  
24          proved by an Indian tribe for the operation of a sex-  
25          ual assault programs or projects in Indian country

1 and Alaskan native villages to support the establish-  
2 ment, maintenance, and expansion of programs and  
3 projects to assist those victimized by sexual assault.

4 “(2) ALLOCATION AND USE OF FUNDS.—

5 “(A) ADMINISTRATIVE COSTS.—Not more  
6 than 5 percent of the grant funds received by  
7 an Indian tribe, tribal organization, and non-  
8 profit tribal organization under this subsection  
9 for any fiscal year may be used for administra-  
10 tive costs.

11 “(B) GRANT FUNDS.—Any funds received  
12 under this subsection that are not used for ad-  
13 ministrative costs shall be used to provide  
14 grants to tribal organizations and nonprofit  
15 tribal organizations for programs and activities  
16 within Indian country and Alaskan native vil-  
17 lages that provide direct intervention and re-  
18 lated assistance.

19 “(C) INTERVENTION AND RELATED AS-  
20 SISTANCE.—Intervention and related assistance  
21 under subparagraph (B) may include—

22 “(i) 24-hour hotline services providing  
23 crisis intervention services and referral;

24 “(ii) accompaniment and advocacy  
25 through medical, criminal justice, and so-

1 cial support systems, including medical fa-  
2 cilities, police, and court proceedings;

3 “(iii) crisis intervention, short-term  
4 individual and group support services, and  
5 case management and supervision to assist  
6 sexual assault victims and family or house-  
7 hold members;

8 “(iv) information and referral to as-  
9 sist the sexual assault victim and family or  
10 household members;

11 “(v) support mechanisms that are cul-  
12 turally relevant to the community;

13 “(vi) collaborating with and informing  
14 public officials and agencies in order to de-  
15 velop and implement policies to reduce or  
16 eliminate sexual assault; and

17 “(vii) the development and distribu-  
18 tion of educational materials on issues re-  
19 lated to sexual assault and the services de-  
20 scribed in clauses (i) through (vi).

21 “(3) REPORTING.—Each tribe receiving a grant  
22 under this subsection shall submit an annual report  
23 to the Attorney General that describes the activities  
24 carried out with such grant funds.

25 “(f) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—There are authorized to be  
2           appropriated \$60,000,000 for each of the fiscal  
3           years 2006 through 2010 to carry out the provisions  
4           of this section. Any amounts so appropriated shall  
5           remain available until expended.

6           “(2) ALLOCATIONS.—Of the total amounts ap-  
7           propriated for each fiscal year to carry out this sec-  
8           tion—

9                   “(A) not more than 2.5 percent shall be  
10                  used by the Attorney General for evaluation,  
11                  monitoring, and other administrative costs  
12                  under this section;

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

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

19                   “(D) not less than 10 percent shall be used  
20                  for making grants to State, territorial, and trib-  
21                  al sexual assault coalitions under subsection (c);

22                   “(E) not less than 10 percent shall be used  
23                  for grants to tribes under subsection (d); and

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

4 **SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIO-**  
5 **LENCE AND CHILD ABUSE ENFORCEMENT AS-**  
6 **SISTANCE PROGRAM.**

7           Section 40295 of the Safe Homes for Women Act of  
8 1994 (42 U.S.C. 13971) is amended to read as follows:

9 **“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIO-**  
10 **LENCE, SEXUAL ASSAULT, STALKING, AND**  
11 **CHILD ABUSE ENFORCEMENT ASSISTANCE.**

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

13           “(1) to identify, assess, and appropriately re-  
14           spond to adult and minor domestic violence, sexual  
15           assault, dating violence, and stalking in rural com-  
16           munities, by encouraging collaboration between—

17           “(A) domestic violence, dating violence,  
18           sexual assault, and stalking victim service pro-  
19           viders;

20           “(B) law enforcement agencies;

21           “(C) prosecutors;

22           “(D) courts;

23           “(E) other criminal justice service pro-  
24           viders;

1           “(F) human and community service pro-  
2           viders;

3           “(G) educational institutions; and

4           “(H) health care providers;

5           “(2) to establish and expand nonprofit, non-  
6           governmental, State, tribal, and local government  
7           services in rural communities to adult and minor vic-  
8           tims; and

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

11           “(A) dealing directly and immediately with  
12           domestic violence, sexual assault, dating vio-  
13           lence, and stalking occurring in rural commu-  
14           nities; and

15           “(B) creating and implementing strategies  
16           to increase awareness and prevent domestic vio-  
17           lence, sexual assault, dating violence, and stalk-  
18           ing.

19          “(b) GRANTS AUTHORIZED.—The Attorney General,  
20          acting through the Director of the Office on Violence  
21          Against Women (referred to in this section as the ‘Direc-  
22          tor’), may award 3-year grants, with a possible extension  
23          for an additional 3 years, to States, Indian tribes, local  
24          governments, and nonprofit, public or private entities, in-  
25          cluding tribal nonprofit organizations, to carry out pro-

1 grams serving rural areas or rural communities that ad-  
2 dress domestic violence, dating violence, sexual assault,  
3 and stalking by—

4           “(1) implementing, expanding, and establishing  
5 cooperative efforts and projects between law enforce-  
6 ment officers, prosecutors, victim advocacy groups,  
7 and other related parties to investigate and pros-  
8 ecute incidents of domestic violence, dating violence,  
9 sexual assault, and stalking;

10           “(2) providing treatment, counseling, and other  
11 long- and short-term assistance to adult and minor  
12 victims of domestic violence, dating violence, sexual  
13 assault, and stalking in rural communities; and

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

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

20           “(d) ALLOTMENTS AND PRIORITIES.—

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



1           “(2) ALLOTMENT FOR SEXUAL ASSAULT SERV-  
2           ICES.—Not less than 40 percent of the total amount  
3           made available for each fiscal year to carry out this  
4           section shall be allocated for grants that meaning-  
5           fully address sexual assault in rural communities.

6           “(3) ALLOTMENT FOR TECHNICAL ASSIST-  
7           ANCE.—Of the amounts appropriated for each fiscal  
8           year to carry out this section, not more than 8 per-  
9           cent may be used by the Director for technical as-  
10          sistance costs.

11          “(4) UNDERSERVED POPULATIONS.—In award-  
12          ing grants under this section, the Director shall give  
13          priority to the needs of racial and ethnic and other  
14          underserved populations (as described in section  
15          40002).

16          “(5) ALLOCATION OF FUNDS FOR RURAL  
17          STATES.—Not less than 75 percent of the total  
18          amount made available for each fiscal year to carry  
19          out this section shall be allocated for grants to rural  
20          States.

21          “(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

8 **SEC. 204. ASSISTANCE FOR VICTIMS OF ABUSE.**

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

12 **“SEC. 2011. ASSISTANCE FOR VICTIMS OF ABUSE.**

13           “(a) **GRANTS AUTHORIZED.**—The Attorney General  
14 may award grants to appropriate entities—

15           “(1) to provide services for victims of domestic  
16 violence and sexual assault who are 50 years of age  
17 or older;

18           “(2) to increase the physical accessibility of  
19 buildings in which services are or will be rendered  
20 for victims of domestic violence and sexual assault  
21 who are 50 years of age or older;

22           “(3) to provide training, consultation, and in-  
23 formation on domestic violence, dating violence,  
24 stalking, and sexual assault against women and girls  
25 who are individuals with disabilities (as defined in

1 section 3 of the Americans with Disabilities Act of  
2 1990 (42 U.S.C. 12102)), and to enhance direct  
3 services to such individuals;

4 “(4) for training programs to assist law en-  
5 forcement officers, prosecutors, governmental agen-  
6 cies, victim assistants, and relevant officers of Fed-  
7 eral, State, tribal, territorial, and local courts in rec-  
8 ognizing, addressing, investigating, and prosecuting  
9 instances of adult or minor domestic violence, dating  
10 violence, sexual assault, stalking, elder abuse, and  
11 violence against individuals with disabilities, includ-  
12 ing domestic violence and sexual assault, against  
13 older or disabled individuals; and

14 “(5) for multidisciplinary collaborative commu-  
15 nity responses to victims.

16 “(b) USE OF FUNDS.—Grant funds under this sec-  
17 tion may be used—

18 “(1) to implement or expand programs or serv-  
19 ices to respond to the needs of persons 50 years of  
20 age or older who are victims of domestic violence,  
21 dating violence, sexual assault, stalking, or elder  
22 abuse;

23 “(2) to provide personnel, training, technical  
24 assistance, advocacy, intervention, risk reduction and  
25 prevention of domestic violence, dating violence,

1 stalking, and sexual assault against disabled women  
2 and girls;

3 “(3) to conduct outreach activities to ensure  
4 that disabled women and girls who are victims of do-  
5 mestic violence, dating violence, stalking, or sexual  
6 assault receive appropriate assistance;

7 “(4) to conduct cross-training for victim service  
8 organizations, governmental agencies, and nonprofit,  
9 nongovernmental organizations serving individuals  
10 with disabilities; about risk reduction, intervention,  
11 prevention and the nature of dynamic of domestic vi-  
12 olence, dating violence, stalking, and sexual assault  
13 for disabled women and girls;

14 “(5) to provide technical assistance to assist  
15 with modifications to existing policies, protocols, and  
16 procedures to ensure equal access to the services,  
17 programs, and activities of victim service organiza-  
18 tions for disabled women and girls;

19 “(6) to provide training and technical assist-  
20 ance on the requirements of shelters and victim serv-  
21 ices organizations under Federal antidiscrimination  
22 laws, including—

23 “(A) the Americans with Disabilities Act of  
24 1990; and

1           “(B) section 504 of the Rehabilitation Act  
2           of 1973;

3           “(7) to rehabilitate facilities, purchase equip-  
4           ment, and provide personnel so that shelters and vic-  
5           tim service organizations can accommodate the  
6           needs of disabled women and girls;

7           “(8) to provide advocacy and intervention serv-  
8           ices for disabled women and girls who are victims of  
9           domestic violence, dating violence, stalking, or sexual  
10          assault through collaborative partnerships between—

11                  “(A) nonprofit, nongovernmental agencies;

12                  “(B) governmental agencies serving indi-  
13          viduals with disabilities; and

14                  “(C) victim service organizations; or

15          “(9) to develop model programs providing advo-  
16          cacy and intervention services within organizations  
17          serving disabled women and girls who are victims of  
18          domestic violence, dating violence, sexual assault, or  
19          stalking.

20          “(c) ELIGIBLE ENTITIES.—

21                  “(1) IN GENERAL.—An entity shall be eligible  
22          to receive a grant under this section if the entity  
23          is—

24                          “(A) a State;

25                          “(B) a unit of local government;

1           “(C) a nonprofit, nongovernmental organi-  
2           zation such as a victim services organization, an  
3           organization serving individuals with disabilities  
4           or a community-based organization; and

5           “(D) a religious organization.

6           “(2) LIMITATION.—A grant awarded for the  
7           purposes described in subsection (b) (9) shall only be  
8           awarded to an eligible agency (as defined in section  
9           410 of the Rehabilitation Act of 1973 (29 USC  
10          796f–5).

11          “(d) APPLICATION.—An eligible entity desiring a  
12          grant under this section shall submit an application to the  
13          Secretary at such time, in such manner, and containing  
14          such information as the Secretary may require.

15          “(e) REPORTING.—Not later than 1 year after the  
16          last day of the first fiscal year commencing on or after  
17          the date of enactment of this Act, and not later than 180  
18          days after the last day of each fiscal year thereafter, the  
19          Attorney General shall submit to Congress a report evalu-  
20          ating the effectiveness of programs administered and oper-  
21          ated pursuant to this section.

22          “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
23          are authorized to be appropriated \$28,000,000 for each  
24          of the fiscal years 2006 through 2010 to carry out this  
25          section.”.

1 **SEC. 205. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE**  
2 **HOTLINE.**

3 (a) **STUDY REQUIRED.**—Not later than 6 months  
4 after the date of enactment of this Act, the Comptroller  
5 General shall conduct a study of the National Domestic  
6 Violence Hotline to determine the effectiveness of the Hot-  
7 line in assisting victims of domestic violence.

8 (b) **ISSUES TO BE STUDIED.**—In conducting the  
9 study under subsection (a), the Comptroller General  
10 shall—

11 (1) compile statistical and substantive informa-  
12 tion about calls received by the Hotline since its in-  
13 ception, or a representative sample of such calls,  
14 while maintaining the confidentiality of Hotline call-  
15 ers;

16 (2) interpret the data compiled under para-  
17 graph (1)—

18 (A) to determine the trends, gaps in serv-  
19 ices, and geographical areas of need; and

20 (B) to assess the trends and gaps in serv-  
21 ices to underserved communities and the mili-  
22 tary community; and

23 (3) gather other important information about  
24 domestic violence.

1 (c) REPORT.—Not later than 3 years after the date  
2 of enactment of this Act, the Comptroller General shall  
3 submit to Congress a report on the results of the study.

4 **SEC. 206. DOMESTIC VIOLENCE PREVENTION, EDUCATION,**  
5 **AND AWARENESS.**

6 (a) SHORT TITLE.—This section may be cited as the  
7 “Domestic Violence Prevention, Education, and Aware-  
8 ness Act”.

9 (b) FINDINGS.—The Congress finds the following:

10 (1) Nearly one-third of American women report  
11 being physically or sexually abused by a husband or  
12 boyfriend at some point in their lives.

13 (2) Family violence costs the nation between  
14 \$5,000,000,000 and \$10,000,000,000 each year in  
15 medical expenses, police and court costs, shelters  
16 and foster care, sick leave, absenteeism, and non-  
17 productivity.

18 (3) The United States is becoming increasingly  
19 multicultural, and racial and ethnic minorities are  
20 expected to constitute approximately 50 percent of  
21 the United States population by 2050.

22 (4) Two-thirds of female immigrants to the  
23 United States originate from Asia, Latin America,  
24 the Caribbean, and the Middle East, and they mi-



1 grate here to seek economic security, reunify their  
2 families, or escape prosecution.

3 (5) Racial and ethnic minority women and im-  
4 migrant women face unique challenges to reporting  
5 and getting help for domestic violence.

6 (6) Structural inequalities experienced by racial  
7 and ethnic minority communities and immigrant  
8 communities, including poverty and discrimination,  
9 may contribute to higher rates of violence.

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

18 (8) Many racial and ethnic minority women and  
19 immigrant women face cultural barriers to reporting  
20 abuse or seeking help for domestic violence, includ-  
21 ing but not limited to strong religious beliefs that  
22 stress the importance of keeping family intact, fear  
23 of dishonor, or a belief that negative events occur re-  
24 gardless of attempts to prevent them.

1           (9) Many racial and ethnic minority women and  
2 immigrant women also face institutional barriers to  
3 reporting abuse or seeking help for domestic vio-  
4 lence, including but not limited to restrictions on  
5 public assistance, limited access to immigration re-  
6 lief, lack of translators or bilingual professionals, lit-  
7 tle educational material in the woman’s native lan-  
8 guage, treatment programs that do not take into ac-  
9 count ethnic and cultural differences, prohibitive fee  
10 structures, and inflexible or inconvenient hours of  
11 operation.

12           (c) GRANTS FOR PUBLIC INFORMATION CAMPAIGNS  
13 TO EDUCATE RACIAL AND ETHNIC MINORITY COMMU-  
14 NITIES AND IMMIGRANT COMMUNITIES ABOUT DOMESTIC  
15 VIOLENCE.—

16           (1) IN GENERAL.—From amounts made avail-  
17 able to carry out this subsection, the Attorney Gen-  
18 eral, acting through the Violence Against Women  
19 Office, shall make grants to public or private non-  
20 profit entities, States, and Indian tribes and tribal  
21 organizations to carry out public information cam-  
22 paigns for the purpose of educating racial and ethnic  
23 minority communities and immigrant communities  
24 about domestic violence, including the effects of do-  
25 mestic violence, methods of preventing or reducing

1 domestic violence, and services available to victims of  
2 domestic violence.

3 (2) USE OF GRANT AMOUNTS.—Grant amounts  
4 under this subsection may be used only to carry out  
5 public information campaigns for the purpose speci-  
6 fied in paragraph (1) and to provide staffing appro-  
7 priate to carrying out the campaigns.

8 (3) ELEMENTS OF CAMPAIGNS.—Each public  
9 information campaign carried out under this sub-  
10 section shall consist of one or more of the following  
11 elements:

12 (A) Public service announcements.

13 (B) Paid educational messages for print  
14 media.

15 (C) Public transit advertising.

16 (D) Electronic broadcast media.

17 (E) Any other mode of conveying informa-  
18 tion that the Attorney General determines to be  
19 appropriate.

20 (4) REQUIREMENTS FOR GRANT.—The Attor-  
21 ney General may award a grant under this sub-  
22 section to an applicant only if the Attorney General  
23 determines that—

1 (A) the campaign will be carried out in  
2 consultation with local domestic violence advo-  
3 cates or State domestic violence coalitions;

4 (B) the campaign is designed to be con-  
5 ducted in a culturally sensitive manner using  
6 one or more culturally appropriate languages;

7 (C) the applicant has an adequate plan to  
8 test-market the campaign with a relevant com-  
9 munity or group in the relevant geographic  
10 area, and will carry out that plan; and

11 (D) the applicant will use effectiveness cri-  
12 teria in carrying out the campaign and an eval-  
13 uation component to measure the effectiveness  
14 of the campaign.

15 (5) AWARD CRITERIA.—In awarding grants  
16 under this subsection, the Attorney General shall  
17 consider the following criteria:

18 (A) Whether the applicant has, or will be  
19 partnering with an entity that has, a record of  
20 high quality campaigns of a comparable type.

21 (B) Whether the applicant has, or will be  
22 partnering with an entity that has, a record of  
23 high quality campaigns that educate the com-  
24 munities and groups at greatest risk of domes-  
25 tic violence.

1 (6) APPLICATION.—

2 (A) IN GENERAL.—To be eligible to receive  
3 a grant under this subsection, a State or entity  
4 must submit to the Attorney General an appli-  
5 cation that meets the requirements of subpara-  
6 graph (B).

7 (B) REQUIREMENTS.—An application sub-  
8 mitted under this paragraph shall be in such  
9 form, and submitted in such manner, as the At-  
10 torney General may prescribe, and shall include  
11 the following matters:

12 (i) A complete description of appli-  
13 cant’s plan for the proposed public infor-  
14 mation campaign.

15 (ii) An identification of the specific  
16 communities and groups to be educated by  
17 the campaign, and a description of how the  
18 campaign will educate the communities  
19 and groups at greatest risk of domestic vi-  
20 olence.

21 (iii) The plans of the applicant with  
22 respect to working with organizations that  
23 have expertise in developing culturally ap-  
24 propriate informational messages.

1 (iv) A description of the geographic  
2 distribution of the campaign.

3 (v) An identification of the media or-  
4 ganizations and other groups through  
5 which the campaign will be carried out and  
6 any memorandum of understanding or  
7 other agreement under which the campaign  
8 will be carried out.

9 (vi) A description of the nature,  
10 amount, distribution, and timing of infor-  
11 mational messages to be used in the cam-  
12 paign.

13 (vii) Such information and assurances  
14 as the Attorney General may require to de-  
15 termine whether the requirements specified  
16 in paragraph (4) will be satisfied, and  
17 whether the criteria specified in paragraph  
18 (5) apply.

19 (viii) Such other information and as-  
20 surances as the Attorney General may re-  
21 quire.

22 (7) DEFINITION.—For purposes of this sub-  
23 section, the term “State” includes the District of  
24 Columbia, the Commonwealth of Puerto Rico, the

1 Virgin Islands, American Samoa, Guam, and any  
2 other territory or possession of the United States.

3 (8) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated such sums  
5 as may be necessary to carry out this section.

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

10 **SEC. 301. RAPE PREVENTION AND EDUCATION.**

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

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

1 **SEC. 302. SERVICES, EDUCATION, PROTECTION AND JUS-**  
2 **TICE FOR YOUNG VICTIMS OF VIOLENCE.**

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

6 **“Subtitle M—Services, Education,**  
7 **Protection and Justice for**  
8 **Young Victims of Violence**

9 **“SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND**  
10 **TO TEENS.**

11 “(a) GRANTS AUTHORIZED.—The Secretary of the  
12 Department of Health and Human Services (in this sec-  
13 tion referred to as the ‘Secretary’), acting through the  
14 Family and Youth Services Bureau, in consultation with  
15 the Department of Justice, shall award grants to eligible  
16 entities to conduct programs to serve teen and young adult  
17 victims between the ages of 12 and 24 of domestic vio-  
18 lence, dating violence, sexual assault, and stalking.  
19 Amounts appropriated under this section may only be used  
20 for programs and activities described under subsection (c).

21 “(b) ELIGIBLE GRANTEES.—To be eligible to receive  
22 a grant under this section, an entity shall be—

23 “(1) a nonprofit, nongovernmental entity, the  
24 primary purpose of which is to provide services to  
25 victims of domestic violence, dating violence, sexual  
26 assault, or stalking;



1           “(2) a religious or community-based organiza-  
2           tion that specializes in working with youth victims of  
3           domestic violence, dating violence, sexual assault, or  
4           stalking;

5           “(3) an Indian Tribe or tribal organization pro-  
6           viding services primarily to tribal youth or tribal vic-  
7           tims of domestic violence, dating violence, sexual as-  
8           sault or stalking; or

9           “(4) a nonprofit, nongovernmental entity pro-  
10          viding services for runaway or homeless youth.

11         “(c) USE OF FUNDS.—

12           “(1) IN GENERAL.—An entity that receives a  
13           grant under this section shall use amounts provided  
14           under the grant to design or replicate, and imple-  
15           ment, programs and services, using domestic vio-  
16           lence, dating violence, sexual assault, and stalking  
17           intervention models to respond to the needs of youth  
18           who are victims of domestic violence, dating violence,  
19           sexual assault or stalking.

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

21           “(A) shall provide direct counseling and  
22           advocacy for teens and young adults, who have  
23           experienced domestic violence, dating violence,  
24           sexual assault or stalking;

1           “(B) shall include linguistically, culturally,  
2           and community relevant services for racial and  
3           ethnic and other underserved populations or  
4           linkages to existing services in the community  
5           tailored to the needs of racial and ethnic and  
6           other underserved populations;

7           “(C) may include mental health services;

8           “(D) may include legal advocacy efforts on  
9           behalf of minors and young adults with respect  
10          to domestic violence, dating violence, sexual as-  
11          sault or stalking;

12          “(E) may work with public officials and  
13          agencies to develop and implement policies,  
14          rules, and procedures in order to reduce or  
15          eliminate domestic violence, dating violence,  
16          sexual assault, and stalking against youth and  
17          young adults; and

18          “(F) may use not more than 25 percent of  
19          the grant funds to provide additional services  
20          and resources for youth, including childcare,  
21          transportation, educational support, and respite  
22          care.

23          “(d) AWARDS BASIS.—

24                 “(1) GRANTS TO INDIAN TRIBES.—Not less  
25          than 10 percent of funds appropriated under this

1 section in any year shall be available for grants to  
2 Indian Tribes or tribal organizations.

3 “(2) ADMINISTRATION.—The Secretary shall  
4 not use more than 2.5 percent of funds appropriated  
5 under this section in any year for administration,  
6 monitoring, and evaluation of grants made available  
7 under this section.

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

12 “(e) TERM.—The Secretary shall make the grants  
13 under this section for a period of 3 fiscal years.

14 “(f) REPORTS.—An entity receiving a grant under  
15 this section shall submit to the Secretary every 18 months  
16 a report of how grant funds have been used.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
18 is authorized to be appropriated to carry out this section,  
19 \$15,000,000 for each of fiscal years 2006 through 2010.

20 **“SEC. 41202. GRANTS FOR TRAINING AND COLLABORATION**  
21 **ON THE INTERSECTION BETWEEN DOMESTIC**  
22 **VIOLENCE AND CHILD MALTREATMENT.**

23 “(a) PURPOSE.—The purpose of this section is to  
24 support efforts by child welfare agencies, domestic violence  
25 or dating violence victim services providers, courts, law en-

1 enforcement, and other related professionals and community  
2 organizations to develop collaborative responses and serv-  
3 ices and provide cross-training to enhance community re-  
4 sponses to families where there is both child maltreatment  
5 and domestic violence.

6 “(b) GRANTS AUTHORIZED.—The Attorney General,  
7 through the Violence Against Women Office, shall award  
8 grants on a competitive basis to eligible entities for the  
9 purposes and in the manner described in this section.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this section  
12 \$10,000,000 for each of fiscal years 2006 through 2010.  
13 Funds appropriated under this section shall remain avail-  
14 able until expended. Of the amounts appropriated to carry  
15 out this section for each fiscal year, the Attorney General  
16 shall—

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

21 “(2) set aside not more than 10 percent for  
22 grants to programs addressing child maltreatment  
23 and domestic violence or dating violence that are op-  
24 erated by, or in partnership with, a tribal organiza-  
25 tion; and

1           “(3) set aside up to 8 percent for technical as-  
2           sistance and training to be provided by organizations  
3           having demonstrated expertise in developing collabo-  
4           rative community and system responses to families  
5           in which there is both child maltreatment and do-  
6           mestic violence or dating violence, whether or not  
7           they are receiving funds under this section.

8           “(d) UNDERSERVED POPULATIONS.—In awarding  
9           grants under this section, the Attorney General shall con-  
10          sider the needs of racial and ethnic and other underserved  
11          populations (as described in section 40002).

12          “(e) GRANT AWARDS.—The Attorney General shall  
13          award grants under this section for periods of not more  
14          than 3 fiscal years.

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

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

1           “(1) encourage cross training, education, serv-  
2           ice development, and collaboration among child wel-  
3           fare agencies, domestic violence victim service pro-  
4           viders, and courts, law enforcement agencies, com-  
5           munity-based programs, and other entities, in order  
6           to ensure that such entities have the capacity to and  
7           will identify, assess, and respond appropriately to—

8                   “(A) domestic violence or dating violence  
9                   in homes where children are present and may  
10                  be exposed to the violence;

11                  “(B) domestic violence or dating violence  
12                  in child protection cases; and

13                  “(C) the needs of both the child and non-  
14                  abusing parent;

15           “(2) establish and implement policies, proce-  
16           dures, programs, and practices for child welfare  
17           agencies, domestic violence victim service providers,  
18           courts, law enforcement agencies, and other entities,  
19           that are consistent with the principles of protecting  
20           and increasing the immediate and long-term safety  
21           and well being of children and non-abusing parents  
22           and caretakers by—

23                   “(A) increasing the safety, autonomy, ca-  
24                   pacity, and financial security of non-abusing  
25                   parents or caretakers, including developing

1 service plans and utilizing community-based  
2 services that provide resources and support to  
3 non-abusing parents;

4 “(B) protecting the safety, security, and  
5 well-being of children by preventing their un-  
6 necessary removal from a non-abusing parent,  
7 or, in cases where removal of the child is nec-  
8 essary to protect the child’s safety, taking the  
9 necessary steps to provide appropriate and com-  
10 munity-based services to the child and the non-  
11 abusing parent to promote the safe and appro-  
12 priately prompt reunification of the child with  
13 the non-abusing parent;

14 “(C) recognizing the relationship between  
15 child maltreatment and domestic violence or  
16 dating violence in a family, as well as the im-  
17 pact of and danger posed by the perpetrators’  
18 behavior on both child and adult victims; and

19 “(D) holding adult and minor perpetrators  
20 of domestic violence or dating violence, not child  
21 and adult victims of abuse or neglect, account-  
22 able for stopping the perpetrators’ abusive be-  
23 haviors, including the development of separate  
24 service plans, court filings, or community-based  
25 interventions where appropriate;

1           “(3) increase cooperation and enhance linkages  
2           between child welfare agencies, domestic violence vic-  
3           tim service providers, courts (including family, crimi-  
4           nal, juvenile courts, or tribal courts), law enforce-  
5           ment agencies, and other entities to provide more  
6           comprehensive community-based services (including  
7           health, mental health, social service, housing, and  
8           neighborhood resources) to protect and to serve both  
9           child and adult victims;

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

14           “(5) analyze and change policies, procedures,  
15           and protocols that contribute to overrepresentation  
16           of racial and ethnic minorities in the court and child  
17           welfare system; and

18           “(6) provide appropriate referrals to commu-  
19           nity-based programs and resources, such as health  
20           and mental health services, shelter and housing as-  
21           sistance for adult and minor victims and their chil-  
22           dren, legal assistance and advocacy for adult and  
23           minor victims, assistance for parents to help their  
24           children cope with the impact of exposure to domes-  
25           tic violence or dating violence and child maltreat-



1       ment, appropriate intervention and treatment for  
2       adult perpetrators of domestic violence or dating vio-  
3       lence whose children are the subjects of child protec-  
4       tion cases, programs providing support and assist-  
5       ance to racial and ethnic populations, and other nec-  
6       essary supportive services.

7       “(h) GRANTEE REQUIREMENTS.—

8               “(1) APPLICATIONS.—Under this section, an  
9       entity shall prepare and submit to the Attorney Gen-  
10      eral an application at such time, in such manner,  
11      and containing such information as the Attorney  
12      General may require, consistent with the require-  
13      ments described herein. The application shall—

14               “(A) ensure that communities impacted by  
15      these systems or organizations are adequately  
16      represented in the development of the applica-  
17      tion, the programs and activities to be under-  
18      taken, and that they have a significant role in  
19      evaluating the success of the project;

20               “(B) describe how the training and col-  
21      laboration activities will enhance or ensure the  
22      safety and economic security of families where  
23      both child maltreatment and domestic violence  
24      or dating violence occurs by providing appro-  
25      priate resources, protection, and support to the

1 victimized parents of such children and to the  
2 children themselves; and

3 “(C) outline methods and means partici-  
4 pating entities will use to ensure that all serv-  
5 ices are provided in a developmentally, linguis-  
6 tically and culturally competent manner and  
7 will utilize community-based supports and re-  
8 sources.

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

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

14 “(B) shall include a domestic violence or  
15 dating violence victim service provider;

16 “(C) may include a court;

17 “(D) may include a law enforcement agen-  
18 cy, or Bureau of Indian Affairs providing tribal  
19 law enforcement; and

20 “(E) may include any other such agencies  
21 or private nonprofit organizations, including  
22 community-based organizations, with the capac-  
23 ity to provide effective help to the child and  
24 adult victims served by the collaboration.



1 (ii) by adding at the end the fol-  
2 lowing: “Within 90 days after the date of  
3 enactment of the Violence Against Women  
4 Act of 2005, the Attorney General shall  
5 issue and make available minimum stand-  
6 ards of training relating to violent crimes  
7 against women on campus, for all campus  
8 security personnel and personnel serving  
9 on campus disciplinary or judicial  
10 boards.”;

11 (B) in paragraph (4), by striking all that  
12 follows “strengthen” and inserting: “victim  
13 services programs on the campuses of the insti-  
14 tutions involved, including programs providing  
15 legal, medical, or psychological counseling, for  
16 victims of domestic violence, dating violence, or  
17 sexual assault, and to improve delivery of victim  
18 assistance on campus. To the extent prac-  
19 ticable, such an institution shall collaborate  
20 with any entities carrying out nonprofit and  
21 other victim services programs, including sexual  
22 assault, domestic violence, and dating violence  
23 victim services programs in the community in  
24 which the institution is located. If appropriate  
25 victim services programs are not available in

1 the community or are not accessible to stu-  
2 dents, the institution shall, to the extent prac-  
3 ticable, provide a victim services program on  
4 campus or create a victim services program in  
5 collaboration with a community-based organiza-  
6 tion. The institution shall use not less than 20  
7 percent of the funds made available through the  
8 grant for a victim services program provided in  
9 accordance with this paragraph.”;

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

11 and

12 (D) by redesignating paragraphs (7), (9),  
13 and (10) as paragraphs (6), (7), and (8), re-  
14 spectively;

15 (3) in subsection (c)—

16 (A) by striking paragraph (2)(B) and in-  
17 serting the following:

18 “(B) include proof that the institution of  
19 higher education collaborated with any non-  
20 profit, nongovernmental entities carrying out  
21 other victim services programs, including sexual  
22 assault, domestic violence, and dating violence  
23 victim services programs in the community in  
24 which the institution is located;” and

1 (B) in paragraph (3), by adding at the end  
2 the following: “Up to \$200,000 of the total  
3 amount of grant funds appropriated under this  
4 section during the years 2006 through 2010  
5 may be used to provide technical assistance in  
6 complying with the mandatory reporting re-  
7 quirements of such section 485(f).”;

8 (4) in subsection (d)—

9 (A) by striking paragraph (4);

10 (B) by redesignating paragraphs (2) and  
11 (3) as paragraphs (3) and (4), respectively; and

12 (C) by inserting after paragraph (1) the  
13 following:

14 “(2) CONFIDENTIALITY.—

15 “(A) NONDISCLOSURE OF CONFIDENTIAL  
16 OR PRIVATE INFORMATION.—In order to ensure  
17 the safety of adult and minor victims of domes-  
18 tic violence, dating violence, sexual assault, or  
19 stalking and their families, grantees and sub-  
20 grantees under this section shall reasonably—

21 “(i) protect the confidentiality and  
22 privacy of persons receiving services under  
23 the grants and subgrants; and

24 “(ii) not disclose any personally iden-  
25 tifying information, or individual client in-

1           formation, collected in connection with  
2           services requested, utilized, or denied  
3           through programs provided by such grant-  
4           ees and subgrantees under this section.

5           “(B) CONSENT.—A grantee or subgrantee  
6           under this section shall not reveal personally  
7           identifying information or individual client in-  
8           formation collected as described in subpara-  
9           graph (A) without the informed, written, and  
10          reasonably time-limited consent of the person  
11          (or, in the case of an unemancipated minor, the  
12          minor and the parent or guardian of the minor)  
13          about whom information is sought, whether for  
14          the program carried out under this section or  
15          any other Federal, State, tribal, or territorial  
16          assistance program.

17          “(C) COMPELLED RELEASE AND NO-  
18          TICE.—If a grantee or subgrantee under this  
19          section is compelled by statutory or court man-  
20          date to disclose information described in sub-  
21          paragraph (A), the grantee or subgrantee—

22                 “(i) shall make reasonable attempts to  
23                 provide notice to individuals affected by  
24                 the disclosure of information; and

1           “(ii) shall take steps necessary to pro-  
2           tect the privacy and safety of the indi-  
3           vidual affected by the disclosure.

4           “(D) PERMISSIVE SHARING.—Grantees  
5           and subgrantees under this section may share  
6           with each other, in order to comply with Fed-  
7           eral, State, tribal, or territorial reporting, eval-  
8           uation, or data collection requirements—

9                   “(i) aggregate data, that is not per-  
10                  sonally identifying information, regarding  
11                  services provided to their clients; and

12                   “(ii) demographic information that is  
13                  not personally identifying information.

14           “(E) COURT-GENERATED AND LAW EN-  
15           FORCEMENT-GENERATED INFORMATION.—  
16           Grantees and subgrantees under this section  
17           may share with each other—

18                   “(i) court-generated information con-  
19                  tained in secure, governmental registries  
20                  for protection order enforcement purposes;  
21                  and

22                   “(ii) law enforcement-generated infor-  
23                  mation.

24           “(F) DEFINITION.—As used in this para-  
25           graph, the term ‘personally identifying informa-



1           tion’ means individually identifying information  
2           from or about an individual, including—

3                   “(i) first and last name;

4                   “(ii) home or other physical address,  
5                   including street name and name of city or  
6                   town;

7                   “(iii) email address or other online  
8                   contact information, such as an instant-  
9                   messaging user identifier or a screen name  
10                  that reveals an individual’s email address;

11                  “(iv) telephone number;

12                  “(v) social security number;

13                  “(vi) Internet Protocol (‘IP’) address  
14                  or host name that identifies an individual;

15                  “(vii) persistent identifier, such as a  
16                  customer number held in a ‘cookie’ or  
17                  processor serial number, that is combined  
18                  with other available data that identifies an  
19                  individual; or

20                  “(viii) information that, in combina-  
21                  tion with the information in any of clauses  
22                  (i) through (vii), would serve to identify  
23                  any individual, including—

24                           “(I) grade point average;

25                           “(II) date of birth;

1                   “(III) academic or occupational  
2                   interests;

3                   “(IV) athletic or extracurricular  
4                   interests;

5                   “(V) racial or ethnic background;  
6                   or

7                   “(VI) religious affiliation.”; and

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

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

11                  (B) striking “2001” and inserting “2006”;

12                  and

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

14 **SEC. 304. SAFE HAVENS.**

15                  Section 1301 of the Victims of Trafficking and Vio-  
16                  lence Protection Act of 2000 (42 U.S.C. 10420) is amend-  
17                  ed—

18                  (1) by striking the section heading and insert-  
19                  ing the following:

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

21                  (2) in subsection (a)—

22                  (A) by inserting “, through the Director of  
23                  the Office on Violence Against Women,” after  
24                  “Attorney General”;

1 (B) by inserting “public or nonprofit non-  
2 governmental entities, and to” after “may  
3 award grants to”;

4 (C) by inserting “dating violence,” after  
5 “domestic violence,”;

6 (D) by striking “to provide” and inserting  
7 the following:

8 “(1) to provide”;

9 (E) by striking the period at the end and  
10 inserting a semicolon; and

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

12 “(2) to protect children from the trauma of wit-  
13 nessing domestic or dating violence or experiencing  
14 abduction, injury, or death during parent and child  
15 visitation exchanges;

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

20 “(4) to protect children from the trauma of ex-  
21periencing sexual assault or other forms of physical  
22 assault or abuse during parent and child visitation  
23 and visitation exchanges.”; and

24 (3) by striking subsection (e) and inserting the  
25 following:

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

10 “(A) set aside not less than 5 percent for  
11 grants to Indian tribal governments or tribal  
12 organizations;

13 “(B) use not more than 3 percent for eval-  
14 uation, monitoring, site visits, grantee con-  
15 ferences, and other administrative costs associ-  
16 ated with conducting activities under this sec-  
17 tion; and

18 “(C) set aside not more than 8 percent for  
19 technical assistance and training to be provided  
20 by organizations having nationally recognized  
21 expertise in the design of safe and secure super-  
22 vised visitation programs and visitation ex-  
23 change of children in situations involving do-  
24 mestic violence, dating violence, sexual assault,  
25 or stalking.”.

1 **SEC. 305. GRANTS TO COMBAT DOMESTIC VIOLENCE, DAT-**  
2 **ING VIOLENCE, SEXUAL ASSAULT, AND**  
3 **STALKING IN MIDDLE AND HIGH SCHOOLS.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “Supporting Teens through Education and Protection Act  
6 of 2005” or the “STEP Act”.

7 (b) **GRANTS AUTHORIZED.**—The Attorney General,  
8 through the Director of the Office on Violence Against  
9 Women, is authorized to award grants to middle schools  
10 and high schools that work with domestic violence and sex-  
11 ual assault experts to enable the schools—

12 (1) to provide training to school administrators,  
13 faculty, counselors, coaches, healthcare providers, se-  
14 curity personnel, and other staff on the needs and  
15 concerns of students who experience domestic vio-  
16 lence, dating violence, sexual assault, or stalking,  
17 and the impact of such violence on students;

18 (2) to develop and implement policies in middle  
19 and high schools regarding appropriate, safe re-  
20 sponses to, and identification and referral proce-  
21 dures for, students who are experiencing or pepe-  
22 trating domestic violence, dating violence, sexual as-  
23 sault, or stalking, including procedures for handling  
24 the requirements of court protective orders issued to  
25 or against students or school personnel, in a manner

1 that ensures the safety of the victim and holds the  
2 perpetrator accountable;

3 (3) to provide support services for students and  
4 school personnel, such as a resource person who is  
5 either on-site or on-call, and who is an expert de-  
6 scribed in subsections (i)(2) and (i)(3), for the pur-  
7 pose of developing and strengthening effective pre-  
8 vention and intervention strategies for students and  
9 school personnel experiencing domestic violence, dat-  
10 ing violence, sexual assault or stalking;

11 (4) to provide developmentally appropriate edu-  
12 cational programming to students regarding domes-  
13 tic violence, dating violence, sexual assault, and  
14 stalking, and the impact of experiencing domestic vi-  
15 olence, dating violence, sexual assault, and stalking  
16 on children and youth by adapting existing curricula  
17 activities to the relevant student population;

18 (5) to work with existing mentoring programs  
19 and develop strong mentoring programs for stu-  
20 dents, including student athletes, to help them un-  
21 derstand and recognize violence and violent behavior,  
22 how to prevent it and how to appropriately address  
23 their feelings; and

24 (6) to conduct evaluations to assess the impact  
25 of programs and policies assisted under this section

1 in order to enhance the development of the pro-  
2 grams.

3 (c) AWARD BASIS.—The Director shall award grants  
4 and contracts under this section on a competitive basis.

5 (d) POLICY DISSEMINATION.—The Director shall dis-  
6 seminate to middle and high schools any existing Depart-  
7 ment of Justice, Department of Health and Human Serv-  
8 ices, and Department of Education policy guidance and  
9 curricula regarding the prevention of domestic violence,  
10 dating violence, sexual assault, and stalking, and the im-  
11 pact of the violence on children and youth.

12 (e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE  
13 INFORMATION.—In order to ensure the safety of adult and  
14 minor victims of domestic violence, dating violence, sexual  
15 assault, or stalking and their families, grantees and sub-  
16 grantees shall protect the confidentiality and privacy of  
17 persons receiving services. Grantees and subgrantees pur-  
18 suant to this section shall not disclose any personally iden-  
19 tifying information or individual information collected in  
20 connection with services requested, utilized, or denied  
21 through grantees' and subgrantees' programs. Grantees  
22 and subgrantees shall not reveal individual client informa-  
23 tion without the informed, written, reasonably time-limited  
24 consent of the person (or in the case of unemancipated  
25 minor, the minor and the parent or guardian) about whom

1 information is sought, whether for this program or any  
2 other Tribal, Federal, State or Territorial grant program.  
3 If release of such information is compelled by statutory  
4 or court mandate, grantees and subgrantees shall make  
5 reasonable attempts to provide notice to victims affected  
6 by the disclosure of information. If such personally identi-  
7 fying information is or will be revealed, grantees and sub-  
8 grantees shall take steps necessary to protect the privacy  
9 and safety of the persons affected by the release of the  
10 information. Grantees may share non-personally identi-  
11 fying data in the aggregate regarding services to their cli-  
12 ents and non-personally identifying demographic informa-  
13 tion in order to comply with Tribal, Federal, State or Ter-  
14 ritorial reporting, evaluation, or data collection require-  
15 ments. Grantees and subgrantees may share court-gen-  
16 erated information contained in secure, governmental reg-  
17 istries for protection order enforcement purposes.

18 (f) GRANT TERM AND ALLOCATION.—

19 (1) TERM.—The Director shall make the grants  
20 under this section for a period of 3 fiscal years.

21 (2) ALLOCATION.—Not more than 15 percent  
22 of the funds available to a grantee in a given year  
23 shall be used for the purposes described in sub-  
24 section (b)(4)(D), (b),(5), and (b)(6).

25 (g) DISTRIBUTION.—



1           (1) IN GENERAL.—Not less than 5 percent of  
2 funds appropriated under section (l) in any year  
3 shall be available for grants to tribal schools, schools  
4 on tribal lands or schools whose student population  
5 is more than 25 percent native American.

6           (2) ADMINISTRATION.—The Director shall not  
7 use more than 5 percent of funds appropriated  
8 under section (l) in any year for administration,  
9 monitoring and evaluation of grants made available  
10 under this section.

11           (3) TECHNICAL ASSISTANCE.—Not less than 5  
12 percent of funds appropriated under section (l) in  
13 any year shall be available to provide technical as-  
14 sistance for programs funded under this section.

15           (h) APPLICATION.—To be eligible to be awarded a  
16 grant or contract under this section for any fiscal year,  
17 a middle or secondary school, in consultation with an ex-  
18 pert as described in sections (i)(2) and (i)(3), shall submit  
19 an application to the Director at such time and in such  
20 manner as the Director shall prescribe.

21           (i) ELIGIBLE ENTITIES.—To be eligible to receive a  
22 grant under this section, an entity shall be a partnership  
23 that—

24           (1) shall include a public, charter, tribal, or na-  
25 tionally accredited private middle or high school, a

1 school administered by the Department of Defense  
2 under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of  
3 schools, or a school district;

4 (2) shall include a domestic violence victim  
5 service provider that has a history of working on do-  
6 mestic violence and the impact that domestic vio-  
7 lence and dating violence have on children and  
8 youth;

9 (3) shall include a sexual assault victim service  
10 provider, such as a rape crisis center, program serv-  
11 ing tribal victims of sexual assault, or coalition or  
12 other nonprofit nongovernmental organization car-  
13 rying out a community-based sexual assault pro-  
14 gram, that has a history of effective work concerning  
15 sexual assault and the impact that sexual assault  
16 has on children and youth; and

17 (4) may include a law enforcement agency, the  
18 State, Tribal, Territorial or local court, nonprofit  
19 nongovernmental organizations and service providers  
20 addressing sexual harassment, bullying or gang-re-  
21 lated violence in schools, and any other such agen-  
22 cies or nonprofit nongovernmental organizations  
23 with the capacity to provide effective assistance to  
24 the child, youth, and adult victims served by the  
25 partnership.

1 (j) PRIORITY.—In awarding grants under this sec-  
2 tion, the Director shall give priority to entities that have  
3 submitted applications in partnership with relevant courts  
4 or law enforcement agencies.

5 (k) REPORTING AND DISSEMINATION OF INFORMA-  
6 TION.—

7 (1) REPORTING.—Each of the entities that are  
8 members of the applicant partnership described in  
9 subsection (i), that receive a grant under this section  
10 shall jointly prepare and submit to the Director  
11 every 18 months a report detailing the activities that  
12 the entities have undertaken under the grant and  
13 such additional information as the Director shall re-  
14 quire.

15 (2) DISSEMINATION OF INFORMATION.—Within  
16 9 months of the completion of the first full grant  
17 cycle, the Director shall publicly disseminate, includ-  
18 ing through electronic means, model policies and  
19 procedures developed and implemented in middle  
20 and high schools by the grantees, including informa-  
21 tion on the impact the policies have had on their re-  
22 spective schools and communities.

23 (l) AUTHORIZATION OF APPROPRIATIONS.—



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

4           “(4) develop and implement education and serv-  
5           ices programs to prevent children in vulnerable fami-  
6           lies from becoming victims or perpetrators of domes-  
7           tic violence, dating violence, sexual assault, or stalk-  
8           ing;

9           “(5) promote programs to ensure that children  
10          and youth receive the assistance they need to end  
11          the cycle of violence against women and children and  
12          develop mutually respectful, nonviolent relationships;  
13          and

14          “(6) encourage collaboration among community-  
15          based organizations and governmental agencies serv-  
16          ing children and youth, providers of health and men-  
17          tal health services and providers of domestic vio-  
18          lence, dating violence, sexual assault, and stalking  
19          victim services to prevent violence against women  
20          and children.

21       **“SEC. 41402. GRANTS TO ASSIST CHILDREN AND YOUTH EX-**  
22                               **POSED TO VIOLENCE.**

23           “(a) GRANTS AUTHORIZED.—

24           “(1) IN GENERAL.—The Attorney General, act-  
25           ing through the Director of the Office on Violence

1       Against Women, and in collaboration with the Ad-  
2       ministration for Children, Youth, and Families of  
3       the Department of Health and Human Services, is  
4       authorized to award grants on a competitive basis to  
5       eligible entities for the purpose of mitigating the ef-  
6       fects of domestic violence, dating violence, sexual as-  
7       sault, and stalking on children exposed to such vio-  
8       lence, and reducing the risk of future victimization  
9       or perpetration of domestic violence, dating violence,  
10      sexual assault, and stalking.

11           “(2) TERM.—The Director shall make grants  
12      under this section for a period of 3 fiscal years.

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

15           “(A) considering the needs of racial and  
16      ethnic and other underserved populations, as  
17      defined in section 2003 of the Omnibus Crime  
18      Control and Safe Streets Act of 1968 (42  
19      U.S.C. 3796gg-2);

20           “(B) awarding not less than 10 percent of  
21      such amounts for the funding of tribal projects  
22      from the amounts made available under this  
23      section for a fiscal year;

24           “(C) awarding up to 8 percent for the  
25      funding of technical assistance programs from

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

3 “(D) awarding not less than 66 percent to  
4 programs described in subsection (c)(1) from  
5 the amounts made available under this section  
6 for a fiscal year.

7 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
8 is authorized to be appropriated to carry out this section  
9 \$20,000,000 for each of fiscal years 2006 through 2010.

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

12 “(1) programs that provide services for children  
13 exposed to domestic violence, dating violence, sexual  
14 assault, or stalking, which may include direct coun-  
15 seling, advocacy, or mentoring, and must include  
16 support for the nonabusing parent or the child’s  
17 caretaker;

18 “(2) training and coordination for programs  
19 that serve children and youth (such as Head Start,  
20 child care, and after-school programs) on how to  
21 safely and confidentially identify children and fami-  
22 lies experiencing domestic violence and properly refer  
23 them to programs that can provide direct services to  
24 the family and children, and coordination with other  
25 domestic violence or other programs serving children

1 exposed to domestic violence, dating violence, sexual  
2 assault, or stalking that can provide the training  
3 and direct services referenced in this subsection; or

4 “(3) advocacy within the systems that serve  
5 children to improve the system’s understanding of  
6 and response to children who have been exposed to  
7 domestic violence and the needs of the nonabusing  
8 parent.

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

11 “(1) a victim service provider, tribal nonprofit  
12 organization or community-based organization that  
13 has a documented history of effective work con-  
14 cerning children or youth exposed to domestic vio-  
15 lence, dating violence, sexual assault, or stalking, in-  
16 cluding programs that provide culturally specific  
17 services, Head Start, child care, after school pro-  
18 grams, and health and mental health providers; or

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

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

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



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

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

6 “(A) enhance or ensure the safety and se-  
7 curity of children who have been exposed to vio-  
8 lence and their nonabusing parent, enhance or  
9 ensure the safety and security of children and  
10 their nonabusing parent in homes already expe-  
11 riencing domestic violence, dating violence, sex-  
12 ual assault, or stalking; and

13 “(B) ensure linguistically, culturally, and  
14 community relevant services for racial and eth-  
15 nic and other underserved communities.

16 “(f) REPORTS.—An entity receiving a grant under  
17 this section shall prepare and submit to the Director every  
18 18 months a report detailing the activities undertaken  
19 with grant funds, providing additional information as the  
20 Director shall require.

21 **“SEC. 41403. ENGAGING MEN, WOMEN, AND YOUTH IN PRE-**  
22 **VENTING DOMESTIC VIOLENCE, DATING VIO-**  
23 **LENCE, SEXUAL ASSAULT, AND STALKING.**

24 “(a) GRANTS AUTHORIZED.—

1           “(1) IN GENERAL.—The Attorney General, act-  
2           ing through the Director of the Office on Violence  
3           Against Women, and in collaboration with the Sec-  
4           retary of Health and Human Services, shall award  
5           grants on a competitive basis to eligible entities for  
6           the purpose of developing or enhancing programs re-  
7           lated to engaging men, women, and youth in pre-  
8           venting domestic violence, dating violence, sexual as-  
9           sault, and stalking by helping them to develop mutu-  
10          ally respectful, nonviolent relationships.

11          “(2) TERM.—The Director shall make grants  
12          under this section for a period of 3 fiscal years.

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

15                 “(A) considering the needs of racial and  
16                 ethnic and other underserved populations (as  
17                 described in section 40002);

18                 “(B) with respect to gender-specific pro-  
19                 grams described under subsection (c)(1)(A), en-  
20                 suring reasonable distribution of funds to pro-  
21                 grams for boys and programs for girls;

22                 “(C) awarding not less than 10 percent of  
23                 such amounts for the funding of tribal projects  
24                 from the amounts made available under this  
25                 section for a fiscal year; and

1           “(D) awarding up to 8 percent for the  
2 funding of technical assistance for grantees and  
3 non-grantees working in this area and evalua-  
4 tion programs from the amounts made available  
5 under this section for a fiscal year.

6           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
7 is authorized to be appropriated to carry out this section  
8 \$15,000,000 for each of fiscal years 2006 through 2010.

9           “(c) USE OF FUNDS.—

10           “(1) PROGRAMS.—The funds appropriated  
11 under this section shall be used by eligible entities  
12 for—

13           “(A) public education and community  
14 based programs, including gender-specific pro-  
15 grams in accordance with applicable laws—

16           “(i) to encourage children and youth  
17 to pursue only mutually respectful, non-  
18 violent relationships and empower them to  
19 reduce their risk of becoming victims or  
20 perpetrators of domestic violence, dating  
21 violence, sexual assault, or stalking; and

22           “(ii) that include at a minimum—

23           “(I) information on domestic vio-  
24 lence, dating violence, sexual assault,  
25 stalking, or child sexual abuse and

1                   how they affect children and youth;  
2                   and

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

5                   “(B) public education campaigns and com-  
6                   munity organizing to encourage men and boys  
7                   to work as allies with women and girls to pre-  
8                   vent domestic violence, dating violence, stalking,  
9                   and sexual assault conducted by entities that  
10                  have experience in conducting public education  
11                  campaigns that address domestic violence, dat-  
12                  ing violence, sexual assault, or stalking.

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

17                  “(d) ELIGIBLE ENTITIES.—

18                  “(1) RELATIONSHIPS.—Eligible entities under  
19                  subsection (c)(1)(A) are—

20                  “(A) nonprofit, nongovernmental domestic  
21                  violence, dating violence, sexual assault, or  
22                  stalking victim service providers or coalitions;

23                  “(B) community-based child or youth serv-  
24                  ices organizations with demonstrated experience

1 and expertise in addressing the needs and con-  
2 cerns of young people;

3 “(C) a State, territorial, tribal, or unit of  
4 local governmental entity that is partnered with  
5 an organization described in subparagraph (A)  
6 or (B); or

7 “(D) a program that provides culturally  
8 specific services.

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

11 “(A) nonprofit, nongovernmental organiza-  
12 tions or coalitions that have a documented his-  
13 tory of creating and administering effective  
14 public education campaigns addressing the pre-  
15 vention of domestic violence, dating violence,  
16 sexual assault or stalking; or

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

20 “(e) GRANTEE REQUIREMENTS.—Under this section,  
21 an entity shall—

22 “(1) prepare and submit to the Director an ap-  
23 plication at such time, in such manner, and con-  
24 taining such information as the Director may re-  
25 quire; and

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

3                   “(A) enhance or ensure the safety and se-  
4                   curity of children and youth already experi-  
5                   encing domestic violence, dating violence, sexual  
6                   assault, or stalking in their lives;

7                   “(B) ensure linguistically, culturally, and  
8                   community relevant services for racial, ethnic,  
9                   and other underserved communities;

10                  “(C) inform participants about laws, serv-  
11                  ices, and resources in the community, and make  
12                  referrals as appropriate; and

13                  “(D) ensure that State and local domestic  
14                  violence, dating violence, sexual assault, and  
15                  stalking victim service providers and coalitions  
16                  are aware of the efforts of organizations receiv-  
17                  ing grants under this section.

18           “(f) REPORTS.—An entity receiving a grant under  
19           this section shall prepare and submit to the Director every  
20           18 months a report detailing the activities undertaken  
21           with grant funds, including an evaluation of funded pro-  
22           grams and providing additional information as the Direc-  
23           tor shall require.

1 **“SEC. 41404. DEVELOPMENT OF CURRICULA FOR HOME VIS-**  
2 **ITATION PROJECTS.**

3 “(a) GRANTS AUTHORIZED.—

4 “(1) IN GENERAL.—The Attorney General, act-  
5 ing through the Director of the Office on Violence  
6 Against Women, and in collaboration with the Ad-  
7 ministration for Children, Youth, and Families of  
8 the Department of Health and Human Services,  
9 shall award grants on a competitive basis to eligible  
10 entities for the purpose of developing or enhancing  
11 model curricula, policies, and procedures to train  
12 home visitation service providers to recognize and re-  
13 spond to signs of domestic violence, dating violence,  
14 sexual assault, and stalking in homes receiving home  
15 visitation services.

16 “(2) TERM.—The Director shall make grants  
17 under this section for a period of 3 fiscal years.

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

20 “(A) considering the needs of racial and  
21 ethnic and other underserved populations (as  
22 described in section 40002);

23 “(B) awarding not less than 10 percent of  
24 such amounts for the funding of tribal projects  
25 from the amounts made available under this  
26 section for a fiscal year; and

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

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

8           “(c) USE OF FUNDS.—The funds appropriated under  
9           this section shall be used by eligible entities to develop  
10          or enhance model curricula, policies, and procedures to  
11          train home visitation service providers to recognize and re-  
12          spond to signs of domestic violence, dating violence, sexual  
13          assault, or stalking in homes receiving home visitation  
14          services.

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

17                 “(1) home visitation program that—

18                         “(A) has a documented history of pro-  
19                         viding effective services to pregnant women and  
20                         to young children and their parent or primary  
21                         caregiver that are provided in the permanent or  
22                         temporary residence or in other familiar sur-  
23                         roundings of the individual or family receiving  
24                         such services; and



1           “(B) demonstrates a partnership with an  
2           organization described in paragraph (2);

3           “(2) victim service provider, tribal nonprofit or-  
4           ganization, or community-based organization that—

5           “(A) has a documented history of effective  
6           work concerning women, men, and youth ex-  
7           posed to domestic violence, dating violence, sex-  
8           ual assault, or stalking; and

9           “(B) demonstrates a partnership with an  
10          organization described in paragraph (1); or

11          “(3) State, territorial, or tribal, or local unit of  
12          government agency that is partnered with an organi-  
13          zation described in paragraphs (1) or (2).

14          “(e) GRANTEE REQUIREMENTS.—Under this section,  
15          an entity shall—

16          “(1) prepare and submit to the Director an ap-  
17          plication at such time, in such manner, and con-  
18          taining such information as the Director may re-  
19          quire; and

20          “(2) at a minimum, describe in the application  
21          the policies and procedures that the entity has or  
22          will adopt to—

23          “(A) enhance or ensure the safety and se-  
24          curity of children and nonabusing parents who  
25          have been exposed to violence,

1           “(B) ensure linguistically, culturally, and  
2 community relevant curricula for racial and eth-  
3 nic and other underserved communities;

4           “(C) ensure that the curricula developed  
5 will adequately train home visitation service  
6 providers to—

7                   “(i) recognize and respond to signs of  
8 domestic violence, dating violence, sexual  
9 assault, or stalking in homes receiving  
10 home visitation services;

11                   “(ii) understand the impact of domes-  
12 tic violence or sexual assault on children  
13 and the protective actions taken by a non-  
14 abusing parent or caretaker in respond to  
15 such violence or assault; and

16                   “(iii) link new parents with existing  
17 community resources; and

18           “(D) ensure that relevant State and local  
19 domestic violence, dating violence, sexual as-  
20 sault, and stalking victim service providers and  
21 coalitions are aware of the efforts of organiza-  
22 tions receiving grants under this section.

23           “(f) REPORTS.—An entity receiving a grant under  
24 this section shall prepare and submit to the Director every  
25 18 months a report detailing the activities undertaken

1 with grant funds, providing additional information as the  
2 Director shall require.

3 “(g) DISSEMINATION.—The Director shall widely dis-  
4 seminate and make available the model curricula, policies,  
5 and procedures developed through grants made under this  
6 section, including through electronic means, to grantees  
7 of the Office on Violence Against Women, as well as to  
8 domestic violence, dating violence, sexual assault, stalking,  
9 and home visitation service providers, coalitions, and agen-  
10 cies.

11 **“SEC. 41405. DEMONSTRATION PROJECTS TO SUPPORT**  
12 **FAMILIES THROUGH HOME VISITATION.**

13 “(a) GRANTS AUTHORIZED.—

14 “(1) IN GENERAL.—The Attorney General, act-  
15 ing through the Director of the Office on Violence  
16 Against Women, and in collaboration with the Ad-  
17 ministration for Children, Youth, and Families of  
18 the Department of Health and Human Services,  
19 shall award grants on a competitive basis to eligible  
20 entities for the purpose of developing or enhancing  
21 services and programs to prevent domestic violence,  
22 dating violence, sexual assault, and stalking in the  
23 home, including assistance in developing strong par-  
24 enting skills.

1           “(2) TERM.—The Director shall make grants  
2 under this section for a period of 3 fiscal years.

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

5                   “(A) considering the needs of racial and  
6 ethnic and other underserved populations (as  
7 described in section 40002);

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

12                   “(C) awarding up to 8 percent for the  
13 funding of technical assistance programs from  
14 the amounts made available under this section  
15 for a fiscal year.

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

19           “(c) USE OF FUNDS.—The funds appropriated under  
20 this section shall be used by eligible entities to implement  
21 the model curricula, policies, and procedures developed  
22 under section 41404 of this title, including but not limited  
23 to training for grantee staff and enhancement of services  
24 for program participants.

1       “(d) ELIGIBLE ENTITIES.—To be eligible to receive  
2 a grant under this section, an entity shall be a home visita-  
3 tion program that has a documented history of providing  
4 effective services to pregnant women and to young chil-  
5 dren and their parent or primary caregiver that are pro-  
6 vided in the permanent or temporary residence or in other  
7 familiar surroundings of the individual or family receiving  
8 such services.

9       “(e) GRANTEE REQUIREMENTS.—Under this section,  
10 an entity shall—

11           “(1) prepare and submit to the Director an ap-  
12 plication at such time, in such manner, and con-  
13 taining such information as the Director may re-  
14 quire; and

15           “(2) at a minimum, describe in the application  
16 the policies and procedures that the entity has or  
17 will adopt to—

18           “(A) enhance or ensure the safety and se-  
19 curity of children and nonabusing parents who  
20 have been exposed to violence;

21           “(B) ensure linguistically, culturally, and  
22 community relevant curricula for racial and eth-  
23 nic and other underserved communities;

24           “(C) ensure the adequate training of home  
25 visitation service providers to—

1           “(i) recognize and respond to signs of  
2           domestic violence, dating violence, sexual  
3           assault, or stalking in homes receiving  
4           home visitation services;

5           “(ii) understand the impact of domes-  
6           tic violence or sexual assault on children  
7           and the protective actions taken by a non-  
8           abusing parent or caretaker in respond to  
9           such violence or assault; and

10           “(iii) link new parents with existing  
11           community resources; and

12           “(D) ensure that relevant State and local  
13           domestic violence, dating violence, sexual as-  
14           sault and stalking victim service providers and  
15           coalitions are aware of the efforts of organiza-  
16           tions receiving grants under this section.

17           “(f) REPORTS.—An entity receiving a grant under  
18           this section shall prepare and submit to the Director every  
19           18 months a report detailing the activities undertaken  
20           with grant funds, providing additional information as the  
21           Director shall require.

1 **“SEC. 41406. DEVELOPMENT OF CURRICULA AND DEM-**  
2 **ONSTRATION PROJECTS TO SUPPORT PRIS-**  
3 **ONER RE-ENTRY AND MENTORING PRO-**  
4 **GRAMS.**

5 “(a) GRANTS AUTHORIZED.—

6 “(1) IN GENERAL.—The Attorney General, act-  
7 ing through the Director of the Office on Violence  
8 Against Women, shall award grants on a competitive  
9 basis to eligible entities for the purpose of developing  
10 or enhancing curricula, policies, procedures, or pro-  
11 grams related to prisoner re-entry or to mentoring  
12 to help prisoners with a history of domestic violence,  
13 dating violence, sexual assault, or stalking to recon-  
14 nect with their families and communities as appro-  
15 priate, and become mutually respectful, nonviolent  
16 parents or partners.

17 “(2) TERM.—The Director shall make grants  
18 under this section for a period of 3 fiscal years.

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

21 “(A) considering the needs of racial and  
22 ethnic and other underserved populations (as  
23 described in section 40002);

24 “(B) awarding not less than 10 percent of  
25 such amounts for the funding of tribal projects

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

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

7 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
8 is authorized to be appropriated to carry out this section  
9 \$5,000,000 for each of fiscal years 2006 through 2010.

10 “(c) USE OF FUNDS.—The funds appropriated under  
11 this section shall be used by eligible entities—

12 “(1) to develop model curricula, policies, and  
13 procedures related to prisoner re-entry or to men-  
14 toring to help prisoners with a history of domestic  
15 violence, dating violence, sexual assault, or stalking  
16 reconnect with their families as appropriate; or

17 “(2) to provide direct services, technical assist-  
18 ance, or program evaluation, including but not lim-  
19 ited to training for program staff and enhancement  
20 of services for prisoners or their families.

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

23 “(1) prisoner re-entry program that—

24 “(A) has a documented history of pro-  
25 viding effective services for prisoner re-entry or



1 mentoring of prisoners or the families or chil-  
2 dren of prisoners; and

3 “(B) demonstrates a partnership with an  
4 organization described in paragraph (2);

5 “(2) victim service provider, tribal nonprofit or-  
6 ganization or community-based organization that—

7 “(A) has a documented history of effective  
8 work concerning women, men, and youth ex-  
9 posed to domestic violence, dating violence, sex-  
10 ual assault, or stalking; and

11 “(B) demonstrates a partnership with an  
12 organization described in paragraph (1); or

13 “(3) State, territorial, or tribal, or local unit of  
14 government agency that is partnered with organiza-  
15 tions described in paragraphs (1) and (2).

16 “(e) GRANTEE REQUIREMENTS.—Under this section,  
17 an entity shall—

18 “(1) prepare and submit to the Director an ap-  
19 plication at such time, in such manner, and con-  
20 taining such information as the Director may re-  
21 quire; and

22 “(2) at a minimum, describe in the application  
23 the policies and procedures that the entity has or  
24 will adopt to—

1           “(A) enhance or ensure the safety and se-  
2           curity of children and nonabusing parents who  
3           have been exposed to violence,

4           “(B) ensure linguistically, culturally, and  
5           community relevant curricula for racial and eth-  
6           nic and other underserved communities;

7           “(C) ensure that the curricula developed or  
8           the training provided will—

9                   “(i) educate prisoners, and those who  
10                  mentor prisoners or children of prisoners,  
11                  on developing mutually respectful, non-  
12                  violent relationships once the prisoner re-  
13                  turns to his or her community;

14                   “(ii) ensure that those who mentor  
15                  children of prisoners receive adequate  
16                  training on the potential risk that children  
17                  who witness violence may become future  
18                  victims or perpetrators of violence, and in  
19                  recognizing the impact of exposure to vio-  
20                  lence on children; and

21           “(D) ensure that relevant State and local  
22           domestic violence, dating violence, sexual as-  
23           sault and stalking victim service providers and  
24           coalitions are aware of the efforts of organiza-  
25           tions receiving grants under this section.

1       “(f) REPORTS.—An entity receiving a grant under  
2 this section shall prepare and submit to the Director every  
3 18 months a report detailing the activities undertaken  
4 with grant funds, providing additional information as the  
5 Director shall require.

6       “(g) DISSEMINATION.—The Director shall widely dis-  
7 seminate and make available the model curricula, policies,  
8 and procedures developed through grants made under this  
9 section, including through electronic means, to grantees  
10 of the Office on Violence Against Women, as well as to  
11 domestic violence, dating violence, sexual assault, stalking,  
12 and prisoner re-entry programs, coalitions, and agencies.”.

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

19 **SEC. 501. PURPOSE.**

20       It is the purpose of this title to improve the health  
21 care system’s response to domestic violence, dating vio-  
22 lence, sexual assault, and stalking through the training  
23 and education of health care providers, developing com-  
24 prehensive public health responses to violence.

1 **SEC. 502. TRAINING AND EDUCATION OF HEALTH PROFES-**  
2 **SIONALS IN DOMESTIC AND SEXUAL VIO-**  
3 **LENCE.**

4 Part D of title VII of the Public Health Service Act  
5 (42 U.S.C. 294 et seq.) is amended by adding at the end  
6 the following:

7 **“SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION**  
8 **ON DOMESTIC VIOLENCE AND OTHER TYPES**  
9 **OF VIOLENCE AND ABUSE.**

10 “(a) GRANTS.—The Secretary, acting through the  
11 Director of the Health Resources and Services Adminis-  
12 tration, shall award grants under this section to develop  
13 interdisciplinary training and education programs that  
14 provide undergraduate, graduate, post-graduate medical,  
15 nursing (including advanced practice nursing students),  
16 and other health professions students with an under-  
17 standing of, and clinical skills pertinent to, domestic vio-  
18 lence, sexual assault, stalking, and dating violence.

19 “(b) ELIGIBILITY.—To be eligible to receive a grant  
20 under this section an entity shall—

21 “(1) be an accredited school of allopathic or os-  
22 teopathic medicine;

23 “(2) prepare and submit to the Secretary an  
24 application at such time, in such manner, and con-  
25 taining such information as the Secretary may re-  
26 quire, including—

1           “(A) information to demonstrate that the  
2 applicant includes the meaningful participation  
3 of a school of nursing and at least one other  
4 school of health professions or graduate pro-  
5 gram in public health, dentistry, social work,  
6 midwifery, or behavioral and mental health;

7           “(B) strategies for the dissemination and  
8 sharing of curricula and other educational ma-  
9 terials developed under the grant to other inter-  
10 ested medical and nursing schools and national  
11 resource repositories for materials on domestic  
12 violence and sexual assault; and

13           “(C) a plan for consulting with, and com-  
14 pensating community-based coalitions or indi-  
15 viduals who have experience and expertise in  
16 issues related to domestic violence, sexual as-  
17 sault, dating violence, and stalking for services  
18 provided under the program carried out under  
19 the grant.

20           “(c) USE OF FUNDS.—

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

23           “(A) fund interdisciplinary training and  
24 education projects that are designed to train  
25 medical, nursing, and other health professions

1 students and residents to identify and provide  
2 health care services (including mental or behav-  
3 ioral health care services and referrals to appro-  
4 priate community services) to individuals who  
5 are or who have experienced domestic violence,  
6 sexual assault, and stalking or dating violence;  
7 and

8 “(B) plan and develop culturally competent  
9 clinical components for integration into ap-  
10 proved residency training programs that ad-  
11 dress health issues related to domestic violence,  
12 sexual assault, dating violence, and stalking,  
13 along with other forms of violence as appro-  
14 priate, and include the primacy of victim safety  
15 and confidentiality.

16 “(2) PERMISSIVE USES.—Amounts provided  
17 under a grant under this section may be used to—

18 “(A) offer community-based training op-  
19 portunities in rural areas for medical, nursing,  
20 and other students and residents on domestic  
21 violence, sexual assault, stalking, and dating vi-  
22 olence, and other forms of violence and abuse,  
23 which may include the use of distance learning  
24 networks and other available technologies need-  
25 ed to reach isolated rural areas; or

1           “(B) provide stipends to students from ra-  
2           cial and ethnic population groups who are  
3           underrepresented in the health professions as  
4           necessary to promote and enable their partici-  
5           pation in clerkships, preceptorships, or other  
6           offsite training experiences that are designed to  
7           develop health care clinical skills related to do-  
8           mestic violence, sexual assault, dating violence,  
9           and stalking.

10          “(3) REQUIREMENTS.—

11           “(A) CONFIDENTIALITY AND SAFETY.—  
12           Grantees under this section shall ensure that all  
13           educational programs developed with grant  
14           funds address issues of confidentiality and pa-  
15           tient safety, and that faculty and staff associ-  
16           ated with delivering educational components are  
17           fully trained in procedures that will protect the  
18           immediate and ongoing security of the patients,  
19           patient records, and staff. Advocacy-based coal-  
20           itions or other expertise available in the commu-  
21           nity shall be consulted on the development and  
22           adequacy of confidentially and security proce-  
23           dures, and shall be fairly compensated by  
24           grantees for their services.

1           “(B) RURAL PROGRAMS.—Rural training  
2           programs carried out under paragraph (2)(A)  
3           shall reflect adjustments in protocols and proce-  
4           dures or referrals that may be needed to protect  
5           the confidentiality and safety of patients who  
6           live in small or isolated communities and who  
7           are currently or have previously experienced vio-  
8           lence or abuse.

9           “(4) CHILD AND ELDER ABUSE.—Issues related  
10          to child and elder abuse may be addressed as part  
11          of a comprehensive programmatic approach imple-  
12          mented under a grant under this section.

13          “(d) REQUIREMENTS OF GRANTEES.—

14                 “(1) LIMITATION ON ADMINISTRATIVE EX-  
15                 PENSES.—A grantee shall not use more than 10 per-  
16                 cent of the amounts received under a grant under  
17                 this section for administrative expenses.

18                 “(2) CONTRIBUTION OF FUNDS.—A grantee  
19                 under this section, and any entity receiving assist-  
20                 ance under the grant for training and education,  
21                 shall contribute non-Federal funds, either directly or  
22                 through in-kind contributions, to the costs of the ac-  
23                 tivities to be funded under the grant in an amount  
24                 that is not less than 25 percent of the total cost of  
25                 such activities.



1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 is authorized to be appropriated to carry out this section,  
 3 \$3,000,000 for each of fiscal years 2006 through 2010.  
 4 Amounts appropriated under this subsection shall remain  
 5 available until expended.”.

6 **SEC. 503. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES**  
 7                   **TO DOMESTIC VIOLENCE, DATING VIOLENCE,**  
 8                   **SEXUAL ASSAULT, AND STALKING GRANTS.**

9       Part P of title III of the Public Health Service Act  
 10 (42 U.S.C. 280g et seq.) is amended by adding at the end  
 11 the following:

12 **“SEC. 399P. GRANTS TO FOSTER PUBLIC HEALTH RE-**  
 13                   **SPONSES TO DOMESTIC VIOLENCE, DATING**  
 14                   **VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

15       “(a) AUTHORITY TO AWARD GRANTS.—

16           “(1) IN GENERAL.—The Secretary, acting  
 17 through the Director of the Centers for Disease  
 18 Control and Prevention, shall award grants to eligi-  
 19 ble State, tribal, territorial, or local entities to  
 20 strengthen the response of State, tribal, territorial,  
 21 or local health care systems to domestic violence,  
 22 dating violence, sexual assault, and stalking.

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

25                   “(A) be—

1           “(i) a State department (or other divi-  
2           sion) of health, a State domestic or sexual  
3           assault coalition or service-based program,  
4           or any other nonprofit, nongovernmental,  
5           tribal, territorial, or State entity with a  
6           history of effective work in the fields of do-  
7           mestic violence, dating violence, sexual as-  
8           sault or stalking, and health care; or

9           “(ii) a nonprofit domestic violence,  
10          dating violence, sexual assault, or stalking  
11          service-based program, a local department  
12          (or other division) of health, a local health  
13          clinic, hospital, or health system, or any  
14          other nonprofit, tribal, or local entity with  
15          a history of effective work in the field of  
16          domestic or sexual violence and health;

17          “(B) prepare and submit to the Secretary  
18          an application at such time, in such manner,  
19          and containing such agreements, assurances,  
20          and information as the Secretary determines to  
21          be necessary to carry out the purposes for  
22          which the grant is to be made; and

23          “(C) demonstrate that the entity is rep-  
24          resenting a team of organizations and agencies  
25          working collaboratively to strengthen the re-

1           sponse of the health care system involved to do-  
2           mestic violence, dating violence, sexual assault,  
3           or stalking and that such team includes domes-  
4           tic violence, dating violence, sexual assault or  
5           stalking and health care organizations.

6           “(3) DURATION.—A program conducted under  
7           a grant awarded under this section shall not exceed  
8           3 years.

9           “(b) USE OF FUNDS.—

10           “(1) IN GENERAL.—An entity shall use  
11           amounts received under a grant under this section to  
12           design and implement comprehensive strategies to  
13           improve the response of the health care system in-  
14           volved to domestic or sexual violence in clinical and  
15           public health settings, hospitals, clinics, managed  
16           care settings (including behavioral and mental  
17           health), and other health settings.

18           “(2) MANDATORY STRATEGIES.—Strategies im-  
19           plemented under paragraph (1) shall include the fol-  
20           lowing:

21           “(A) The implementation, dissemination,  
22           and evaluation of policies and procedures to  
23           guide health care professionals and behavioral  
24           and public health staff in responding to domes-  
25           tic violence, dating violence, sexual assault, and

1 stalking, including strategies to ensure that  
2 health information is maintained in a manner  
3 that protects the patient’s privacy and safety  
4 and prohibits insurance discrimination.

5 “(B) The development of on-site access to  
6 services to address the safety, medical, mental  
7 health, and economic needs of patients either by  
8 increasing the capacity of existing health care  
9 professionals and behavioral and public health  
10 staff to address domestic violence, dating vio-  
11 lence, sexual assault, and stalking, by con-  
12 tracting with or hiring domestic or sexual as-  
13 sult advocates to provide the services, or to  
14 model other services appropriate to the geo-  
15 graphic and cultural needs of a site.

16 “(C) The development or adaptation and  
17 dissemination of education materials for pa-  
18 tients and health care professionals and behav-  
19 ioral and public health staff.

20 “(D) The evaluation of practice and the in-  
21 stitutionalization of identification, intervention,  
22 and documentation including quality improve-  
23 ment measurements.

1           “(3) PERMISSIVE STRATEGIES.—Strategies im-  
2           plemented under paragraph (1) may include the fol-  
3           lowing:

4                   “(A) Where appropriate, the development  
5                   of training modules and policies that address  
6                   the overlap of child abuse, domestic violence,  
7                   dating violence, sexual assault, and stalking and  
8                   elder abuse as well as childhood exposure to do-  
9                   mestic violence.

10                   “(B) The creation, adaptation, and imple-  
11                   mentation of public education campaigns for  
12                   patients concerning domestic violence, dating vi-  
13                   olence, sexual assault, and stalking prevention.

14                   “(C) The development, adaptation, and  
15                   dissemination of domestic violence, dating vio-  
16                   lence, sexual assault, and stalking education  
17                   materials to patients and health care profes-  
18                   sionals and behavioral and public health staff.

19                   “(D) The promotion of the inclusion of do-  
20                   mestic violence, dating violence, sexual assault,  
21                   and stalking into health professional training  
22                   schools, including medical, dental, nursing  
23                   school, social work, and mental health cur-  
24                   riculum.

1           “(E) The integration of domestic violence,  
2           dating violence, sexual assault, and stalking  
3           into health care accreditation and professional  
4           licensing examinations, such as medical, dental,  
5           social work, and nursing boards.

6           “(c) ALLOCATION OF FUNDS.—Funds appropriated  
7           under this section shall be distributed equally between  
8           State and local programs.

9           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
10          is authorized to be appropriated to award grants under  
11          this section, \$5,000,000 for each of fiscal years 2006  
12          through 2010.”.

13       **SEC. 504. IMPROVING FEDERAL HEALTH PROGRAMS’ RE-**  
14                               **SPONSE TO DOMESTIC VIOLENCE, DATING VI-**  
15                               **OLENCE, SEXUAL ASSAULT, AND STALKING.**

16          (a) TRAINING GRANTS UNDER THE MATERNAL AND  
17          CHILD HEALTH SERVICES BLOCK GRANT.—

18               (1) PREFERENCE IN CERTAIN FUNDING.—Sec-  
19          tion 502(b)(2) of the Social Security Act (42 U.S.C.  
20          702(b)(2)) is amended by adding at the end the fol-  
21          lowing:

22          “(C) Of the amounts retained for projects described  
23          in subparagraphs (A) through (F) of section 501(a)(3),  
24          the Secretary shall provide preference to qualified appli-  
25          cants that demonstrate that the activities to be carried

1 out with such amounts include training of service pro-  
2 viders in how to identify and treat the health effects of  
3 domestic violence, dating violence, sexual assault, or stalk-  
4 ing, including children who have been exposed to domestic  
5 or dating violence. Such training should include—

6           “(i) identifying patients of clients experiencing  
7           domestic violence, dating violence sexual assault, or  
8           stalking;

9           “(ii) assessing the immediate and short-term  
10          safety of the patient or client, the impact of the  
11          abuse on the health of the patient, and assisting the  
12          patient in developing a plan to promote his or her  
13          safety;

14          “(iii) examining and treating such patients or  
15          clients within the scope of the health professional’s  
16          discipline, training, and practice (including providing  
17          medical advice regarding the dynamics and nature of  
18          domestic violence, dating violence sexual assault, or  
19          stalking);

20          “(iv) maintaining complete medical or forensic  
21          records that include the documentation of the exam-  
22          ination, treatment given, and referrals made, and re-  
23          cording the location and nature of the victim’s inju-  
24          ries, and establishing mechanisms to ensure the pri-  
25          vacy and confidentiality of those medical records;

1           “(v) referring the patient or client to public and  
2 private nonprofit entities that provide services for  
3 such victims; and

4           “(vi) ensuring that all services are provided in  
5 a linguistically and culturally relevant manner.”.

6           (2) REQUIREMENT FOR PORTION OF EXPENDI-  
7 TURES ON DOMESTIC VIOLENCE IDENTIFICATION  
8 AND TREATMENT.—Section 505(a)(5) of the Social  
9 Security Act (42 U.S.C. 705(a)(5)) is amended—

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

12           (B) in subparagraph (F), by striking the  
13 period and inserting “; and”; and

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

16           “(G) the State will set aside a reasonable  
17 portion (based upon the State’s previous use of  
18 funds under this title) of the funds provided for  
19 domestic violence, dating violence, sexual as-  
20 sault, or stalking services.”.

21           (3) REPORTING DATA.—Section 506(a)(2) of  
22 the Social Security Act (42 U.S.C. 706(a)(2)) is  
23 amended by inserting after subparagraph (E) the  
24 following:



1           “(F) Information on how funds provided under  
2 this title are used to identify and treat domestic vio-  
3 lence, dating violence, sexual assault, or stalking.”.

4           (4) SEPARATE PROGRAM FOR DOMESTIC VIO-  
5 LENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND  
6 STALKING IDENTIFICATION AND TREATMENT.—Title  
7 V of the Social Security Act (42 U.S.C. 701 et seq.)  
8 is amended by adding at the end the following:

9 **“SEC. 511. SEPARATE PROGRAM FOR DOMESTIC VIOLENCE,**  
10 **DATING VIOLENCE, SEXUAL ASSAULT AND**  
11 **STALKING SCREENING AND TREATMENTS.**

12           “(a) ALLOTMENTS.—For the purpose described in  
13 subsection (b), the Secretary shall, for fiscal year 2006  
14 and each subsequent fiscal year, allot to each State that  
15 has transmitted an application for the fiscal year under  
16 section 505(a) an amount equal to the product of—

17           “(1) the amount appropriated under subsection  
18 (d) for the fiscal year; and

19           “(2) the percentage determined for the State  
20 under section 502(c)(1)(B)(ii).

21           “(b) PURPOSE.—The purpose of an allotment under  
22 subsection (a) with respect to a State is to enable the  
23 State to provide for domestic violence, dating violence, sex-  
24 ual assault, or stalking identification and treatment, in-  
25 cluding the provision of domestic violence, dating violence,

1 sexual assault, or stalking identification, treatment serv-  
2 ices, increasing the number of persons identified, assessed,  
3 treated, and referred, and including training of health care  
4 professionals, and behavioral and public health staff, on  
5 how to identify and respond to adult and minor patients  
6 experiencing domestic violence, dating violence, sexual as-  
7 sault, or stalking. Such training shall include—

8           “(1) identifying patients of clients experiencing  
9           domestic violence, dating violence sexual assault, or  
10          stalking;

11          “(2) assessing the immediate and short-term  
12          safety of the patient or client, the impact of the  
13          abuse on the health of the patient, and assisting the  
14          patient in developing a plan to promote his or her  
15          safety;

16          “(3) examining and treating such patients or  
17          clients within the scope of the health professional’s  
18          discipline, training, and practice (including providing  
19          medical advice regarding the dynamics and nature of  
20          domestic violence, dating violence sexual assault, or  
21          stalking);

22          “(4) maintaining complete medical or forensic  
23          records that include the documentation of the exam-  
24          ination, treatment given, and referrals made, and re-  
25          cording the location and nature of the victim’s inju-

1       ries, and establishing mechanisms to ensure the pri-  
2       vacy and confidentiality of those medical records;

3           “(5) referring the patient or client to public and  
4       private nonprofit entities that provide services for  
5       such victims; and

6           “(6) ensuring that all services are provided in  
7       a linguistically and culturally relevant manner.

8       “(c) APPLICATION OF PROVISIONS.—

9           “(1) IN GENERAL.—Sections 503, 507, and 508  
10       apply to allotments under subsection (a) to the same  
11       extent and in the same manner as such sections  
12       apply to allotments under section 502(c).

13           “(2) SECRETARIAL DISCRETION.—Sections 505  
14       and 506 apply to allotments under subsection (a) to  
15       the extent determined by the Secretary to be appro-  
16       priate.

17       “(d) AUTHORIZATION OF APPROPRIATIONS.—For the  
18       purpose of making allotments under subsection (a), there  
19       are authorized to be appropriated \$4,000,000 for each of  
20       fiscal years 2006 through 2010.”.

21       (b) DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-  
22       UAL ASSAULT, AND STALKING IDENTIFICATION AND  
23       TREATMENT SERVICES AT COMMUNITY HEALTH CEN-  
24       TERS.—Part P of title III of the Public Health Service

1 Act (42 U.S.C. 280g et seq.), as amended by section 504,  
2 is further amended by adding at the end the following:

3 **“SEC. 399P-1. DOMESTIC VIOLENCE, DATING VIOLENCE,**  
4 **SEXUAL ASSAULT AND STALKING PREVEN-**  
5 **TION, IDENTIFICATION, AND TREATMENT**  
6 **GRANTS.**

7 “(a) GRANTS AUTHORIZED.—The Secretary is au-  
8 thorized to award grants to eligible entities to improve the  
9 identification and treatment of domestic violence, dating  
10 violence, sexual assault, or stalking.

11 “(b) USE OF FUNDS.—Grants awarded under sub-  
12 section (a) may be used for activities such as—

13 “(1) the implementation, dissemination, and  
14 evaluation of policies and procedures to guide health  
15 care and behavioral health care professionals and  
16 other staff responding to domestic violence, dating  
17 violence, sexual assault, or stalking;

18 “(2) the provision of training and follow-up  
19 technical assistance to health care professionals and  
20 staff to identify domestic violence, dating violence,  
21 sexual assault, or stalking, and to appropriately as-  
22 sess, treat, and refer patients who are victims of do-  
23 mestic violence, dating violence, sexual assault, or  
24 stalking; and

1           “(3) the development of on-site access to serv-  
2           ices to address the safety, medical, mental health,  
3           and economic needs of patients either by increasing  
4           the capacity of existing health care professionals and  
5           staff to address these issues or by contracting with  
6           or hiring domestic violence or sexual assault advo-  
7           cates to provide the services, or by developing other  
8           models appropriate to the geographic, cultural, and  
9           linguistic needs of a site.

10          “(c) ELIGIBILITY.—To be eligible for a grant under  
11 this section, an entity shall—

12           “(1) be a federally qualified health center as de-  
13           fined in section 1861(aa)(4) of the Social Security  
14           Act (42 U.S.C. 1395x(aa)(4)); and

15           “(2) prepare and submit to the Secretary an  
16           application at such time, in such manner, and ac-  
17           companied by such information as the Secretary may  
18           require.

19          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated to carry out this section,  
21 \$4,000,000 for each of fiscal years 2006 through 2010.”.

22 **SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN**  
23 **THE HEALTHCARE SETTING.**

24          Subtitle B of the Violence Against Women Act of  
25 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as

1 amended by the Violence Against Women Act of 2000  
2 (114 Stat. 1491 et seq.), and as amended by this Act,  
3 is further amended by adding at the end the following:

4 **“CHAPTER 11—RESEARCH ON EFFECTIVE**  
5 **INTERVENTIONS TO ADDRESS VIO-**  
6 **LENCE AGAINST WOMEN**

7 **“SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN**  
8 **THE HEALTH CARE SETTING.**

9 “(a) PURPOSE.—The Secretary, acting through the  
10 Director of the Centers for Disease Control and Preven-  
11 tion and the Director of the Agency for Healthcare Re-  
12 search and Quality, shall award grants and contracts to  
13 fund research on effective interventions in the health care  
14 setting that prevent domestic violence, dating violence, and  
15 sexual assault across the lifespan and that prevent the  
16 health effects of such violence and improve the safety and  
17 health of individuals who are currently being victimized.

18 “(b) USE OF FUNDS.—Research conducted with  
19 amounts received under a grant or contract under this sec-  
20 tion shall include the following:

21 “(1) With respect to the authority of the Cen-  
22 ters for Disease Control and Prevention—

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

1           ual violence, on health behaviors, health condi-  
2           tions, and the health status of individuals, fami-  
3           lies, and populations; and

4                   “(B) research and testing of best messages  
5           and strategies to mobilize public action con-  
6           cerning the prevention of domestic, dating, or  
7           sexual violence; and

8                   “(2) With respect to the authority of the Agen-  
9           cy for Healthcare Research and Quality—

10                   “(A) research on the impact on the health  
11           care system, health care utilization, health care  
12           costs, and health status of domestic and dating  
13           violence and childhood exposure to domestic  
14           and dating violence; and

15                   “(B) research on effective interventions  
16           within primary care and emergency health care  
17           settings and with health care settings that in-  
18           clude clinical partnerships within community  
19           domestic violence providers for adults and chil-  
20           dren exposed to domestic or dating violence.

21                   “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
22           is authorized to be appropriated to carry out this section,  
23           \$5,000,000 for each of fiscal years 2006 through 2010.”.

1 **TITLE VI—HOUSING OPPORTU-**  
2 **NITIES AND SAFETY FOR BAT-**  
3 **TERED WOMEN AND CHIL-**  
4 **DREN**

5 **SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS**  
6 **OF DOMESTIC VIOLENCE, DATING VIOLENCE,**  
7 **SEXUAL ASSAULT, AND STALKING.**

8 The Violence Against Women Act of 1994 (42 U.S.C.  
9 13701 et seq.) is amended by adding at the end the fol-  
10 lowing:

11 **“Subtitle O—Addressing the Hous-**  
12 **ing Needs of Victims of Domes-**  
13 **tic Violence, Dating Violence,**  
14 **Sexual Assault, and Stalking**

15 **“SEC. 41501. PURPOSE.**

16 “The purpose of this subtitle is to reduce domestic  
17 violence, dating violence, sexual assault, and stalking, and  
18 to prevent homelessness by—

19 “(1) protecting the safety of victims of domestic  
20 violence, dating violence, sexual assault, and stalking  
21 who reside in homeless shelters, public housing, as-  
22 sisted housing, Indian housing, or other emergency,  
23 transitional, permanent, or affordable housing, and  
24 ensuring that such victims have meaningful access to



1 the criminal justice system without jeopardizing such  
2 housing;

3 “(2) creating long-term housing solutions that  
4 develop communities and provide sustainable living  
5 solutions for victims of domestic violence, dating vio-  
6 lence, sexual assault, and stalking;

7 “(3) building collaborations between and victim  
8 service providers, homeless service providers, housing  
9 providers, and housing agencies to provide appro-  
10 priate services, interventions, and training to ad-  
11 dress the housing needs of victims of domestic vio-  
12 lence, dating violence, sexual assault and stalking;  
13 and

14 “(4) enabling public and assisted housing agen-  
15 cies, Indian housing authorities, private landlords,  
16 property management companies, and other housing  
17 providers and agencies to respond appropriately to  
18 domestic violence, dating violence, sexual assault,  
19 and stalking, while maintaining a safe environment  
20 for all housing residents.

21 **“SEC. 41502. DEFINITIONS.**

22 “For purposes of this subtitle—

23 “(1) the term ‘assisted housing’ means housing  
24 assisted—

1           “(A) under section 221(d)(3), section  
2           221(d)(4), or section 236 of the National Hous-  
3           ing Act (12 U.S.C. 1715l(d)(3), (d)(4), or  
4           1715z-1);

5           “(B) under section 101 of the Housing  
6           and Urban Development Act of 1965 (12  
7           U.S.C. 1701s); or

8           “(C) under section 8 of the United States  
9           Housing Act of 1937 (42 U.S.C. 1437f);

10          “(2) the term ‘continuum of care’ means a com-  
11          munity plan developed to organize and deliver hous-  
12          ing and services to meet the specific needs of people  
13          who are homeless as they move to stable housing  
14          and achieve maximum self-sufficiency;

15          “(3) the term ‘Indian housing’ means housing  
16          assistance described in the Native American Hous-  
17          ing Assistance and Self-Determination Act of 1996  
18          (25 U.S.C. 4101 et seq.);

19          “(4) the term ‘low-income housing assistance  
20          voucher’ means housing assistance described in sec-  
21          tion 8 of the United States Housing Act of 1937 (42  
22          U.S.C. 1437f);

23          “(5) the term ‘public housing’ means housing  
24          described in section 3(b)(1) of the United States  
25          Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

1           “(6) the term ‘public housing agency’ means an  
2           agency described in section 3(b)(6) of the United  
3           States Housing Act of 1937 (42 U.S.C.  
4           1437a(b)(6)); and

5           “(7) the term ‘homeless service provider’ means  
6           a nonprofit, nongovernmental homeless service pro-  
7           vider, such as a homeless shelter, a homeless service  
8           or advocacy program, a tribal organization serving  
9           homeless individuals, or coalition or other nonprofit,  
10          nongovernmental organization carrying out a com-  
11          munity-based homeless or housing program that has  
12          a documented history of effective work concerning  
13          homelessness.

14   **“SEC. 41503. COLLABORATIVE GRANTS TO DEVELOP LONG-**  
15                   **TERM HOUSING FOR VICTIMS.**

16          “(a) GRANTS AUTHORIZED.—

17               “(1) IN GENERAL.—The Secretary of Health  
18               and Human Services, acting through the Adminis-  
19               tration on Children, Youth and Families (‘ACYF’),  
20               and in consultation with the Secretary of Housing  
21               and Urban Development, shall award grants and  
22               contracts for a period of not less than 3 years to eli-  
23               gible entities to develop long-term housing options  
24               for adult and minor victims of domestic violence,

1 dating violence, sexual assault, and stalking who are  
2 currently homeless or at risk for becoming homeless.

3 “(2) AMOUNT.—The Secretary of Health and  
4 Human Services shall award—

5 “(A) grants for projects that do not in-  
6 clude the cost of construction in amounts—

7 “(i) not less than \$50,000 per year;

8 and

9 “(ii) not more than \$350,000 per  
10 year; and

11 “(B) grants for projects that do include  
12 the cost of construction in amounts—

13 “(i) not less than \$150,000 per year;

14 and

15 “(ii) not more than \$1,000,000 per  
16 year.

17 “(b) ELIGIBLE ENTITIES.—To be eligible to receive  
18 a grant under this section, an entity shall demonstrate  
19 that it is a coalition or partnership, applying jointly,  
20 that—

21 “(1) shall include a domestic violence service  
22 provider;

23 “(2) shall include—

24 “(A) a homeless service provider;

1           “(B) a nonprofit, nongovernmental com-  
2           munity housing development organization or a  
3           Department of Agriculture rural housing service  
4           program; or

5           “(C) in the absence of a homeless service  
6           provider on tribal lands or nonprofit, non-  
7           governmental community housing development  
8           organization on tribal lands, an Indian housing  
9           authority or Tribal housing consortium;

10          “(3) may include a dating violence, sexual as-  
11          sault, or stalking victim service provider;

12          “(4) may include housing developers, housing  
13          corporations, State housing finance agencies, other  
14          housing agencies, and associations representing  
15          landlords;

16          “(5) may include a public housing agency or In-  
17          dian housing authority;

18          “(6) may include tenant organizations in public  
19          or Indian housing, as well as nonprofit, nongovern-  
20          mental tenant organizations;

21          “(7) may include other nonprofit, nongovern-  
22          mental organizations participating in the Depart-  
23          ment of Housing and Urban Development’s Con-  
24          tinuum of Care process;

1           “(8) may include a State, tribal, territorial, or  
2 local government or government agency; and

3           “(9) may include any other such agencies or  
4 nonprofit, nongovernmental organizations, including  
5 religious and community based organizations, with  
6 the capacity to provide effective help to adult and  
7 minor victims of domestic violence, dating violence,  
8 sexual assault, or stalking.

9           “(c) APPLICATION.—

10           “(1) IN GENERAL.—Each eligible entity seeking  
11 a grant under this section shall submit an applica-  
12 tion to the Secretary of Health and Human Services  
13 at such time, in such manner, and containing such  
14 information as the Secretary of Health and Human  
15 Services may require.

16           “(2) CONTENTS.—Each application shall de-  
17 scribe how long-term housing options and other ac-  
18 tivities, services, and programs for which assistance  
19 under this section is sought will help deconcentrate  
20 poverty and how they will be developed and imple-  
21 mented with the input of current or former homeless  
22 victims of domestic violence, dating violence, sexual  
23 assault, or stalking.

24           “(d) USE OF FUNDS.—Grants and contracts awarded  
25 to eligible entities pursuant to subsection (a) shall be used

1 to design or replicate and implement new activities, serv-  
2 ices, and programs to develop long-term housing options  
3 for adult and minor victims of domestic violence, dating  
4 violence, sexual assault, or stalking, and their dependents,  
5 who are currently homeless or at risk of becoming home-  
6 less. Such activities, services, or programs—

7           “(1) shall participate in the Department of  
8           Housing and Urban Development’s Continuum of  
9           Care process, unless such a process does not exist in  
10          the community to be served;

11          “(2) shall develop sustainable long-term housing  
12          in the community by—

13                 “(A) coordinating efforts and resources  
14                 among the various groups and organizations  
15                 comprised in the entity to access existing pri-  
16                 vate and public funding;

17                 “(B) placing individuals and families in  
18                 long-term housing; and

19                 “(C) providing services to help individuals  
20                 or families find and maintain long-term hous-  
21                 ing, including financial and support assistance;

22          “(3) may provide capital costs for the purchase,  
23          preconstruction, construction, renovation, repair, or  
24          conversion of affordable housing units;

1           “(4) may use funds for the continuing oper-  
2           ation, upkeep, maintenance, and use of housing de-  
3           scribed in paragraph (3); and

4           “(5) may provide to the community information  
5           about housing and housing programs, and the pro-  
6           cess to locate and obtain long-term housing.

7           “(e) UNDERSERVED POPULATIONS AND PRIOR-  
8           ITIES.—In awarding grants under this section, the Sec-  
9           retary of Health and Human Services, acting through the  
10          ACYF, shall—

11           “(1) give priority to culturally specific services;

12           “(2) give priority to applications from entities  
13           that include a sexual assault service provider as de-  
14           scribed in subsection (b)(3);

15           “(3) award a minimum of 15 percent of the  
16           funds appropriated under this section in any fiscal  
17           year to tribal organizations; and

18           “(4) ensure that at least 2 of the grants award-  
19           ed under paragraph (3) must fund projects that in-  
20           clude construction.

21           “(f) REPORTS.—Every 18 months, each entity shall,  
22           in cooperation and coordination with all members of the  
23           entity, submit a report to the Secretary of Health and  
24           Human Services.

25           “(g) DEFINITIONS.—For purposes of this section—



1           “(1) the term ‘long-term housing’ means hous-  
2           ing that is sustainable, affordable, and safe for the  
3           foreseeable future and is—

4                   “(A) rented or owned by the individual;

5                   “(B) subsidized by a voucher or other pro-  
6                   gram which is not time-limited and is available  
7                   for as long as the individual meets the eligibility  
8                   requirements for the voucher or program; or

9                   “(C) provided directly by a program, agen-  
10                  cy, or organization and is not time-limited and  
11                  is available for as long as the individual meets  
12                  the eligibility requirements for the program,  
13                  agency, or organization; and

14           “(2) the term ‘affordable housing’ means hous-  
15           ing that complies with the conditions set forth in  
16           section 215 of the Cranston-Gonzalez National Af-  
17           fordable Housing Act (42 U.S.C. 12745).

18           “(h) EVALUATION, MONITORING, ADMINISTRATION,  
19           AND TECHNICAL ASSISTANCE.—For purposes of this sec-  
20           tion—

21                   “(1) up to 3 percent of the funds appropriated  
22                   under subsection (i) for each fiscal year may be used  
23                   by the Secretary of Health and Human Services for  
24                   evaluation, monitoring, and administration costs  
25                   under this section; and

1           “(2) up to 8 percent of the funds appropriated  
2           under subsection (i) for each fiscal year may be used  
3           to provide technical assistance to grantees under this  
4           section.

5           “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated \$10,000,000 for each  
7           of fiscal years 2006 through 2010 to carry out the provi-  
8           sions of this section.

9           **“SEC. 41504. GRANTS TO COMBAT DOMESTIC VIOLENCE,**  
10                           **DATING VIOLENCE, SEXUAL ASSUALT, AND**  
11                           **STALKING IN PUBLIC AND ASSISTED HOUS-**  
12                           **ING.**

13           “(a) PURPOSE.—It is the purpose of this section to  
14           assist eligible grantees in responding appropriately to do-  
15           mestic violence, dating violence, sexual assault, and stalk-  
16           ing so that the status of being a victim of such a crime  
17           is not a reason for the denial or loss of housing. Such  
18           assistance shall be accomplished through—

19                   “(1) development and implementation of appro-  
20                   priate housing policies and practices;

21                   “(2) enhancement of collaboration with victim  
22                   service providers and tenant organizations; and

23                   “(3) reduction of the number of victims of such  
24                   crimes who are evicted or denied housing because of

1 crimes and lease violations committed or directly  
2 caused by the perpetrators of such crimes.

3 “(b) GRANTS AUTHORIZED.—

4 “(1) IN GENERAL.—The Attorney General, act-  
5 ing through the Director of the Violence Against  
6 Women Office of the Department of Justice (‘Direc-  
7 tor’), and in consultation with the Secretary of  
8 Housing and Urban Development (‘Secretary’), and  
9 the Secretary of Health and Human Services, acting  
10 through the Administration for Children, Youth and  
11 Families (‘ACYF’), shall award grants and contracts  
12 for not less than 3 years to eligible grantees to pro-  
13 mote the full and equal access to and use of housing  
14 by adult and minor victims of domestic violence, dat-  
15 ing violence, sexual assault, and stalking.

16 “(2) AMOUNTS.—Not less than 15 percent of  
17 the funds appropriated to carry out this section shall  
18 be available for grants to Indian housing authorities.

19 “(3) AWARD BASIS.—The Attorney General  
20 shall award grants and contracts under this section  
21 on a competitive basis.

22 “(4) LIMITATION.—Appropriated funds may be  
23 used only for the purposes described in subsections  
24 (f) and (i).

25 “(c) ELIGIBLE GRANTEEES.—

1 “(1) IN GENERAL.—Eligible grantees are—

2 “(A) public housing agencies;

3 “(B) principally managed public housing  
4 resident management corporations, as deter-  
5 mined by the Secretary;

6 “(C) public housing projects owned by  
7 public housing agencies;

8 “(D) agencies and authorities receiving as-  
9 sistance under the Native American Housing  
10 Assistance and Self-Determination Act of 1996  
11 (25 U.S.C. 4101 et seq.); and

12 “(E) private, for-profit, and nonprofit own-  
13 ers or managers of assisted housing.

14 “(2) SUBMISSION REQUIRED FOR ALL GRANT-  
15 EES.—To receive assistance under this section, an  
16 eligible grantee shall certify that—

17 “(A) its policies and practices do not pro-  
18 hibit or limit a resident’s right to summon po-  
19 lice or other emergency assistance in response  
20 to domestic violence, dating violence, sexual as-  
21 sault, or stalking;

22 “(B) programs and services are developed  
23 that give a preference in admission to adult and  
24 minor victims of such violence, consistent with

1 local housing needs, and applicable law and the  
2 Secretary's instructions;

3 “(C) it does not discriminate against any  
4 person—

5 “(i) because that person is or is per-  
6 ceived to be, or has a family or household  
7 member who is or is perceived to be, a vic-  
8 tim of such violence; or

9 “(ii) because of the actions or threat-  
10 ened actions of the individual who the vic-  
11 tim, as certified in subsection (e), states  
12 has committed or threatened to commit  
13 acts of such violence against the victim, or  
14 against the victim's family or household  
15 member;

16 “(D) plans are developed that establish  
17 meaningful consultation and coordination with  
18 local victim service providers, tenant organiza-  
19 tions, culturally specific service providers, State  
20 domestic violence and sexual assault coalitions,  
21 and, where they exist, tribal domestic violence  
22 and sexual assault coalitions; and

23 “(E) its policies and practices will be in  
24 compliance with those described in this para-  
25 graph within the later of 2 years or a period se-

1           lected by the Attorney General in consultation  
2           with the Secretary and ACYF.

3           “(d) APPLICATION.—Each eligible entity seeking a  
4 grant under this section shall submit an application to the  
5 Attorney General at such a time, in such a manner, and  
6 containing such information as the Attorney General may  
7 require.

8           “(e) CERTIFICATION.—

9           “(1) IN GENERAL.—A public housing agency,  
10 Indian housing authority, or assisted housing pro-  
11 vider receiving funds under this section may request  
12 that an individual claiming relief under this section  
13 certify that the individual is a victim of domestic vio-  
14 lence, dating violence, sexual assault, or stalking.  
15 The individual shall provide a copy of such certifi-  
16 cation to the public housing agency, Indian housing  
17 authority, or assisted housing provider within a rea-  
18 sonable period of time after the agency or authority  
19 requests such certification.

20           “(2) CONTENTS.—An individual may satisfy the  
21 certification requirement of paragraph (1) by—

22           “(A) providing the public housing agency,  
23 Indian housing authority, or assisted housing  
24 provider with documentation, signed by an em-  
25 ployee, agent, or volunteer of a victim service

1 provider, an attorney, a member of the clergy,  
2 a medical professional, or any other professional  
3 from whom the victim has sought assistance in  
4 addressing domestic violence, dating violence,  
5 sexual assault, or stalking or the effects of  
6 abuse; or

7 “(B) producing a Federal, State, tribal,  
8 territorial, or local police or court record.

9 “(3) LIMITATION.—Nothing in this subsection  
10 shall be construed to require any housing agency, as-  
11 sisted housing provider, Indian housing authority,  
12 owner, or manager to demand that an individual  
13 produce official documentation or physical proof of  
14 the individual’s status as a victim of domestic vio-  
15 lence, dating violence, sexual assault, or stalking, in  
16 order to receive any of the benefits provided in this  
17 section. A housing authority may provide benefits to  
18 an individual based solely on the individual’s state-  
19 ment or other corroborating evidence.

20 “(4) CONFIDENTIALITY.—

21 “(A) IN GENERAL.—All information pro-  
22 vided to any housing agency, assisted housing  
23 provider, Indian housing authority, owner, or  
24 manager pursuant to paragraph (1), including  
25 the fact that an individual is a victim of domes-

1           tic violence, dating violence, sexual assault, or  
2           stalking, shall be retained in the strictest con-  
3           fidence by such housing authority, and shall  
4           neither be entered into any shared database,  
5           nor provided to any related housing agency, as-  
6           sisted housing provider, Indian housing author-  
7           ity, owner, or manager, except to the extent  
8           that disclosure is—

9                   “(i) requested or consented to by the  
10                   individual in writing; or

11                   “(ii) otherwise required by applicable  
12                   law.

13           “(B) NOTIFICATION.—An individual shall  
14           be notified of the limits of such confidentiality  
15           and informed in advance about circumstances  
16           in which the housing agency, assisted housing  
17           provider, Indian housing authority, owner, or  
18           manager will be compelled to disclose the indi-  
19           vidual’s information.

20           “(f) USE OF FUNDS.—Grants and contracts awarded  
21           pursuant to subsection (a) shall provide to eligible entities  
22           personnel, training, and technical assistance to develop  
23           and implement policies, practices, and procedures, making  
24           physical improvements or changes, and developing or en-  
25           hancing collaborations for the purposes of—



1           “(1) enabling victims of domestic violence, dat-  
2           ing violence, sexual assault, and stalking with other-  
3           wise disqualifying rental, credit, or criminal histories  
4           to be eligible to obtain housing or housing assist-  
5           ance, if such victims would otherwise qualify for  
6           housing or housing assistance and can provide docu-  
7           mented evidence information that demonstrates the  
8           causal connection between such violence or abuse  
9           and the victims’ negative histories;

10           “(2) permitting applicants for housing or hous-  
11           ing assistance to provide incomplete rental and em-  
12           ployment histories, otherwise required as a condition  
13           of admission or assistance, if the victim believes that  
14           providing such rental and employment history would  
15           endanger the victim’s or the victim’s children safety;

16           “(3) protecting victims’ confidentiality, includ-  
17           ing protection of victims’ personally identifying in-  
18           formation, address, or rental history;

19           “(4) assisting victims who need to leave a pub-  
20           lic housing, Indian housing, or assisted housing unit  
21           quickly to protect their safety, including those who  
22           are seeking transfer to a new public housing unit,  
23           Indian housing or assisted housing unit, whether in  
24           the same or a different neighborhood or jurisdiction;

1           “(5) enabling the public housing agency, Indian  
2           housing authority, or assisted housing provider, or  
3           the victim to remove consistent with applicable State  
4           law the perpetrator of domestic violence, dating vio-  
5           lence, sexual assault, or stalking without evicting, re-  
6           moving, or otherwise penalizing the victim;

7           “(6) enabling the public housing agency, Indian  
8           housing authority, or assisted housing provider to  
9           comply with court orders, including civil protection  
10          orders issued to protect the victim, when notified  
11          and issued to address the distribution or possession  
12          of property among the household members in cases  
13          where a family breaks up;

14          “(7) developing and implementing more effec-  
15          tive security policies, protocols, and services;

16          “(8) allotting not more than 15 percent of  
17          funds awarded under the grant to make physical im-  
18          provements or changes;

19          “(9) training all personnel to more effectively  
20          identify and respond to victims of domestic violence,  
21          dating violence, sexual assault, and stalking; and

22          “(10) effectively providing notice to applicants  
23          and residents of the above housing policies, prac-  
24          tices, and procedures.

1       “(g) REPORTS.—Each eligible entity receiving funds  
2 under this section shall submit a report to the Attorney  
3 General evaluating the effectiveness of the activities, serv-  
4 ices, and programs developed with the funds provided  
5 under this section and containing such additional informa-  
6 tion as the Attorney General may prescribe.

7       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated \$10,000,000 for each  
9 of fiscal years 2006 through 2010 to carry out the provi-  
10 sions of this section.

11       “(i) TECHNICAL ASSISTANCE.—Up to 12 percent of  
12 the amount appropriated under subsection (h) for each fis-  
13 cal year shall be used by the Attorney General for tech-  
14 nical assistance costs under this section. Technical assist-  
15 ance may be provided to entities that have not received  
16 a grant under this section but are described as eligible  
17 in subsection (c).”.

18 **SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS**  
19                   **FOR VICTIMS OF DOMESTIC VIOLENCE, DAT-**  
20                   **ING VIOLENCE, SEXUAL ASSAULT, OR STALK-**  
21                   **ING.**

22       (a) IN GENERAL.—Section 40299 of the Violence  
23 Against Women Act of 1994 (42 U.S.C. 13975) is amend-  
24 ed—

25                   (1) in subsection (a)—

1 (A) by inserting “the Department of Hous-  
2 ing and Urban Development, and the Depart-  
3 ment of Health and Human Services,” after  
4 “Department of Justice,”;

5 (B) by striking “Indian tribes” and insert-  
6 ing “tribal organizations”;

7 (C) by inserting “, including domestic vio-  
8 lence victim service providers, domestic violence  
9 coalitions, other nonprofit, nongovernmental or-  
10 ganizations, or community-based and culturally  
11 specific organizations, that have a documented  
12 history of effective work concerning domestic vi-  
13 olence, dating violence, sexual assault, or stalk-  
14 ing” after “other organizations”; and

15 (D) in paragraph (1), by inserting “, dat-  
16 ing violence, sexual assault, or stalking” after  
17 “domestic violence”;

18 (2) in subsection (b)—

19 (A) by redesignating paragraphs (1) and  
20 (2) as paragraphs (2) and (3), respectively;

21 (B) in paragraph (3), as redesignated, by  
22 inserting “, dating violence, sexual assault, or  
23 stalking” after “violence”;

24 (C) by inserting before paragraph (2), as  
25 redesignated, the following:

1           “(1) transitional housing, or acquire land or  
2 buildings, or rehabilitate or construct buildings for  
3 the purpose of providing transitional housing to per-  
4 sons described in subsection (a), including funding  
5 for—

6                   “(A) the predevelopment cost and capital  
7 expenses involved in the development of transi-  
8 tional housing; and

9                   “(B) the operating expenses of newly de-  
10 veloped or existing transitional housing.”;

11                   (D) in paragraph (3)(B) as redesignated,  
12 by inserting “Participation in the support serv-  
13 ices shall be voluntary. Receipt of the benefits  
14 of the housing assistance described in para-  
15 graph (2) shall not be conditioned upon the  
16 participation of the minors, adults, or their de-  
17 pendents in any or all of the support services  
18 offered them.” after “assistance.”; and

19                   (E) by adding at the end the following new  
20 paragraph:

21                   “(4) AMOUNTS TO SUPPLEMENT OTHER FED-  
22 ERAL FUNDS.—Amounts made available under this  
23 section shall be used to supplement and not supplant  
24 other Federal and non-Federal funds expended to  
25 further the purpose of this section.”;

1           (3) in paragraph (1) of subsection (c), by strik-  
2           ing “18 months” and inserting “24 months”;

3           (4) in subsection (d)(2)—

4                 (A) by striking “and” at the end of sub-  
5                 paragraph (A);

6                 (B) by redesignating subparagraph (B) as  
7                 subparagraph (D); and

8                 (C) by inserting after subparagraph (A)  
9                 the following new subparagraphs:

10                 “(B) describe how the input of current or  
11                 former homeless victims of domestic violence,  
12                 dating violence, sexual assault, or stalking will  
13                 be used to develop and implement the pro-  
14                 grams, services, and other activities described  
15                 in subsection (b);

16                 “(C) provide assurances that any sup-  
17                 portive services offered to participants in pro-  
18                 grams developed under subsection (b)(3) are  
19                 voluntary and that refusal to receive such serv-  
20                 ices shall not be grounds for termination from  
21                 the program or eviction from the victim’s hous-  
22                 ing; and”;

23           (5) in subsection (e)(2)—

24                 (A) in subparagraph (A), by inserting  
25                 “purpose and” before “amount”;

1 (B) in clause (ii) of subparagraph (C), by  
2 striking “and”;

3 (C) in subparagraph (D), by striking the  
4 period and inserting “; and”; and

5 (D) by adding at the end the following new  
6 subparagraph:

7 “(E) the client population served and the  
8 number of individuals requesting services that  
9 the transitional housing program is unable to  
10 serve as a result of a lack of resources.”; and  
11 (6) in subsection (g)—

12 (A) in paragraph (1), by striking  
13 “\$30,000,000” and inserting “\$40,000,000”;

14 (B) in paragraph (1), by striking “2004”  
15 and inserting “2006”;

16 (C) in paragraph (1), by striking “2008.”  
17 and inserting “2010. Funds authorized to be  
18 appropriated under this subsection shall remain  
19 available until expended.”;

20 (D) in paragraph (2), by striking “not  
21 more than 3 percent” and inserting “up to 5  
22 percent”;

23 (E) in paragraph (2), by inserting “evalua-  
24 tion, monitoring, technical assistance,” before  
25 “salaries”; and

1 (F) in paragraph (3), by adding at the end  
2 the following new subparagraphs:

3 “(C) UNDERSERVED POPULATIONS.—

4 “(i) A minimum of 10 percent of the  
5 total amount appropriated in any fiscal  
6 year shall be allocated to tribal organiza-  
7 tions serving adult and minor victims of  
8 domestic violence, dating violence, sexual  
9 assault, or stalking and their dependents.

10 “(ii) Priority shall be given to projects  
11 developed under subsection (b) that pri-  
12 marily serve racial and ethnic and other  
13 underserved populations.”.

14 **SEC. 603. PUBLIC AND INDIAN HOUSING AUTHORITY PLANS**  
15 **REPORTING REQUIREMENT.**

16 Section 5A of the United States Housing Act of 1937  
17 (42 U.S.C. 1437c–1) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “para-  
20 graph (2)” and inserting “paragraph (3)”;

21 (B) by redesignating paragraph (2) as  
22 paragraph (3); and

23 (C) by inserting after paragraph (1) the  
24 following:



1           “(2) STATEMENT OF GOALS.—The 5-year plan  
2 shall include a statement by any public housing  
3 agency or Indian housing authority of the goals, ob-  
4 jectives, policies, or programs that will enable the  
5 housing authority to serve the needs of minor and  
6 adult victims of domestic violence, dating violence,  
7 sexual assault, or stalking.”;

8           (2) in subsection (d), by redesignating para-  
9 graphs (13), (14), (15), (16), (17), and (18), as  
10 paragraphs (14), (15), (16), (17), (18), and (19), re-  
11 spectively; and

12           (3) by inserting after paragraph (12) the fol-  
13 lowing:

14           “(13) DOMESTIC VIOLENCE, DATING VIOLENCE,  
15 SEXUAL ASSAULT, OR STALKING PROGRAMS.—A de-  
16 scription of—

17           “(A) any activities, services, or programs  
18 provided or offered by an agency, either directly  
19 or in partnership with other service providers,  
20 to minor or adult victims of domestic violence,  
21 dating violence, sexual assault, or stalking;

22           “(B) any activities, services, or programs  
23 provided or offered by a public housing agency  
24 or Indian housing authority that helps minor  
25 and adult victims of domestic violence, dating

1 violence, sexual assault, or stalking, to obtain or  
2 maintain housing; and

3 “(C) any activities, services, or programs  
4 provided or offered by a public housing agency  
5 or Indian housing authority to prevent domestic  
6 violence, dating violence, sexual assault, and  
7 stalking, or to enhance victim safety in assisted  
8 families.”.

9 **SEC. 604. HOUSING STRATEGIES.**

10 Section 105(b)(1) of the Cranston-Gonzalez National  
11 Affordable Housing Act (42 U.S.C. 12705(b)(1)) is  
12 amended by inserting after “immunodeficiency syn-  
13 drome,” the following: “victims of domestic violence, dat-  
14 ing violence, sexual assault, and stalking”.

15 **SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOME-**  
16 **LESS ASSISTANCE ACT.**

17 Section 423(a) of the McKinney-Vento Homeless As-  
18 sistance Act (42 U.S.C. 11383(a)) is amended by adding  
19 at the end the following:

20 “(8) CONFIDENTIALITY.—

21 “(A) HOUSING ASSISTANCE GRANTS AND  
22 PROGRAMS.—In the course of awarding grants  
23 or implementing programs under this sub-  
24 section, the Secretary shall instruct any recipi-  
25 ent or subgrantee not to disclose to any person,

1 agency, or entity any personally identifying in-  
2 formation about any client if the Secretary, re-  
3 cipient, or subgrantee believes, based upon rea-  
4 sonable evidence, that the client is—

5 “(i) a victim of domestic violence, dat-  
6 ing violence, sexual assault, or stalking;

7 “(ii) the parent or guardian of a  
8 minor victim of domestic violence, dating  
9 violence, sexual assault, or stalking; or

10 “(iii) the dependent or minor child of  
11 a victim of domestic violence, dating vio-  
12 lence, sexual assault, or stalking.

13 “(B) OTHER FEDERAL AND STATE PRO-  
14 GRAMS.—The Secretary shall not require or ask  
15 a recipient or subgrantee of any other Federal  
16 or State program to disclose personally identi-  
17 fying information about any clients if the per-  
18 sons, agencies, or entities implementing those  
19 programs believe, based upon reasonable evi-  
20 dence, that those clients are—

21 “(i) victims of domestic violence, dat-  
22 ing violence, sexual assault, or stalking;

23 “(ii) the parents or guardians of  
24 minor victims of domestic violence, dating  
25 violence, sexual assault, or stalking; or

1           “(iii) the dependents or minor chil-  
2           dren of victims of domestic violence, dating  
3           violence, sexual assault, or stalking.

4           “(C) HOMELESS MANAGEMENT INFORMA-  
5           TION SYSTEMS.—The Secretary shall instruct  
6           any recipient or subgrantee under this sub-  
7           section or any recipient or subgrantee of any  
8           other Federal or State program participating in  
9           any homeless management information system  
10          funded in whole or in part under this subsection  
11          that personally identifying information about  
12          any client may only be submitted to a homeless  
13          management information system if the program  
14          seeking to disclose such information has ob-  
15          tained informed, reasonably time-limited, writ-  
16          ten consent from the client to whom the infor-  
17          mation relates. The Secretary may require or  
18          ask any recipient or subgrantee to share non-  
19          personally identifying data in the aggregate re-  
20          garding services to clients and nonpersonally  
21          identifying demographic information in order to  
22          comply with the data collection requirements of  
23          homeless management information systems.

24          “(D) DEFINITION.—As used in this para-  
25          graph, the term personally identifying informa-

1           tion means information from or about an indi-  
2           vidual that could be used to identify such indi-  
3           vidual, including—

4                   “(i) first and last name;

5                   “(ii) a home or other physical address,  
6                   including street name, name of city or  
7                   town, and ZIP code;

8                   “(iii) an email address or other online  
9                   contact information, such as an instant  
10                   messaging user identifier or a screen name  
11                   that reveals an individual’s email address;

12                   “(iv) a telephone number;

13                   “(v) a social security number;

14                   “(vi) an Internet Protocol address or  
15                   host name that identifies an individual;

16                   “(vii) a persistent identifier, such as a  
17                   customer number held in a ‘cookie’ or  
18                   processor serial number, that is combined  
19                   with other available data that identifies an  
20                   individual; and

21                   “(viii) any other information, includ-  
22                   ing grade point average, date of birth, aca-  
23                   demic or occupational interests, athletic or  
24                   extracurricular interests, racial or ethnic  
25                   background, or religious affiliation, that, in

1 combination with any of the above, would  
2 serve to identify any individual.”.

3 **SEC. 606. AMENDMENTS TO THE LOW INCOME HOUSING AS-**  
4 **SISTANCE VOUCHER PROGRAM.**

5 Section 8 of the United States Housing Act of 1937  
6 (42 U.S.C. 1437f) is amended—

7 (1) in subsection (d)—

8 (A) in paragraph (1)(B)(ii), by inserting  
9 after “other good cause” the following: “, and  
10 that an incident or incidents of actual or  
11 threatened domestic violence, dating violence,  
12 sexual assault, or stalking will not be construed  
13 as a serious or repeated violation of the lease by  
14 the victim or threatened victim of that violence  
15 and will not be good cause for terminating a  
16 lease held by the victim of such violence”; and

17 (B) in paragraph (1)(B)(iii), by inserting  
18 after “termination of tenancy” the following: “,  
19 except that (I) criminal activity directly relating  
20 to domestic violence, dating violence, sexual as-  
21 sult, or stalking, engaged in by a member of  
22 a tenant’s household or any guest or other per-  
23 son under the tenant’s control shall not be  
24 cause for termination of the tenancy, if the ten-  
25 ant or a minor child of the tenant is a victim

1 of domestic violence, dating violence, sexual as-  
2 sault, or stalking and, as a result, could not  
3 control or prevent the criminal activity; (II)  
4 nothing in subclause (I) may be construed to  
5 limit the authority of an owner or manager,  
6 consistent with applicable State law, to evict or  
7 the public housing agency or assisted housing  
8 provider to terminate voucher assistance to in-  
9 dividuals who engage in criminal acts of phys-  
10 ical violence against family members or others;  
11 and (III) nothing in subclause (I) may be con-  
12 strued to limit the authority of an owner or  
13 manager, consistent with applicable State law,  
14 to evict or the public housing agency or assisted  
15 housing provider to terminate voucher assist-  
16 ance to any tenant if the owner, manager, pub-  
17 lic housing agency, or assisted housing provider  
18 can demonstrate an actual and imminent  
19 threat to the larger community if that tenant is  
20 not evicted or terminated from assistance”;

21 (2) in subsection (f)—

22 (A) in paragraph (6) by striking “and”;

23 (B) in paragraph (7) by striking the period  
24 at the end and inserting a semicolon; and

1 (C) by adding at the end the following new  
2 paragraphs:

3 “(8) the term ‘domestic violence’ has the same  
4 meaning given the term in section 2003 of title I of  
5 the Omnibus Crime Control and Safe Streets Act of  
6 1968 (42 U.S.C. 3796gg-2);

7 “(9) the term ‘dating violence’ has the same  
8 meaning given the term in section 2003 of title I of  
9 the Omnibus Crime Control and Safe Streets Act of  
10 1968 (42 U.S.C. 3796gg-2); and

11 “(10) the term ‘sexual assault’ has the same  
12 meaning given the term in section 2003 of title I of  
13 the Omnibus Crime Control and Safe Streets Act of  
14 1968 (42 U.S.C. 3796gg-2).”;

15 (3) in subsection (o)—

16 (A) by inserting at the end of paragraph  
17 (6)(B), the following new sentence: “That an  
18 applicant is or is perceived to be, or has been  
19 or has been perceived to be, a victim of domes-  
20 tic violence, dating violence, or stalking is not  
21 an appropriate basis for denial of program as-  
22 sistance by a public housing authority.”;

23 (B) in paragraph (7)(C), by inserting after  
24 “other good cause” the following: “, and that  
25 an incident or incidents of actual or threatened



1 domestic violence, dating violence, sexual as-  
2 sult, or stalking will not be construed as a se-  
3 rious or repeated violation of the lease by the  
4 victim or threatened victim of that violence and  
5 will not be good cause for terminating a lease  
6 held by the victim of such violence”; and

7 (C) in paragraph (7)(D), by inserting after  
8 “termination of tenancy” the following: “; ex-  
9 cept that (i) criminal activity relating to domes-  
10 tic violence, dating violence, sexual assault, or  
11 stalking, engaged in by a member of a tenant’s  
12 household or any guest or other person under  
13 the tenant’s control shall not be cause for ter-  
14 mination of the tenancy, if the tenant or imme-  
15 diate member of the tenant’s family is a victim  
16 of domestic violence, dating violence, sexual as-  
17 sult, or stalking and, as a result, could not  
18 control or prevent the criminal activity; (ii)  
19 nothing in clause (i) may be construed to limit  
20 the authority of an owner or manager, con-  
21 sistent with applicable State law, to evict or the  
22 public housing agency or assisted housing pro-  
23 vider to terminate voucher assistance to individ-  
24 uals who engage in criminal acts of physical vi-  
25 olence against family members or others; and

1 (iii) nothing in clause (i) may be construed to  
2 limit the authority of an owner or manager,  
3 consistent with applicable State law, to evict or  
4 the public housing agency or assisted housing  
5 provider to terminate voucher assistance to any  
6 tenant if the owner, manager, public housing  
7 agency, or assisted housing provider can dem-  
8 onstrate an actual and imminent threat to the  
9 larger community if that tenant is not evicted  
10 or terminated from assistance”;

11 (4) in subsection (r)(5) by inserting after “vio-  
12 lation of a lease” the following: “, except that a fam-  
13 ily may receive a voucher from a public housing  
14 agency and move to another jurisdiction under the  
15 tenant-based assistance program if the family has  
16 moved out of the assisted dwelling unit in order to  
17 protect the health or safety of an individual who is  
18 or has been the victim of domestic violence, dating  
19 violence, sexual assault, or stalking and who reason-  
20 ably believed he or she was imminently threatened  
21 by harm from further violence if he or she remained  
22 in the assisted dwelling unit”; and

23 (5) by adding at the end the following new sub-  
24 section:

25 “(ee) CERTIFICATION AND CONFIDENTIALITY.—

1 “(1) CERTIFICATION.—

2 “(A) IN GENERAL.—An owner, manager,  
3 public housing agency, or assisted housing pro-  
4 vider responding to subsections (d)(1)(B)(ii),  
5 (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), and (r)(5)  
6 may request that an individual certify that the  
7 individual is a victim of domestic violence, dat-  
8 ing violence, sexual assault, or stalking, and  
9 that the incident or incidents in question are  
10 bona fide incidents of such actual or threatened  
11 abuse and meet the requirements set forth in  
12 the aforementioned paragraphs. The individual  
13 shall provide a copy of such certification within  
14 a reasonable period of time after an owner,  
15 manager, public housing agency, or assisted  
16 housing provider requests such certification.

17 “(B) CONTENTS.—An individual may sat-  
18 isfy the certification requirement of subpara-  
19 graph (A) by—

20 “(i) providing the requesting owner,  
21 manager, public housing agency, or as-  
22 sisted housing provider with documentation  
23 signed by an employee, agent, or volunteer  
24 of a victim service provider, an attorney, a  
25 member of the clergy, a medical profes-

1           sional, or any other professional, from  
2           whom the victim has sought assistance in  
3           addressing domestic violence, dating vio-  
4           lence, sexual assault, or stalking or the ef-  
5           fects of the abuse; or

6                   “(ii) producing a Federal, State, trib-  
7           al, territorial, or local police or court  
8           record.

9                   “(C) LIMITATION.—At their discretion, the  
10          owner, manager, public housing agency, or as-  
11          sisted housing provider may provide benefits to  
12          an individual based solely on the individual’s  
13          statement or other corroborating evidence but is  
14          not mandated to do so.

15                   “(2) CONFIDENTIALITY.—

16                   “(A) IN GENERAL.—All information pro-  
17          vided to an owner, manager, public housing  
18          agency, or assisted housing provider pursuant  
19          to paragraph (1), including the fact that an in-  
20          dividual is a victim of domestic violence, dating  
21          violence, sexual assault, or stalking, shall be re-  
22          tained in the strictest confidence by such owner,  
23          manager, public housing agency, or assisted  
24          housing provider, and shall neither be entered  
25          into any shared database, nor provided to any

1 related entity, except to the extent that disclo-  
2 sure is—

3 “(i) requested or consented to by the  
4 individual in writing; or

5 “(ii) otherwise required by applicable  
6 law.

7 “(B) NOTIFICATION.—An individual must  
8 be notified of the limits of such confidentiality  
9 and informed in advance about circumstances  
10 in which the person or entity will be compelled  
11 to disclose the individual’s information.”.

12 **SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PRO-**  
13 **GRAM.**

14 Section 6 of the United States Housing Act of 1937  
15 (42 U.S.C. 1437d) is amended—

16 (1) in subsection (c), by redesignating para-  
17 graph (3) and (4), as paragraphs (4) and (5), re-  
18 spectively;

19 (2) by inserting after paragraph (2) the fol-  
20 lowing:

21 “(3) the public housing agency shall not deny  
22 admission to the project to any applicant on the  
23 basis that the applicant is or is perceived to be, or  
24 has been or has been perceived to be, a victim of do-  
25 mestic violence, dating violence, or stalking”;

1           (3) in subsection (l)(5), by inserting after  
2           “other good cause” the following: “, and that an in-  
3           cident or incidents of actual or threatened domestic  
4           violence, dating violence, sexual assault, or stalking  
5           will not be construed as a serious or repeated viola-  
6           tion of the lease by the victim or threatened victim  
7           of that violence and will not be good cause for termi-  
8           nating a lease held by the victim of such violence”;

9           (4) in subsection (l)(6), by inserting after “ter-  
10          mination of tenancy” the following: “; except that  
11          (A) criminal activity directly relating to domestic vi-  
12          olence, dating violence, sexual assault, or stalking,  
13          engaged in by a member of a tenant’s household or  
14          any guest or other person under the tenant’s control  
15          shall not be cause for termination of the tenancy, if  
16          the tenant or immediate member of the tenant’s  
17          family is a victim of domestic violence, dating vio-  
18          lence, sexual assault, or stalking and, as a result  
19          could not control or prevent the criminal activity;  
20          (B) nothing in subparagraph (A) may be construed  
21          to limit the authority of a public housing agency,  
22          consistent with applicable State laws, to evict or the  
23          public housing agency or assisted housing provider  
24          to terminate voucher assistance to individuals who  
25          engage in criminal acts of physical violence against

1 family members or others; “; and (C) nothing in  
2 subparagraph (A) may be construed to limit the au-  
3 thority of a public housing agency, consistent with  
4 applicable State law, to terminate the tenancy of any  
5 tenant if the public housing agency can demonstrate  
6 an actual and imminent threat to the larger commu-  
7 nity if that tenant’s tenancy is not terminated”; and

8 (5) by inserting at the end of subsection (t) the  
9 following new subsection:

10 “(u) CERTIFICATION AND CONFIDENTIALITY.—

11 “(1) CERTIFICATION.—

12 “(A) IN GENERAL.—A public housing  
13 agency responding to subsection (l) (5) and (6)  
14 may request that an individual certify that the  
15 individual is a victim of domestic violence, dat-  
16 ing violence, sexual assault, or stalking, and  
17 that the incident or incidents in question are  
18 bona fide incidents of such actual or threatened  
19 abuse and meet the requirements set forth in  
20 the aforementioned paragraphs. The individual  
21 shall provide a copy of such certification within  
22 a reasonable period of time after the public  
23 housing agency requests such certification.

1           “(B) CONTENTS.—An individual may sat-  
2 isfy the certification requirement of subpara-  
3 graph (A) by—

4           “(i) providing the requesting public  
5 housing agency with documentation signed  
6 by an employee, agent, or volunteer of a  
7 victim service provider, an attorney, a  
8 member of the clergy, a medical profes-  
9 sional, or any other professional, from  
10 whom the victim has sought assistance in  
11 addressing domestic violence, dating vio-  
12 lence, sexual assault, or stalking or the ef-  
13 fects of the abuse; or

14           “(ii) producing a Federal, State, trib-  
15 al, territorial, or local police or court  
16 record.

17           “(C) LIMITATION.—At the public housing  
18 agency’s discretion, a public housing agency  
19 may provide benefits to an individual based  
20 solely on the individual’s statement or other  
21 corroborating evidence but is not mandated to  
22 do so.

23           “(2) CONFIDENTIALITY.—

24           “(A) IN GENERAL.—All information pro-  
25 vided to any public housing agency pursuant to



1 paragraph (1), including the fact that an indi-  
2 vidual is a victim of domestic violence, dating  
3 violence, sexual assault, or stalking, shall be re-  
4 tained in the strictest confidence by such public  
5 housing agency, and shall neither be entered  
6 into any shared database, nor provided to any  
7 related entity, except to the extent that disclo-  
8 sure is—

9 “(i) requested or consented to by the  
10 individual in writing; or

11 “(ii) otherwise required by applicable  
12 law.

13 “(B) NOTIFICATION.—An individual must  
14 be notified of the limits of such confidentiality  
15 and informed in advance about circumstances  
16 in which the person or entity will be compelled  
17 to disclose the individual’s information.

18 “(3) DEFINITIONS.—For purposes of this sub-  
19 section and subsection (1) (5) and (6)—

20 “(A) the term ‘domestic violence’ has the  
21 same meaning given the term in section 2003  
22 of title I of the Omnibus Crime Control and  
23 Safe Streets Act of 1968 (42 U.S.C. 3796gg–  
24 2);

1           “(B) the term ‘dating violence’ has the  
2 same meaning given the term in section 2003  
3 of title I of the Omnibus Crime Control and  
4 Safe Streets Act of 1968 (42 U.S.C. 3796gg–  
5 2);

6           “(C) the term ‘stalking’ means engaging in  
7 a course of conduct directed at a specific person  
8 that would cause a reasonable person to—

9                   “(i) fear for his or her safety or the  
10 safety of others; or

11                   “(ii) suffer significant emotional dis-  
12 tress; and

13           “(D) the term ‘sexual assault’ has the  
14 same meaning given the term in section 2003  
15 of title I of the Omnibus Crime Control and  
16 Safe Streets Act of 1968 (42 U.S.C. 3796gg–  
17 2).”.

18 **TITLE VII—PROVIDING ECO-**  
19 **NOMIC SECURITY FOR VIC-**  
20 **TIMS OF VIOLENCE**

21 **SEC. 701. SHORT TITLE.**

22           This title may be cited as the “Security and Financial  
23 Empowerment Act”.

24 **SEC. 702. FINDINGS.**

25           Congress finds the following:

1           (1) Violence against women has been reported  
2           to be the leading cause of physical injury to women.  
3           Such violence has a devastating impact on women’s  
4           physical and emotional health, financial security,  
5           and ability to maintain their jobs, and thus impacts  
6           interstate commerce.

7           (2) Studies indicate that one of the best predic-  
8           tors of whether a victim will be able to stay away  
9           from her abuser is her degree of economic independ-  
10          ence. However, domestic violence, dating violence,  
11          sexual assault and stalking often negatively impacts  
12          victims’ ability to maintain employment.

13          (3) The Bureau of National Affairs has esti-  
14          mated that domestic violence costs United States  
15          employers       between       \$3,000,000,000       and  
16          \$5,000,000,000 annually in lost time and produc-  
17          tivity, while other reports have estimated the cost at  
18          between \$5,800,000,000 and \$13,000,000,000 annu-  
19          ally.

20          (4) United States medical costs for domestic vi-  
21          olence have been estimated to be \$31,000,000,000  
22          per year.

23          (5) Abusers frequently seek to exert financial  
24          control over their partners by actively interfering  
25          with their ability to work, including preventing their

1 partners from going to work, harassing their part-  
2 ners at work, limiting the access of their partners to  
3 cash or transportation, and sabotaging the child care  
4 arrangements of their partners.

5 (6) Domestic violence also affects perpetrators'  
6 ability to work. A recent study found that 48 per-  
7 cent of abusers reported having difficulty concen-  
8 trating at work and 42 percent reported being late  
9 to work. Seventy-eight percent reported using their  
10 own company's resources in connection with the abu-  
11 sive relationship.

12 (7) Studies indicate that between 35 and 56  
13 percent of employed battered women surveyed were  
14 harassed at work by their abusive partners.

15 (8) Victims of domestic violence also frequently  
16 miss work due to injuries, court dates, and safety  
17 concerns requiring legal protections. Victims of do-  
18 mestic violence lose 8,000,000 days of paid work  
19 each year—the equivalent of over 32,000 full-time  
20 jobs and 5,600,000 days of household productivity.

21 (9) According to a 1998 report of the General  
22 Accounting Office, between  $\frac{1}{4}$  and  $\frac{1}{2}$  of domestic  
23 violence victims surveyed in 3 studies reported that  
24 they lost a job due, at least in part, to domestic vio-  
25 lence.

1           (10) Women who have experienced domestic vi-  
2           olence or dating violence are more likely than other  
3           women to be unemployed, to suffer from health  
4           problems that can affect employability and job per-  
5           formance, to report lower personal income, and to  
6           rely on welfare.

7           (11) The prevalence of sexual assault and other  
8           violence against women at work is also dramatic.  
9           About 36,500 individuals, 80 percent of whom are  
10          women, were raped or sexually assaulted in the  
11          workplace each year from 1993 through 1999. Half  
12          of all female victims of violent workplace crimes  
13          know their attackers. Nearly 1 out of 10 violent  
14          workplace incidents are committed by partners or  
15          spouses. Women who work for State and local gov-  
16          ernments suffer a higher incidence of workplace as-  
17          saults, including rapes, than women who work in the  
18          private sector.

19          (12) Sexual assault, whether occurring in or out  
20          of the workplace, can impair an employee's work  
21          performance, require time away from work, and un-  
22          dermine the employee's ability to maintain a job. Al-  
23          most 50 percent of sexual assault survivors lose their  
24          jobs or are forced to quit in the aftermath of the as-  
25          saults.

1           (13) More than 35 percent of stalking victims  
2 report losing time from work due to the stalking and  
3 7 percent never return to work.

4           (14) Ninety-four percent of corporate security  
5 and safety directors at companies nationwide rank  
6 domestic violence as a high security concern.

7           (15) Already, 27 States and the District of Co-  
8 lumbia have laws that explicitly provide unemploy-  
9 ment insurance to domestic violence victims in cer-  
10 tain circumstances. However, these laws vary in the  
11 extent to which they effectively address the special  
12 circumstances of victims of domestic violence and  
13 very few of the laws explicitly cover victims of sexual  
14 assault or stalking. Moreover—

15           (A) victims who do not receive unemploy-  
16 ment insurance benefits often lack the economic  
17 independence they need to escape violent rela-  
18 tionships;

19           (B) victims who lose their jobs because of  
20 domestic or sexual violence have lost their jobs  
21 through no fault of their own, and thus are the  
22 intended beneficiaries of unemployment com-  
23 pensation benefits;

24           (C) under many State unemployment com-  
25 pensation laws, victims of domestic or sexual vi-

1           olence who separate from their jobs because of  
2           the violence may not be eligible to receive bene-  
3           fits because of the circumstances of their sepa-  
4           ration;

5           (D) victims who must leave a job to relo-  
6           cate to a safe location or to take other steps to  
7           secure their safety may be barred from unem-  
8           ployment benefits on the grounds that they left  
9           a job voluntarily and without good cause; and

10          (E) victims who have qualified for benefits  
11          may not be able to satisfy requirements con-  
12          cerning availability for work or the suitability of  
13          potential work because of their ongoing safety  
14          needs.

15          (16) Five States provide victims of domestic or  
16          sexual violence with leave from work to go to court,  
17          to the doctor, or to take other steps to address the  
18          violence in their lives, and several other States pro-  
19          vide time off to victims of crimes, which can include  
20          victims of domestic and sexual violence, to attend  
21          court proceedings. However, many States have no  
22          employment-protected leave provisions that allow vic-  
23          tims of domestic or sexual violence to take the time  
24          off they need to address the violence.

1           (17) Domestic and sexual violence victims have  
2           been subjected to discrimination by private and  
3           State employers, including discrimination motivated  
4           by sex and stereotypic notions about women.

5           (18) Domestic violence victims and third parties  
6           who help them have been subjected to discriminatory  
7           practices by health, life, disability, and property and  
8           casualty insurers, and employers who self-insure em-  
9           ployee benefits who have denied or canceled cov-  
10          erage, rejected claims, and raised rates based on do-  
11          mestic violence. Although some State legislatures  
12          have tried to address these problems, the scope of  
13          protection afforded by the laws adopted varies from  
14          State to State, with many failing to address the  
15          problem comprehensively. Moreover, Federal law  
16          prevents States from protecting the almost 40 per-  
17          cent of employees whose employers self-insure em-  
18          ployee benefits.

19          (19) Existing Federal law does not explicitly—

20                 (A) authorize victims of domestic violence,  
21                 dating violence, sexual assault, or stalking to  
22                 take leave from work to seek legal assistance  
23                 and redress, counseling, or assistance with safe-  
24                 ty planning activities;



1 (B) address the eligibility of victims of do-  
2 mestic violence, dating violence, sexual assault,  
3 or stalking for unemployment compensation;

4 (C) prohibit employment discrimination  
5 against actual or perceived victims of domestic  
6 violence, dating violence, sexual assault, or  
7 stalking; or

8 (D) prohibit insurers and employers who  
9 self-insure employee benefits from discrimi-  
10 nating against domestic violence victims and  
11 those who help them in determining eligibility,  
12 rates charged, and standards for payment of  
13 claims; nor does it prohibit insurers from disclo-  
14 sure of information about abuse and the vic-  
15 tim’s location through insurance databases and  
16 other means.

17 **SEC. 703. DEFINITIONS.**

18 In this title, except as otherwise expressly provided:

19 (1) **COMMERCE.**—The terms “commerce” and  
20 “industry or activity affecting commerce” have the  
21 meanings given the terms in section 101 of the  
22 Family and Medical Leave Act of 1993 (29 U.S.C.  
23 2611).

24 (2) **COURSE OF CONDUCT.**—The term “course  
25 of conduct” means a course of repeatedly maintain-

1       ing a visual or physical proximity to a person or con-  
2       veying verbal or written threats, including threats  
3       conveyed through electronic communications, or  
4       threats implied by conduct.

5           (3) DATING VIOLENCE.—The term “dating vio-  
6       lence” has the meaning given the term in section  
7       826 of the Higher Education Amendments of 1998  
8       (20 U.S.C. 1152).

9           (4) DOMESTIC OR SEXUAL VIOLENCE.—The  
10       term “domestic or sexual violence” means domestic  
11       violence, dating violence, sexual assault, or stalking.

12           (5) DOMESTIC VIOLENCE.—The term “domestic  
13       violence” has the meaning given the term in section  
14       826 of the Higher Education Amendments of 1998  
15       (20 U.S.C. 1152).

16           (6) DOMESTIC VIOLENCE COALITION.—The  
17       term “domestic violence coalition” means a non-  
18       profit, nongovernmental membership organization  
19       that—

20                   (A) consists of the entities carrying out a  
21       majority of the domestic violence programs car-  
22       ried out within a State;

23                   (B) collaborates and coordinates activities  
24       with Federal, State, and local entities to further

1 the purposes of domestic violence intervention  
2 and prevention; and

3 (C) among other activities, provides train-  
4 ing and technical assistance to entities carrying  
5 out domestic violence programs within a State,  
6 territory, political subdivision, or area under  
7 Federal authority.

8 (7) ELECTRONIC COMMUNICATIONS.—The term  
9 “electronic communications” includes communica-  
10 tions via telephone, mobile phone, computer, email,  
11 video recorder, fax machine, telex, or pager.

12 (8) EMPLOY; STATE.—The terms “employ” and  
13 “State” have the meanings given the terms in sec-  
14 tion 3 of the Fair Labor Standards Act of 1938 (29  
15 U.S.C. 203).

16 (9) EMPLOYEE.—

17 (A) IN GENERAL.—The term “employee”  
18 means any person employed by an employer. In  
19 the case of an individual employed by a public  
20 agency, such term means an individual em-  
21 ployed as described in section 3(e) of the Fair  
22 Labor Standards Act of 1938 (29 U.S.C.  
23 203(e)).

24 (B) BASIS.—The term includes a person  
25 employed as described in subparagraph (A) on

1 a full- or part-time basis, for a fixed time pe-  
2 riod, on a temporary basis, pursuant to a detail,  
3 as an independent contractor, or as a partici-  
4 pant in a work assignment as a condition of re-  
5 ceipt of Federal or State income-based public  
6 assistance.

7 (10) EMPLOYER.—The term “employer”—

8 (A) means any person engaged in com-  
9 merce or in any industry or activity affecting  
10 commerce who employs 15 or more individuals;  
11 and

12 (B) includes any person acting directly or  
13 indirectly in the interest of an employer in rela-  
14 tion to an employee, and includes a public agen-  
15 cy, but does not include any labor organization  
16 (other than when acting as an employer) or  
17 anyone acting in the capacity of officer or agent  
18 of such labor organization.

19 (11) EMPLOYMENT BENEFITS.—The term “em-  
20 ployment benefits” means all benefits provided or  
21 made available to employees by an employer, includ-  
22 ing group life insurance, health insurance, disability  
23 insurance, sick leave, annual leave, educational bene-  
24 fits, and pensions, regardless of whether such bene-  
25 fits are provided by a practice or written policy of

1 an employer or through an “employee benefit plan”,  
2 as defined in section 3(3) of the Employee Retirement  
3 Income Security Act of 1974 (29 U.S.C.  
4 1002(3)).

5 (12) FAMILY OR HOUSEHOLD MEMBER.—The  
6 term “family or household member” means a non-  
7 abusive spouse, former spouse, parent, son or daugh-  
8 ter, or person residing or formerly residing in the  
9 same dwelling unit.

10 (13) PARENT; SON OR DAUGHTER.—The terms  
11 “parent” and “son or daughter” have the meanings  
12 given the terms in section 101 of the Family and  
13 Medical Leave Act of 1993 (29 U.S.C. 2611).

14 (14) PERSON.—The term “person” has the  
15 meaning given the term in section 3 of the Fair  
16 Labor Standards Act of 1938 (29 U.S.C. 203).

17 (15) PUBLIC AGENCY.—The term “public agen-  
18 cy” has the meaning given the term in section 3 of  
19 the Fair Labor Standards Act of 1938 (29 U.S.C.  
20 203).

21 (16) PUBLIC ASSISTANCE.—The term “public  
22 assistance” includes cash, food stamps, medical as-  
23 sistance, housing assistance, and other benefits pro-  
24 vided on the basis of income by a public agency.

1           (17) REDUCED LEAVE SCHEDULE.—The term  
2           “reduced leave schedule” means a leave schedule  
3           that reduces the usual number of hours per work-  
4           week, or hours per workday, of an employee.

5           (18) REPEATEDLY.—The term “repeatedly”  
6           means on 2 or more occasions.

7           (19) SECRETARY.—The term “Secretary”  
8           means the Secretary of Labor.

9           (20) SEXUAL ASSAULT.—The term “sexual as-  
10          sault” has the meaning given the term in section  
11          826 of the Higher Education Amendments of 1998  
12          (20 U.S.C. 1152).

13          (21) SEXUAL ASSAULT COALITION.—The term  
14          “sexual assault coalition” means a nonprofit, non-  
15          governmental membership organization that—

16                 (A) consists of the entities carrying out a  
17                 majority of the sexual assault programs carried  
18                 out within a State;

19                 (B) collaborates and coordinates activities  
20                 with Federal, State, and local entities to further  
21                 the purposes of sexual assault intervention and  
22                 prevention; and

23                 (C) among other activities, provides train-  
24                 ing and technical assistance to entities carrying  
25                 out sexual assault programs within a State, ter-

1           ritory, political subdivision, or area under Fed-  
2           eral authority.

3           (22) STALKING.—The term “stalking” means  
4           engaging in a course of conduct directed at a spe-  
5           cific person that would cause a reasonable person to  
6           suffer substantial emotional distress or to fear bodily  
7           injury, sexual assault, or death to the person, or the  
8           person’s spouse, parent, or son or daughter, or any  
9           other person who regularly resides in the person’s  
10          household, if the conduct causes the specific person  
11          to have such distress or fear.

12          (23) VICTIM SERVICES ORGANIZATION.—The  
13          term “victim services organization” means a non-  
14          profit, nongovernmental organization that provides  
15          assistance to victims of domestic or sexual violence  
16          or to advocates for such victims, including a rape  
17          crisis center, an organization carrying out a domes-  
18          tic violence program, an organization operating a  
19          shelter or providing counseling services, or an orga-  
20          nization providing assistance through the legal proc-  
21          ess.

1 **Subtitle A—Entitlement to Emer-**  
2 **gency Leave for Addressing Do-**  
3 **mestic or Sexual Violence**

4 **SEC. 711. PURPOSES.**

5 The purposes of this subtitle are, pursuant to the af-  
6 firmative power of Congress to enact legislation under the  
7 portions of section 8 of article I of the Constitution relat-  
8 ing to providing for the general welfare and to regulation  
9 of commerce among the several States, and under section  
10 5 of the 14th amendment to the Constitution—

11 (1) to promote the national interest in reducing  
12 domestic violence, dating violence, sexual assault,  
13 and stalking by enabling victims of domestic or sex-  
14 ual violence to maintain the financial independence  
15 necessary to leave abusive situations, achieve safety,  
16 and minimize the physical and emotional injuries  
17 from domestic or sexual violence, and to reduce the  
18 devastating economic consequences of domestic or  
19 sexual violence to employers and employees;

20 (2) to promote the national interest in ensuring  
21 that victims of domestic or sexual violence can re-  
22 cover from and cope with the effects of such vio-  
23 lence, and participate in criminal and civil justice  
24 processes, without fear of adverse economic con-  
25 sequences from their employers;



1           (3) to ensure that victims of domestic or sexual  
2 violence can recover from and cope with the effects  
3 of such violence, and participate in criminal and civil  
4 justice processes, without fear of adverse economic  
5 consequences with respect to public benefits;

6           (4) to promote the purposes of the 14th amend-  
7 ment by preventing sex-based discrimination and  
8 discrimination against victims of domestic and sex-  
9 ual violence in employment leave, addressing the  
10 failure of existing laws to protect the employment  
11 rights of victims of domestic or sexual violence, by  
12 protecting their civil and economic rights, and by  
13 furthering the equal opportunity of women for eco-  
14 nomic self-sufficiency and employment free from dis-  
15 crimination;

16           (5) to minimize the negative impact on inter-  
17 state commerce from dislocations of employees and  
18 harmful effects on productivity, employment, health  
19 care costs, and employer costs, caused by domestic  
20 or sexual violence, including intentional efforts to  
21 frustrate women's ability to participate in employ-  
22 ment and interstate commerce;

23           (6) to further the goals of human rights and  
24 dignity reflected in instruments such as the United  
25 Nations Charter, the Universal Declaration of

1 Human Rights, and the International Covenant on  
2 Civil and Political Rights; and

3 (7) to accomplish the purposes described in  
4 paragraphs (1) through (6) by—

5 (A) entitling employed victims of domestic  
6 or sexual violence to take leave to seek medical  
7 help, legal assistance, counseling, safety plan-  
8 ning, and other assistance without penalty from  
9 their employers; and

10 (B) prohibiting employers from discrimi-  
11 nating against actual or perceived victims of do-  
12 mestic or sexual violence, in a manner that ac-  
13 commodates the legitimate interests of employ-  
14 ers and protects the safety of all persons in the  
15 workplace.

16 **SEC. 712. ENTITLEMENT TO EMERGENCY LEAVE FOR AD-**  
17 **DRESSING DOMESTIC OR SEXUAL VIOLENCE.**

18 (a) LEAVE REQUIREMENT.—

19 (1) BASIS.—An employee who is a victim of do-  
20 mestic or sexual violence may take leave from work  
21 to address domestic or sexual violence, by—

22 (A) seeking medical attention for, or recov-  
23 ering from, physical or psychological injuries  
24 caused by domestic or sexual violence to the

1 employee or the employee's family or household  
2 member;

3 (B) obtaining services from a victim serv-  
4 ices organization for the employee or the em-  
5 ployee's family or household member;

6 (C) obtaining psychological or other coun-  
7 seling for the employee or the employee's family  
8 or household member;

9 (D) participating in safety planning, tem-  
10 porarily or permanently relocating, or taking  
11 other actions to increase the safety of the em-  
12 ployee or the employee's family or household  
13 member from future domestic or sexual violence  
14 or ensure economic security; or

15 (E) seeking legal assistance or remedies to  
16 ensure the health and safety of the employee or  
17 the employee's family or household member, in-  
18 cluding preparing for or participating in any  
19 civil or criminal legal proceeding related to or  
20 derived from domestic or sexual violence.

21 (2) PERIOD.—An employee may take not more  
22 than 30 days of leave, as described in paragraph (1),  
23 in any 12-month period.

1           (3) SCHEDULE.—Leave described in paragraph  
2           (1) may be taken intermittently or on a reduced  
3           leave schedule.

4           (b) NOTICE.—The employee shall provide the em-  
5           ployer with reasonable notice of the employee’s intention  
6           to take the leave, unless providing such notice is not prac-  
7           ticable.

8           (c) CERTIFICATION.—

9           (1) IN GENERAL.—The employer may require  
10          the employee to provide certification to the employer  
11          that—

12                   (A) the employee or the employee’s family  
13                   or household member is a victim of domestic or  
14                   sexual violence; and

15                   (B) the leave is for 1 of the purposes enu-  
16                   merated in subsection (a)(1).

17          The employee shall provide a copy of such certifi-  
18          cation to the employer within a reasonable period  
19          after the employer requests certification.

20          (2) CONTENTS.—An employee may satisfy the  
21          certification requirement of paragraph (1) by pro-  
22          viding to the employer—

23                   (A) a sworn statement of the employee;

24                   (B) documentation from an employee,  
25                   agent, or volunteer of a victim services organi-

1            zation, an attorney, a member of the clergy, or  
2            a medical or other professional, from whom the  
3            employee or the employee's family or household  
4            member has sought assistance in addressing do-  
5            mestic or sexual violence and the effects of the  
6            violence;

7            (C) a police or court record; or

8            (D) other corroborating evidence.

9            (d) CONFIDENTIALITY.—All information provided to  
10          the employer pursuant to subsection (b) or (c), including  
11          a statement of the employee or any other documentation,  
12          record, or corroborating evidence, and the fact that the  
13          employee has requested or obtained leave pursuant to this  
14          section, shall be retained in the strictest confidence by the  
15          employer, except to the extent that disclosure is—

16            (1) requested or consented to by the employee  
17          in writing; or

18            (2) otherwise required by applicable Federal or  
19          State law.

20          (e) EMPLOYMENT AND BENEFITS.—

21            (1) RESTORATION TO POSITION.—

22            (A) IN GENERAL.—Except as provided in  
23          paragraph (2), any employee who takes leave  
24          under this section for the intended purpose of

1 the leave shall be entitled, on return from such  
2 leave—

3 (i) to be restored by the employer to  
4 the position of employment held by the em-  
5 ployee when the leave commenced; or

6 (ii) to be restored to an equivalent po-  
7 sition with equivalent employment benefits,  
8 pay, and other terms and conditions of em-  
9 ployment.

10 (B) LOSS OF BENEFITS.—The taking of  
11 leave under this section shall not result in the  
12 loss of any employment benefit accrued prior to  
13 the date on which the leave commenced.

14 (C) LIMITATIONS.—Nothing in this sub-  
15 section shall be construed to entitle any re-  
16 stored employee to—

17 (i) the accrual of any seniority or em-  
18 ployment benefits during any period of  
19 leave; or

20 (ii) any right, benefit, or position of  
21 employment other than any right, benefit,  
22 or position to which the employee would  
23 have been entitled had the employee not  
24 taken the leave.

1           (D) CONSTRUCTION.—Nothing in this  
2 paragraph shall be construed to prohibit an em-  
3 ployer from requiring an employee on leave  
4 under this section to report periodically to the  
5 employer on the status and intention of the em-  
6 ployee to return to work.

7           (2) EXEMPTION CONCERNING CERTAIN HIGHLY  
8 COMPENSATED EMPLOYEES.—

9           (A) DENIAL OF RESTORATION.—An em-  
10 ployer may deny restoration under paragraph  
11 (1) to any employee described in subparagraph  
12 (B) if—

13                   (i) such denial is necessary to prevent  
14 substantial and grievous economic injury to  
15 the operations of the employer;

16                   (ii) the employer notifies the employee  
17 of the intent of the employer to deny res-  
18 toration on such basis at the time the em-  
19 ployer determines that such injury would  
20 occur; and

21                   (iii) in any case in which the leave has  
22 commenced, the employee elects not to re-  
23 turn to employment after receiving such  
24 notice.

1           (B) AFFECTED EMPLOYEES.—An employee  
2 referred to in subparagraph (A) is a salaried  
3 employee who is among the highest paid 10 per-  
4 cent of the employees employed by the employer  
5 within 75 miles of the facility at which the em-  
6 ployee is employed.

7           (3) MAINTENANCE OF HEALTH BENEFITS.—

8           (A) COVERAGE.—Except as provided in  
9 subparagraph (B), during any period that an  
10 employee takes leave under this section, the em-  
11 ployer shall maintain coverage under any group  
12 health plan (as defined in section 5000(b)(1) of  
13 the Internal Revenue Code of 1986) for the du-  
14 ration of such leave at the level and under the  
15 conditions coverage would have been provided if  
16 the employee had continued in employment con-  
17 tinuously for the duration of such leave.

18           (B) FAILURE TO RETURN FROM LEAVE.—  
19 The employer may recover the premium that  
20 the employer paid for maintaining coverage for  
21 the employee under such group health plan dur-  
22 ing any period of leave under this section if—

23                   (i) the employee fails to return from  
24 leave under this section after the period of



1 leave to which the employee is entitled has  
2 expired; and

3 (ii) the employee fails to return to  
4 work for a reason other than—

5 (I) the continuation, recurrence,  
6 or onset of domestic or sexual vio-  
7 lence, that entitles the employee to  
8 leave pursuant to this section; or

9 (II) other circumstances beyond  
10 the control of the employee.

11 (C) CERTIFICATION.—

12 (i) ISSUANCE.—An employer may re-  
13 quire an employee who claims that the em-  
14 ployee is unable to return to work because  
15 of a reason described in subclause (I) or  
16 (II) of subparagraph (B)(ii) to provide,  
17 within a reasonable period after making  
18 the claim, certification to the employer  
19 that the employee is unable to return to  
20 work because of that reason.

21 (ii) CONTENTS.—An employee may  
22 satisfy the certification requirement of  
23 clause (i) by providing to the employer—

24 (I) a sworn statement of the em-  
25 ployee;

1 (II) documentation from an em-  
2 ployee, agent, or volunteer of a victim  
3 services organization, an attorney, a  
4 member of the clergy, or a medical or  
5 other professional, from whom the  
6 employee has sought assistance in ad-  
7 dressing domestic or sexual violence  
8 and the effects of that violence;

9 (III) a police or court record; or

10 (IV) other corroborating evi-  
11 dence.

12 (D) CONFIDENTIALITY.—All information  
13 provided to the employer pursuant to subpara-  
14 graph (C), including a statement of the em-  
15 ployee or any other documentation, record, or  
16 corroborating evidence, and the fact that the  
17 employee is not returning to work because of a  
18 reason described in subclause (I) or (II) of sub-  
19 paragraph (B)(ii) shall be retained in the strict-  
20 est confidence by the employer, except to the  
21 extent that disclosure is—

22 (i) requested or consented to by the  
23 employee; or

24 (ii) otherwise required by applicable  
25 Federal or State law.

1 (f) PROHIBITED ACTS.—

2 (1) INTERFERENCE WITH RIGHTS.—

3 (A) EXERCISE OF RIGHTS.—It shall be un-  
4 lawful for any employer to interfere with, re-  
5 strain, or deny the exercise of or the attempt to  
6 exercise, any right provided under this section.

7 (B) EMPLOYER DISCRIMINATION.—It shall  
8 be unlawful for any employer to discharge or  
9 harass any individual, or otherwise discriminate  
10 against any individual with respect to com-  
11 pensation, terms, conditions, or privileges of  
12 employment of the individual (including retalia-  
13 tion in any form or manner) because the indi-  
14 vidual—

15 (i) exercised any right provided under  
16 this section; or

17 (ii) opposed any practice made unlaw-  
18 ful by this section.

19 (C) PUBLIC AGENCY SANCTIONS.—It shall  
20 be unlawful for any public agency to deny, re-  
21 duce, or terminate the benefits of, otherwise  
22 sanction, or harass any individual, or otherwise  
23 discriminate against any individual with respect  
24 to the amount, terms, or conditions of public  
25 assistance of the individual (including retalia-

1           tion in any form or manner) because the indi-  
2           vidual—

3                   (i) exercised any right provided under  
4                   this section; or

5                   (ii) opposed any practice made unlaw-  
6                   ful by this section.

7           (2) INTERFERENCE WITH PROCEEDINGS OR IN-  
8           QUIRIES.—It shall be unlawful for any person to dis-  
9           charge or in any other manner discriminate (as de-  
10          scribed in subparagraph (B) or (C) of paragraph  
11          (1)) against any individual because such indi-  
12          vidual—

13                   (A) has filed any charge, or has instituted  
14                   or caused to be instituted any proceeding,  
15                   under or related to this section;

16                   (B) has given, or is about to give, any in-  
17                   formation in connection with any inquiry or  
18                   proceeding relating to any right provided under  
19                   this section; or

20                   (C) has testified, or is about to testify, in  
21                   any inquiry or proceeding relating to any right  
22                   provided under this section.

23          (g) ENFORCEMENT.—

24                  (1) CIVIL ACTION BY AFFECTED INDIVID-  
25                  UALS.—

1           (A) LIABILITY.—Any employer or public  
2 agency that violates subsection (f) shall be lia-  
3 ble to any individual affected—

4           (i) for damages equal to—

5           (I) the amount of—

6           (aa) any wages, salary, em-  
7 ployment benefits, public assist-  
8 ance, or other compensation de-  
9 nied or lost to such individual by  
10 reason of the violation; or

11           (bb) in a case in which  
12 wages, salary, employment bene-  
13 fits, public assistance, or other  
14 compensation has not been de-  
15 nied or lost to the individual, any  
16 actual monetary losses sustained  
17 by the individual as a direct re-  
18 sult of the violation;

19           (II) the interest on the amount  
20 described in subclause (I) calculated  
21 at the prevailing rate; and

22           (III) an additional amount as liq-  
23 uidated damages equal to the sum of  
24 the amount described in subclause (I)  
25 and the interest described in sub-

1 clause (II), except that if an employer  
2 or public agency that has violated  
3 subsection (f) proves to the satisfac-  
4 tion of the court that the act or omis-  
5 sion that violated subsection (f) was  
6 in good faith and that the employer or  
7 public agency had reasonable grounds  
8 for believing that the act or omission  
9 was not a violation of subsection (f),  
10 such court may, in the discretion of  
11 the court, reduce the amount of the li-  
12 ability to the amount and interest de-  
13 termined under subclauses (I) and  
14 (II), respectively; and

15 (ii) for such equitable relief as may be  
16 appropriate, including employment, rein-  
17 statement, and promotion.

18 (B) RIGHT OF ACTION.—An action to re-  
19 cover the damages or equitable relief prescribed  
20 in subparagraph (A) may be maintained against  
21 any employer or public agency in any Federal  
22 or State court of competent jurisdiction by any  
23 1 or more affected individuals for and on behalf  
24 of—

25 (i) the individuals; or

1 (ii) the individuals and other individ-  
2 uals similarly situated.

3 (C) FEES AND COSTS.—The court in such  
4 an action shall, in addition to any judgment  
5 awarded to the plaintiff, allow a reasonable at-  
6 torney’s fee, reasonable expert witness fees, and  
7 other costs of the action to be paid by the de-  
8 fendant.

9 (D) LIMITATIONS.—The right provided by  
10 subparagraph (B) to bring an action by or on  
11 behalf of any affected individual shall termi-  
12 nate—

13 (i) on the filing of a complaint by the  
14 Secretary in an action under paragraph (4)  
15 in which restraint is sought of any further  
16 delay in the payment of the amount de-  
17 scribed in subparagraph (A)(i) to such in-  
18 dividual by an employer or public agency  
19 responsible under subparagraph (A) for  
20 the payment; or

21 (ii) on the filing of a complaint by the  
22 Secretary in an action under paragraph (2)  
23 in which a recovery is sought of the dam-  
24 ages described in subparagraph (A)(i)  
25 owing to an affected individual by an em-

1            employer or public agency liable under sub-  
2            paragraph (A), unless the action described  
3            in clause (i) or (ii) is dismissed without  
4            prejudice on motion of the Secretary.

5            (2) ACTION BY THE SECRETARY.—

6            (A) ADMINISTRATIVE ACTION.—The Sec-  
7            retary shall receive, investigate, and attempt to  
8            resolve complaints of violations of subsection (f)  
9            in the same manner as the Secretary receives,  
10           investigate, and attempts to resolve complaints  
11           of violations of sections 6 and 7 of the Fair  
12           Labor Standards Act of 1938 (29 U.S.C. 206  
13           and 207).

14           (B) CIVIL ACTION.—The Secretary may  
15           bring an action in any court of competent juris-  
16           diction to recover the damages described in  
17           paragraph (1)(A)(i).

18           (C) SUMS RECOVERED.—Any sums recov-  
19           ered by the Secretary pursuant to subparagraph  
20           (B) shall be held in a special deposit account  
21           and shall be paid, on order of the Secretary, di-  
22           rectly to each individual affected. Any such  
23           sums not paid to such an individual because of  
24           inability to do so within a period of 3 years



1 shall be deposited into the Treasury of the  
2 United States as miscellaneous receipts.

3 (3) LIMITATION.—

4 (A) IN GENERAL.—Except as provided in  
5 subparagraph (B), an action may be brought  
6 under this subsection not later than 2 years  
7 after the date of the last event constituting the  
8 alleged violation for which the action is brought.

9 (B) WILLFUL VIOLATION.—In the case of  
10 such action brought for a willful violation of  
11 subsection (f), such action may be brought  
12 within 3 years after the date of the last event  
13 constituting the alleged violation for which such  
14 action is brought.

15 (C) COMMENCEMENT.—In determining  
16 when an action is commenced by the Secretary  
17 under this subsection for the purposes of this  
18 paragraph, it shall be considered to be com-  
19 menced on the date when the complaint is filed.

20 (4) ACTION FOR INJUNCTION BY SECRETARY.—

21 The district courts of the United States shall have  
22 jurisdiction, for cause shown, in an action brought  
23 by the Secretary—

24 (A) to restrain violations of subsection (f),  
25 including the restraint of any withholding of

1 payment of wages, salary, employment benefits,  
2 public assistance, or other compensation, plus  
3 interest, found by the court to be due to af-  
4 fected individuals; or

5 (B) to award such other equitable relief as  
6 may be appropriate, including employment, re-  
7 instatement, and promotion.

8 (5) SOLICITOR OF LABOR.—The Solicitor of  
9 Labor may appear for and represent the Secretary  
10 on any litigation brought under this subsection.

11 (6) EMPLOYER LIABILITY UNDER OTHER  
12 LAWS.—Nothing in this section shall be construed to  
13 limit the liability of an employer or public agency to  
14 an individual, for harm suffered relating to the indi-  
15 vidual’s experience of domestic or sexual violence,  
16 pursuant to any other Federal or State law, includ-  
17 ing a law providing for a legal remedy.

18 **SEC. 713. EXISTING LEAVE USABLE FOR ADDRESSING DO-**  
19 **MESTIC OR SEXUAL VIOLENCE.**

20 An employee who is entitled to take paid or unpaid  
21 leave (including family, medical, sick, annual, personal, or  
22 similar leave) from employment, pursuant to State or local  
23 law, a collective bargaining agreement, or an employment  
24 benefits program or plan, may elect to substitute any pe-

1 riod of such leave for an equivalent period of leave pro-  
2 vided under section 712.

3 **SEC. 714. EMERGENCY BENEFITS.**

4 (a) IN GENERAL.—A State may use funds provided  
5 to the State under part A of title IV of the Social Security  
6 Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-  
7 term emergency benefits to an individual for any period  
8 of leave the individual takes pursuant to section 712.

9 (b) ELIGIBILITY.—In calculating the eligibility of an  
10 individual for such emergency benefits, the State shall  
11 count only the cash available or accessible to the indi-  
12 vidual.

13 (c) TIMING.—

14 (1) APPLICATIONS.—An individual seeking  
15 emergency benefits under subsection (a) from a  
16 State shall submit an application to the State.

17 (2) BENEFITS.—The State shall provide bene-  
18 fits to an eligible applicant under paragraph (1) on  
19 an expedited basis, and not later than 7 days after  
20 the applicant submits an application under para-  
21 graph (1).

22 (d) CONFORMING AMENDMENT.—Section 404 of the  
23 Social Security Act (42 U.S.C. 604) is amended by adding  
24 at the end the following:



1 of domestic or sexual violence under this subtitle shall not  
2 be diminished by any State or local law, collective bar-  
3 gaining agreement, or employment benefits program or  
4 plan.

5 **SEC. 716. CONFORMING AMENDMENT.**

6 Section 1003(a)(1) of the Rehabilitation Act Amend-  
7 ments of 1986 (42 U.S.C. 2000d-7(a)(1)) is amended by  
8 inserting “title I or III of the Security and Financial Em-  
9 powerment Act,” before “or the provisions”.

10 **SEC. 717. EFFECTIVE DATE.**

11 This subtitle and the amendment made by this sub-  
12 title take effect 180 days after the date of enactment of  
13 this Act.

14 **Subtitle B—Entitlement to Unem-**  
15 **ployment Compensation for Vic-**  
16 **tims of Domestic Violence, Dat-**  
17 **ing Violence, Sexual Assault, or**  
18 **Stalking**

19 **SEC. 721. PURPOSES.**

20 The purposes of this subtitle are, pursuant to the af-  
21 firmative power of Congress to enact legislation under the  
22 portions of section 8 of article I of the Constitution relat-  
23 ing to laying and collecting taxes, providing for the general  
24 welfare, and regulation of commerce among the several

1 States, and under section 5 of the 14th amendment to  
2 the Constitution—

3           (1) to promote the national interest in reducing  
4 domestic violence, dating violence, sexual assault,  
5 and stalking by enabling victims of domestic or sex-  
6 ual violence to maintain the financial independence  
7 necessary to leave abusive situations, achieve safety,  
8 and minimize the physical and emotional injuries  
9 from domestic or sexual violence, and to reduce the  
10 devastating economic consequences of domestic or  
11 sexual violence to employers and employees;

12           (2) to promote the national interest in ensuring  
13 that victims of domestic or sexual violence can re-  
14 cover from and cope with the effects of such victim-  
15 ization and participate in the criminal and civil jus-  
16 tice processes without fear of adverse economic con-  
17 sequences;

18           (3) to minimize the negative impact on inter-  
19 state commerce from dislocations of employees and  
20 harmful effects on productivity, loss of employment,  
21 health care costs, and employer costs, caused by do-  
22 mestic or sexual violence including intentional efforts  
23 to frustrate the ability of women to participate in  
24 employment and interstate commerce;



1 (B) by redesignating paragraph (19) as  
2 paragraph (20); and

3 (C) by inserting after paragraph (18) the  
4 following new paragraph:

5 “(19) compensation shall not be denied where  
6 an individual is separated from employment due to  
7 circumstances resulting from the individual’s experi-  
8 ence of domestic or sexual violence, nor shall States  
9 impose additional conditions that restrict the indi-  
10 vidual’s eligibility for or receipt of benefits beyond  
11 those required of other individuals who are forced to  
12 leave their jobs or are deemed to have good cause  
13 for voluntarily separating from a job in the State;  
14 and”;

15 (2) by adding at the end the following new sub-  
16 section:

17 “(g) CONSTRUCTION.—For purposes of subsection  
18 (a)(19)—

19 “(1) DOCUMENTATION.—In determining eligi-  
20 bility for compensation due to circumstances result-  
21 ing from an individual’s experience of domestic or  
22 sexual violence—

23 “(A) States shall adopt, or have adopted,  
24 by statute, regulation, or policy a list of forms



1 of documentation that may be presented to  
2 demonstrate eligibility, and

3 “(B) presentation of any one of such forms  
4 of documentation shall be sufficient to dem-  
5 onstrate eligibility, except that a State may re-  
6 quire the presentation of a form of identifica-  
7 tion in addition to the written statement of  
8 claimant described in paragraph (2)(G).

9 “(2) LIST OF FORMS OF DOCUMENTATION.—

10 The list referred to in paragraph (1)(A) shall include  
11 not less than 3 of the following forms of documenta-  
12 tion:

13 “(A) An order of protection or other docu-  
14 mentation issued by a court.

15 “(B) A police report or criminal charges  
16 documenting the domestic or sexual violence.

17 “(C) Documentation that the perpetrator  
18 has been convicted of the offense of domestic or  
19 sexual violence.

20 “(D) Medical documentation of the domes-  
21 tic or sexual violence.

22 “(E) Evidence of domestic or sexual vio-  
23 lence from a counselor, social worker, health  
24 worker, or domestic violence shelter worker.

1           “(F) A written statement that the appli-  
2           cant or the applicant’s minor child is a victim  
3           of domestic or sexual violence, provided by a so-  
4           cial worker, member of the clergy, shelter work-  
5           er, attorney at law, or other professional who  
6           has assisted the applicant in dealing with the  
7           domestic or sexual violence.

8           “(G) A written statement of the claimant.

9           “(3) DOMESTIC OR SEXUAL VIOLENCE DE-  
10          FINED.—The term ‘domestic or sexual violence’ has  
11          the meaning given such term in section 3 of the Se-  
12          curity and Financial Empowerment Act.”.

13          (b) UNEMPLOYMENT COMPENSATION PERSONNEL  
14          TRAINING.—Section 303(a) of the Social Security Act (42  
15          U.S.C. 503(a)) is amended—

16               (1) by redesignating paragraphs (4) through  
17               (10) as paragraphs (5) through (11), respectively;  
18               and

19               (2) by inserting after paragraph (3) the fol-  
20          lowing new paragraph:

21               “(4) Such methods of administration as will en-  
22          sure that—

23                       “(A) applicants for unemployment com-  
24                       pensation and individuals inquiring about such  
25                       compensation are adequately notified of the

1 provisions of subsections (a)(19) and (g) of sec-  
2 tion 3304 of the Internal Revenue Code of 1986  
3 (relating to the availability of unemployment  
4 compensation for victims of domestic or sexual  
5 violence); and

6 “(B) claims reviewers and hearing per-  
7 sonnel are adequately trained in—

8 “(i) the nature and dynamics of do-  
9 mestic or sexual violence (as defined in  
10 section 3 of the Security and Financial  
11 Empowerment Act); and

12 “(ii) methods of ascertaining and  
13 keeping confidential information about pos-  
14 sible experiences of domestic or sexual vio-  
15 lence (as so defined) to ensure that—

16 “(I) requests for unemployment  
17 compensation based on separations  
18 stemming from such violence are reli-  
19 ably screened, identified, and adju-  
20 dicated; and

21 “(II) full confidentiality is pro-  
22 vided for the individual’s claim and  
23 submitted evidence; and”.

24 (c) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), the amendments made by this section  
3 shall apply in the case of compensation paid for  
4 weeks beginning on or after the expiration of 180  
5 days from the date of enactment of this Act.

6           (2) EXTENSION OF EFFECTIVE DATE FOR  
7 STATE LAW AMENDMENT.—

8           (A) IN GENERAL.—If the Secretary of  
9 Labor identifies a State as requiring a change  
10 to its statutes, regulations, or policies in order  
11 to comply with the amendments made by this  
12 section, such amendments shall apply in the  
13 case of compensation paid for weeks beginning  
14 after the earlier of—

15                   (i) the date the State changes its stat-  
16 utes, regulations, or policies in order to  
17 comply with such amendments; or

18                   (ii) the end of the first session of the  
19 State legislature which begins after the  
20 date of enactment of this Act or which  
21 began prior to such date and remained in  
22 session for at least 25 calendar days after  
23 such date;

1           except that in no case shall such amendments  
2           apply before the date that is 180 days after the  
3           date of enactment of this Act.

4           (B) SESSION DEFINED.—In this para-  
5           graph, the term “session” means a regular, spe-  
6           cial, budget, or other session of a State legisla-  
7           ture.

8           (d) EFFECT ON EXISTING LAWS, ETC.—

9           (1) MORE PROTECTIVE LAWS, AGREEMENTS,  
10          PROGRAMS, AND PLANS.—Nothing in this subtitle  
11          shall be construed to supersede any provision of any  
12          Federal, State, or local law, collective bargaining  
13          agreement, or employment benefits program or plan  
14          that provides greater unemployment insurance bene-  
15          fits for victims of domestic or sexual violence than  
16          the rights established under this subtitle.

17          (2) LESS PROTECTIVE LAWS, AGREEMENTS,  
18          PROGRAMS, AND PLANS.—The rights established for  
19          victims of domestic or sexual violence under this  
20          subtitle shall not be diminished by any more restric-  
21          tive State or local law, collective bargaining agree-  
22          ment, or employment benefits program or plan.

1     **Subtitle C—Victims’ Employment**  
2                     **Sustainability**

3     **SEC. 731. SHORT TITLE.**

4             This subtitle may be cited as the “Victims’ Employ-  
5     ment Sustainability Act”.

6     **SEC. 732. PURPOSES.**

7             The purposes of this subtitle are, pursuant to the af-  
8     firmative power of Congress to enact legislation under the  
9     portions of section 8 of article I of the Constitution relat-  
10    ing to providing for the general welfare and to regulation  
11    of commerce among the several States, and under section  
12    5 of the 14th amendment to the Constitution—

13             (1) to promote the national interest in reducing  
14             domestic violence, dating violence, sexual assault,  
15             and stalking by enabling victims of domestic or sex-  
16             ual violence to maintain the financial independence  
17             necessary to leave abusive situations, achieve safety,  
18             and minimize the physical and emotional injuries  
19             from domestic or sexual violence, and to reduce the  
20             devastating economic consequences of domestic or  
21             sexual violence to employers and employees;

22             (2) to promote the national interest in ensuring  
23             that victims of domestic or sexual violence can re-  
24             cover from and cope with the effects of such vio-  
25             lence, and participate in criminal and civil justice

1 processes, without fear of adverse economic con-  
2 sequences from their employers;

3 (3) to ensure that victims of domestic or sexual  
4 violence can recover from and cope with the effects  
5 of such violence, and participate in criminal and civil  
6 justice processes, without fear of adverse economic  
7 consequences with respect to public benefits;

8 (4) to promote the purposes of the 14th amend-  
9 ment to the Constitution by preventing sex-based  
10 discrimination and discrimination against victims of  
11 domestic and sexual violence in employment, by ad-  
12 dressing the failure of existing laws to protect the  
13 employment rights of victims of domestic or sexual  
14 violence, by protecting the civil and economic rights  
15 of victims of domestic or sexual violence, and by fur-  
16 thering the equal opportunity of women for economic  
17 self-sufficiency and employment free from discrimi-  
18 nation;

19 (5) to minimize the negative impact on inter-  
20 state commerce from dislocations of employees and  
21 harmful effects on productivity, employment, health  
22 care costs, and employer costs, caused by domestic  
23 or sexual violence, including intentional efforts to  
24 frustrate women's ability to participate in employ-  
25 ment and interstate commerce; and

1           (6) to accomplish the purposes described in  
2 paragraphs (1) through (5) by prohibiting employers  
3 from discriminating against actual or perceived vic-  
4 tims of domestic or sexual violence, in a manner that  
5 accommodates the legitimate interests of employers  
6 and protects the safety of all persons in the work-  
7 place.

8 **SEC. 733. PROHIBITED DISCRIMINATORY ACTS.**

9           (a) IN GENERAL.—An employer shall not fail to hire,  
10 refuse to hire, discharge, or harass any individual, or oth-  
11 erwise discriminate against any individual with respect to  
12 the compensation, terms, conditions, or privileges of em-  
13 ployment of the individual (including retaliation in any  
14 form or manner), and a public agency shall not deny, re-  
15 duce, or terminate the benefits of, otherwise sanction, or  
16 harass any individual, or otherwise discriminate against  
17 any individual with respect to the amount, terms, or condi-  
18 tions of public assistance of the individual (including retal-  
19 iation in any form or manner), because—

20           (1) the individual involved—

21                   (A) is or is perceived to be a victim of do-  
22 mestic or sexual violence;

23                   (B) attended, participated in, prepared for,  
24 or requested leave to attend, participate in, or  
25 prepare for, a criminal or civil court proceeding



1 relating to an incident of domestic or sexual vi-  
2 olence of which the individual, or the family or  
3 household member of the individual, was a vic-  
4 tim; or

5 (C) requested an adjustment to a job  
6 structure, workplace facility, or work require-  
7 ment, including a transfer, reassignment, or  
8 modified schedule, leave, a changed telephone  
9 number or seating assignment, installation of a  
10 lock, or implementation of a safety procedure,  
11 in response to actual or threatened domestic or  
12 sexual violence, regardless of whether the re-  
13 quest was granted; or

14 (2) the workplace is disrupted or threatened by  
15 the action of a person whom the individual states  
16 has committed or threatened to commit domestic or  
17 sexual violence against the individual, or the individ-  
18 ual's family or household member.

19 (b) DEFINITIONS.—In this section:

20 (1) DISCRIMINATE.—The term “discriminate”,  
21 used with respect to the terms, conditions, or privi-  
22 leges of employment or with respect to the terms or  
23 conditions of public assistance, includes not making  
24 a reasonable accommodation to the known limita-  
25 tions of an otherwise qualified individual—

1 (A) who is a victim of domestic or sexual  
2 violence;

3 (B) who is—

4 (i) an applicant or employee of the  
5 employer (including a public agency); or

6 (ii) an applicant for or recipient of  
7 public assistance from the public agency;

8 and

9 (C) whose limitations resulted from cir-  
10 cumstances relating to being a victim of domes-  
11 tic or sexual violence;

12 unless the employer or public agency can dem-  
13 onstrate that the accommodation would impose an  
14 undue hardship on the operation of the employer or  
15 public agency.

16 (2) QUALIFIED INDIVIDUAL.—The term “quali-  
17 fied individual” means—

18 (A) in the case of an applicant or employee  
19 described in paragraph (1)(B)(i), an individual  
20 who, with or without reasonable accommoda-  
21 tion, can perform the essential functions of the  
22 employment position that such individual holds  
23 or desires; or

24 (B) in the case of an applicant or recipient  
25 described in paragraph (1)(B)(ii), an individual

1           who, with or without reasonable accommoda-  
2           tion, can satisfy the essential requirements of  
3           the program providing the public assistance  
4           that the individual receives or desires.

5           (3) REASONABLE ACCOMMODATION.—The term  
6           “reasonable accommodation” may include an adjust-  
7           ment to a job structure, workplace facility, or work  
8           requirement, including a transfer, reassignment, or  
9           modified schedule, leave, a changed telephone num-  
10          ber or seating assignment, installation of a lock, or  
11          implementation of a safety procedure, in response to  
12          actual or threatened domestic or sexual violence.

13          (4) UNDUE HARDSHIP.—

14                (A) IN GENERAL.—The term “undue hard-  
15                ship” means an action requiring significant dif-  
16                ficulty or expense, when considered in light of  
17                the factors set forth in subparagraph (B).

18                (B) FACTORS TO BE CONSIDERED.—In de-  
19                termining whether a reasonable accommodation  
20                would impose an undue hardship on the oper-  
21                ation of an employer or public agency, factors  
22                to be considered include—

23                        (i) the nature and cost of the reason-  
24                        able accommodation needed under this sec-  
25                        tion;

1           (ii) the overall financial resources of  
2           the facility involved in the provision of the  
3           reasonable accommodation, the number of  
4           persons employed at such facility, the ef-  
5           fect on expenses and resources, or the im-  
6           pact otherwise of such accommodation on  
7           the operation of the facility;

8           (iii) the overall financial resources of  
9           the employer or public agency, the overall  
10          size of the business of an employer or pub-  
11          lic agency with respect to the number of  
12          employees of the employer or public agen-  
13          cy, and the number, type, and location of  
14          the facilities of an employer or public agen-  
15          cy; and

16          (iv) the type of operation of the em-  
17          ployer or public agency, including the com-  
18          position, structure, and functions of the  
19          workforce of the employer or public agen-  
20          cy, the geographic separateness of the fa-  
21          cility from the employer or public agency,  
22          and the administrative or fiscal relation-  
23          ship of the facility to the employer or pub-  
24          lic agency.

1 **SEC. 734. ENFORCEMENT.**

2 (a) CIVIL ACTION BY INDIVIDUALS.—

3 (1) LIABILITY.—Any employer or public agency  
4 that violates section 733 shall be liable to any indi-  
5 vidual affected for—

6 (A) damages equal to the amount of  
7 wages, salary, employment benefits, public as-  
8 sistance, or other compensation denied or lost  
9 to such individual by reason of the violation,  
10 and the interest on that amount calculated at  
11 the prevailing rate;

12 (B) compensatory damages, including dam-  
13 ages for future pecuniary losses, emotional  
14 pain, suffering, inconvenience, mental anguish,  
15 loss of enjoyment or life, and other nonpecu-  
16 niary losses;

17 (C) such punitive damages, up to 3 times  
18 the amount of actual damages sustained, as the  
19 court described in paragraph (2) shall deter-  
20 mine to be appropriate; and

21 (D) such equitable relief as may be appro-  
22 priate, including employment, reinstatement,  
23 and promotion.

24 (2) RIGHT OF ACTION.—An action to recover  
25 the damages or equitable relief prescribed in para-  
26 graph (1) may be maintained against any employer

1 or public agency in any Federal or State court of  
2 competent jurisdiction by any 1 or more individuals  
3 described in section 733.

4 (b) ACTION BY DEPARTMENT OF JUSTICE.—The At-  
5 torney General may bring a civil action in any Federal  
6 or State court of competent jurisdiction to recover the  
7 damages or equitable relief described in subsection (a)(1).

8 **SEC. 735. ATTORNEY'S FEES.**

9 Section 722(b) of the Revised Statutes (42 U.S.C.  
10 1988(b)) is amended by inserting “the Victims’ Employ-  
11 ment Sustainability Act,” after “title VI of the Civil  
12 Rights Act of 1964,”.

13 **Subtitle D—Victims of Abuse**  
14 **Insurance Protection**

15 **SEC. 741. SHORT TITLE.**

16 This subtitle may be cited as the “Victims of Abuse  
17 Insurance Protection Act”.

18 **SEC. 742. DEFINITIONS.**

19 In this subtitle:

20 (1) ABUSE.—The term “abuse” means the oc-  
21 currence of 1 or more of the following acts by a cur-  
22 rent or former household or family member, intimate  
23 partner, or caretaker:

24 (A) Attempting to cause or causing an-  
25 other person bodily injury, physical harm, sub-

1           stantial emotional distress, psychological trau-  
2           ma, rape, sexual assault, or involuntary sexual  
3           intercourse.

4           (B) Engaging in a course of conduct or re-  
5           peatedly committing acts toward another per-  
6           son, including following the person without  
7           proper authority and under circumstances that  
8           place the person in reasonable fear of bodily in-  
9           jury or physical harm.

10          (C) Subjecting another person to false im-  
11          prisonment or kidnapping.

12          (D) Attempting to cause or causing dam-  
13          age to property so as to intimidate or attempt  
14          to control the behavior of another person.

15          (2) HEALTH CARRIER.—The term “health car-  
16          rier” means a person that contracts or offers to con-  
17          tract on a risk-assuming basis to provide, deliver, ar-  
18          range for, pay for, or reimburse any of the cost of  
19          health care services, including a sickness and acci-  
20          dent insurance company, a health maintenance orga-  
21          nization, a nonprofit hospital and health service cor-  
22          poration or any other entity providing a plan of  
23          health insurance, health benefits, or health services.

24          (3) INSURED.—The term “insured” means a  
25          party named on a policy, certificate, or health ben-

1       efit plan, including an individual, corporation, part-  
2       nership, association, unincorporated organization, or  
3       any similar entity, as the person with legal rights to  
4       the benefits provided by the policy, certificate, or  
5       health benefit plan. For group insurance, such term  
6       includes a person who is a beneficiary covered by a  
7       group policy, certificate, or health benefit plan. For  
8       life insurance, the term refers to the person whose  
9       life is covered under an insurance policy.

10           (4) INSURER.—The term “insurer” means any  
11       person, reciprocal exchange, inter insurer, Lloyds in-  
12       surer, fraternal benefit society, or other legal entity  
13       engaged in the business of insurance, including  
14       agents, brokers, adjusters, and third-party adminis-  
15       trators; and employers who provide or make avail-  
16       able employment benefits through an employee ben-  
17       efit plan, as defined in section 3(3) of the Employee  
18       Retirement Income Security Act of 1974 (29 U.S.C.  
19       102(3)). The term also includes health carriers,  
20       health benefit plans, and life, disability, and prop-  
21       erty and casualty insurers.

22           (5) POLICY.—The term “policy” means a con-  
23       tract of insurance, certificate, indemnity, suretyship,  
24       or annuity issued, proposed for issuance or intended



1 for issuance by an insurer, including endorsements  
2 or riders to an insurance policy or contract.

3 (6) SUBJECT OF ABUSE.—The term “subject of  
4 abuse” means—

5 (A) a person against whom an act of abuse  
6 has been directed;

7 (B) a person who has prior or current in-  
8 juries, illnesses, or disorders that resulted from  
9 abuse; or

10 (C) a person who seeks, may have sought,  
11 or had reason to seek medical or psychological  
12 treatment for abuse, protection, court-ordered  
13 protection, or shelter from abuse.

14 **SEC. 743. DISCRIMINATORY ACTS PROHIBITED.**

15 (a) IN GENERAL.—No insurer may, directly or indi-  
16 rectly, engage in any of the following acts or practices on  
17 the basis that an applicant for insurance or insured is,  
18 has been, or may be the subject of abuse:

19 (1) Denying, refusing to issue, renew or reissue,  
20 or canceling or otherwise terminating an insurance  
21 policy or health benefit plan.

22 (2) Restricting, excluding, or limiting insurance  
23 coverage for losses or denying a claim, except as oth-  
24 erwise permitted or required by State laws relating  
25 to life insurance beneficiaries.

1           (3) Adding a premium differential to any insur-  
2           ance policy or health benefit plan.

3           (b) PROHIBITION ON LIMITATION OF CLAIMS.—No  
4           insurer may, directly or indirectly, deny or limit payment  
5           of a claim arising out of abuse to an innocent insured  
6           under a property and casualty policy or insurance contract  
7           if the loss is caused by the intentional act of an insured.

8           (c) USE OF INFORMATION.—

9           (1) LIMITATION.—

10           (A) IN GENERAL.—In order to protect the  
11           safety and privacy of subjects of abuse, no per-  
12           son employed by or contracting with an insurer  
13           may—

14                   (i) use, disclose, or transfer informa-  
15                   tion relating to abuse status or acts of  
16                   abuse for any purpose unrelated to the di-  
17                   rect provision of health care services unless  
18                   such use, disclosure, or transfer is required  
19                   by an order of an entity with authority to  
20                   regulate insurance or an order of a court  
21                   of competent jurisdiction; or

22                   (ii) disclose or transfer information  
23                   relating to an address or telephone number  
24                   of an applicant for insurance or an insured  
25                   or to the address and telephone number of

1 a shelter for subjects of abuse, unless such  
2 disclosure or transfer—

3 (I) is required in order to provide  
4 insurance coverage; and

5 (II) does not have the potential  
6 to endanger the safety of a subject of  
7 abuse.

8 (B) RULE OF CONSTRUCTION.—Nothing in  
9 this paragraph may be construed to limit or  
10 preclude a subject of abuse from obtaining the  
11 subject's own insurance records from an in-  
12 surer.

13 (2) AUTHORITY OF SUBJECT OF ABUSE.—A  
14 subject of abuse, at the absolute discretion of the  
15 subject of abuse, may provide evidence of abuse to  
16 an insurer for the limited purpose of facilitating  
17 treatment of an abuse-related condition or dem-  
18 onstrating that a condition is abuse-related. Nothing  
19 in this paragraph shall be construed as authorizing  
20 an insurer or health carrier to disregard such pro-  
21 vided evidence.

22 **SEC. 744. INSURANCE PROTOCOLS FOR SUBJECTS OF**  
23 **ABUSE.**

24 Insurers shall develop and comply with written poli-  
25 cies specifying procedures to be followed by employees,

1 contractors, producers, agents, and brokers for the pur-  
2 pose of protecting the safety and privacy of a subject of  
3 abuse and otherwise implementing this subtitle when tak-  
4 ing an application, investigating a claim, or taking any  
5 other action relating to a policy or claim involving a sub-  
6 ject of abuse.

7 **SEC. 745. REASONS FOR ADVERSE ACTIONS.**

8 An insurer that takes an action that adversely affects  
9 a subject of abuse, shall advise the subject of abuse appli-  
10 cant or insured of the specific reasons for the action in  
11 writing. For purposes of this section, reference to general  
12 underwriting practices or guidelines shall not constitute  
13 a specific reason.

14 **SEC. 746. LIFE INSURANCE.**

15 Nothing in this subtitle shall be construed to prohibit  
16 a life insurer from declining to issue a life insurance policy  
17 if the applicant or prospective owner of the policy is or  
18 would be designated as a beneficiary of the policy, and  
19 if—

20 (1) the applicant or prospective owner of the  
21 policy lacks an insurable interest in the insured; or

22 (2) the applicant or prospective owner of the  
23 policy is known, on the basis of police or court  
24 records, to have committed an act of abuse against  
25 the proposed insured.

1 **SEC. 747. SUBROGATION WITHOUT CONSENT PROHIBITED.**

2 Subrogation of claims resulting from abuse is prohib-  
3 ited without the informed consent of the subject of abuse.

4 **SEC. 748. ENFORCEMENT.**

5 (a) FEDERAL TRADE COMMISSION.—

6 (1) IN GENERAL.—The Federal Trade Commis-  
7 sion shall have the power to examine and investigate  
8 any insurer to determine whether such insurer has  
9 been or is engaged in any act or practice prohibited  
10 by this subtitle.

11 (2) CEASE AND DESIST ORDERS.—If the Fed-  
12 eral Trade Commission determines an insurer has  
13 been or is engaged in any act or practice prohibited  
14 by this subtitle, the Commission may take action  
15 against such insurer by the issuance of a cease and  
16 desist order as if the insurer was in violation of sec-  
17 tion 5 of the Federal Trade Commission Act. Such  
18 cease and desist order may include any individual re-  
19 lief warranted under the circumstances, including  
20 temporary, preliminary, and permanent injunctive  
21 and compensatory relief.

22 (b) PRIVATE CAUSE OF ACTION.—

23 (1) IN GENERAL.—An applicant or insured who  
24 believes that the applicant or insured has been ad-  
25 versely affected by an act or practice of an insurer  
26 in violation of this subtitle may maintain an action

1       against the insurer in a Federal or State court of  
2       original jurisdiction.

3           (2) RELIEF.—Upon proof of such conduct by a  
4       preponderance of the evidence in an action described  
5       in paragraph (1), the court may award appropriate  
6       relief, including temporary, preliminary, and perma-  
7       nent injunctive relief and compensatory and punitive  
8       damages, as well as the costs of suit and reasonable  
9       fees for the aggrieved individual’s attorneys and ex-  
10      pert witnesses.

11          (3) STATUTORY DAMAGES.—With respect to  
12      compensatory damages in an action described in  
13      paragraph (1), the aggrieved individual may elect, at  
14      any time prior to the rendering of final judgment, to  
15      recover in lieu of actual damages, an award of statu-  
16      tory damages in the amount of \$5,000 for each vio-  
17      lation.

18 **SEC. 749. EFFECTIVE DATE.**

19       This subtitle shall apply with respect to any action  
20      taken on or after the date of enactment of this Act.

1 **Subtitle E—National Clearinghouse**  
2 **on Domestic and Sexual Vio-**  
3 **lence in the Workplace Grant**

4 **SEC. 751. NATIONAL CLEARINGHOUSE ON DOMESTIC AND**  
5 **SEXUAL VIOLENCE IN THE WORKPLACE**  
6 **GRANT.**

7 (a) **AUTHORITY.**—The Attorney General may award  
8 a grant in accordance with this section to a private, non-  
9 profit entity or tribal organization that meets the require-  
10 ments of subsection (b), in order to provide for the estab-  
11 lishment and operation of a national clearinghouse and re-  
12 source center to provide information and assistance to em-  
13 ployers, labor organizations, and advocates on behalf of  
14 victims of domestic or sexual violence, in their efforts to  
15 develop and implement appropriate responses to assist  
16 those victims.

17 (b) **GRANTEES.**—Each applicant for a grant under  
18 this section shall submit to the Attorney General an appli-  
19 cation, which shall—

20 (1) demonstrate that the applicant—

21 (A) has a nationally recognized expertise in  
22 the area of domestic violence, dating violence,  
23 sexual assault, and stalking, and a record of  
24 commitment and quality responses to reduce

1 domestic violence, dating violence, sexual as-  
2 sault, and stalking; and

3 (B) will provide matching funds from non-  
4 Federal sources in an amount equal to not less  
5 than 10 percent of the total amount of the  
6 grant awarded under this section; and

7 (2) include a plan to maximize, to the extent  
8 practicable, outreach to employers (including private  
9 companies, as well as public entities such as univer-  
10 sities, and State and local governments) in devel-  
11 oping and implementing appropriate responses to as-  
12 sist employees who are victims of domestic or sexual  
13 violence.

14 (c) USE OF GRANT AMOUNT.—A grant under this  
15 section may be used for staff salaries, travel expenses,  
16 equipment, printing, and other reasonable expenses nec-  
17 essary to assemble, maintain, and disseminate to employ-  
18 ers, labor organizations, and advocates described in sub-  
19 section (a), information on and appropriate responses to  
20 domestic violence, dating violence, sexual assault, and  
21 stalking, including—

22 (1) training to promote a better understanding  
23 of appropriate assistance to employee victims;

24 (2) conferences and other educational opportu-  
25 nities;



1           (3) development of protocols and model work-  
2           place policies;

3           (4) employer- and union-sponsored victim serv-  
4           ices and outreach counseling; and

5           (5) assessments of the workplace costs of do-  
6           mestic violence, dating violence, sexual assault, and  
7           stalking.

8           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated to carry out this section  
10          \$500,000 for each of fiscal years 2004 through 2008.

## 11                           **Subtitle F—Severability**

### 12          **SEC. 761. SEVERABILITY.**

13          If any provision of this title, any amendment made  
14          by this title, or the application of such provision or amend-  
15          ment to any person or circumstance is held to be unconsti-  
16          tutional, the remainder of the provisions of this title, the  
17          amendments made by this title, and the application of  
18          such provisions or amendments to any person or cir-  
19          cumstance shall not be affected.

1 **TITLE VIII—PROTECTION FOR**  
 2 **IMMIGRANT VICTIMS OF VIO-**  
 3 **LENCE**

4 **SEC. 801. SHORT TITLE; REFERENCES TO VAWA-2000; REGU-**  
 5 **LATIONS.**

6 (a) **SHORT TITLE.**—This title may be cited as “Im-  
 7 migrant Victims of Violence Protection Act of 2005”.

8 (b) **REFERENCES TO VAWA-2000.**—In this title, the  
 9 term “VAWA-2000” means the Violence Against Women  
 10 Act of 2000 (division B of Public Law 106-386).

11 (c) **REGULATIONS.**— Not later than 180 days after  
 12 the date of the enactment of this Act, the Attorney Gen-  
 13 eral, the Secretary of Homeland Security, and Secretary  
 14 of State shall promulgate regulations to implement the  
 15 provisions contained in the Battered Immigrant Women  
 16 Protection Act of 2000 (title V of VAWA-2000) and the  
 17 amendments made by (and the provisions of) this title.

18 **Subtitle A—Immigration**  
 19 **Protections**

20 **PART 1—VICTIMS OF CRIME**

21 **SEC. 811. CONDITIONS APPLICABLE TO U AND T VISAS.**

22 (a) **TREATMENT OF U DERIVATIVES.**—Clause (ii) of  
 23 section 101(a)(15)(U)(ii) of the Immigration and Nation-  
 24 ality Act (8 U.S.C. 1101(a)(15)(U)(ii)), as added by sec-

1 tion 1513(b) of VAWA–2000, is amended to read as fol-  
2 lows:

3 “(ii) the spouse or child of an alien de-  
4 scribed in clause (i), or the parent of such an  
5 alien if the alien is a child, or the unmarried  
6 sibling of such a child if such sibling is under  
7 18 years of age on the date on which such alien  
8 applied for status under such clause, if—

9 “(I) the Secretary of Homeland Secu-  
10 rity considers it necessary to avoid extreme  
11 hardship to such alien or such spouse,  
12 child, parent, or sibling; or

13 “(II) a government official described  
14 in clause (i)(III) certifies that an investiga-  
15 tion or prosecution described in such  
16 clause would be harmed without the assist-  
17 ance of such spouse, child, parent, or sib-  
18 ling; and”.

19 (b) TREATMENT OF SPOUSE AND CHILDREN OF VIC-  
20 TIMS OF TRAFFICKING.—Clause (ii) of section  
21 101(a)(15)(T) of the Immigration and Nationality Act (8  
22 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

23 “(ii) if accompanying, or following to join,  
24 the alien described in clause (i)—

1           “(I) in the case of an alien so de-  
2           scribed who is under 21 years of age, the  
3           spouse, children, unmarried siblings under  
4           18 years of age on the date on which such  
5           alien applied for status under such clause,  
6           and parents of such alien; or

7           “(II) in the case of an alien described  
8           in clause (i) who is 21 years of age or  
9           older, the spouse and children of such  
10          alien;”.

11          (c) DURATION OF U AND T VISAS.—

12           (1) U VISAS.—Section 214(p) of such Act (8  
13          U.S.C. 1184(p)) is amended by adding at the end  
14          the following new paragraph:

15           “(6) DURATION OF STATUS.—The authorized  
16          period of status of an alien as a nonimmigrant  
17          under section 101(a)(15)(U) shall be 4 years, but  
18          shall be extended—

19           “(A) on a year-by-year basis upon certifi-  
20          cation from a Federal, State or local law en-  
21          forcement official, prosecutor, judge, or other  
22          Federal, State or local authority investigating  
23          or prosecuting criminal activity described in  
24          section 101(a)(15)(U)(iii) that the alien’s con-  
25          tinued presence in the United States is required

1 to assist in the investigation or prosecution of  
2 such criminal activity; and

3 “(B) if the alien files an application for ad-  
4 justment of status under section 245(m), until  
5 final adjudication of such application.”.

6 (2) T VISAS.—Section 214(o) of such Act (8  
7 U.S.C. 1184(o)), as redesignated by section 8(a)(3)  
8 of the Trafficking Victims Protection Reauthoriza-  
9 tion Act of 2003 (Public Law 108–193), is amended  
10 by adding at the end the following:

11 “(7) The authorized period of status of an alien as  
12 a nonimmigrant status under section 101(a)(15)(T) shall  
13 be 4 years, but shall be extended—

14 “(A) on a year-by-year basis upon certification  
15 from a Federal, State or local law enforcement offi-  
16 cial, prosecutor, judge, or other Federal, State or  
17 local authority investigating or prosecuting criminal  
18 activity relating to human trafficking that the alien’s  
19 continued presence in the United States is required  
20 to assist in the investigation or prosecution of such  
21 criminal activity; and

22 “(B) if the alien files an application for adjust-  
23 ment of status under section 245(l), until final adju-  
24 dication of such application.”.

1 (d) PERMITTING CHANGE OF NONIMMIGRANT STA-  
2 TUS TO U AND T NONIMMIGRANT STATUS.—

3 (1) IN GENERAL.—Section 248 of such Act (8  
4 U.S.C. 1258) is amended—

5 (A) by striking “The Attorney General”  
6 and inserting “(a) The Secretary of Homeland  
7 Security”;

8 (B) by inserting “(subject to subsection  
9 (b))” after “except”; and

10 (C) by adding at the end the following new  
11 subsection:

12 “(b) The limitation based on inadmissibility under  
13 section 212(a)(9)(B) and the exceptions specified in num-  
14 bered paragraphs of subsection (a) shall not apply to a  
15 change of nonimmigrant classification to that of a non-  
16 immigrant under subparagraph (T) or (U) of section  
17 101(a)(15), other than from such classification under sub-  
18 paragraph (C) or (D) of such section.”.

19 (2) CONFORMING AMENDMENT.—Section  
20 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is  
21 amended by striking “248(2)” and inserting  
22 “248(a)(2)”.

23 (e) U VISA CRIMES.—

24 (1) IN GENERAL.—Section 101(a)(15)(U) of  
25 such Act (8 U.S.C. 1101(a)(15)(U)) is amended—

1 (A) in clause (i)(I)—

2 (i) by inserting “or injury” after  
3 “physical or mental abuse”; and

4 (ii) by inserting “or witness” after  
5 “victim”; and

6 (B) in clause (iii), by inserting “child  
7 abuse; stalking (including physical or electronic  
8 stalking);” after “unlawful criminal restraint;  
9 false imprisonment;”.

10 (2) IMPLEMENTATION.—It is the intent of Con-  
11 gress that certifications should be made under clause  
12 (i)(III) of section 101(a)(15)(U) of the Immigration  
13 and Nationality Act (8 U.S.C. 1101(a)(15)(U))  
14 where an alien provides information to a law en-  
15 forcement official on criminal activity described in  
16 clause (iii) of such section and is willing to help in  
17 the investigation of such activity, regardless of  
18 whether a prosecution is made in such case or if  
19 prosecution is made for criminal activity not de-  
20 scribed in such clause.

21 (f) CERTIFICATION PROCESS FOR VICTIMS OF TRAF-  
22 FICKING.—

23 (1) VICTIM ASSISTANCE IN INVESTIGATION OR  
24 PROSECUTION.—Section 107(b)(1)(E) of the Traf-  
25 ficking Victims Protection Act of 2000 (Division A

1 of Public Law 106–386; 22 U.S.C. 7105(b)(1)(E))  
2 is amended—

3 (A) in clause (i)(I), by striking “investiga-  
4 tion and prosecution” and inserting “investiga-  
5 tion or prosecution, by the United States or a  
6 State or local government”; and

7 (B) in clause (iii)—

8 (i) by striking “INVESTIGATION AND  
9 PROSECUTION” and “investigation and  
10 prosecution” and inserting “INVESTIGA-  
11 TION OR PROSECUTION” and “investigation  
12 or prosecution”, respectively;

13 (ii) in subclause (II), by striking  
14 “and” at the end;

15 (iii) in subclause (III), by striking the  
16 period and inserting “; or”; and

17 (iv) by adding at the end the following  
18 new subclause:

19 “(IV) responding to and cooper-  
20 ating with requests for evidence and  
21 information.”.

22 (2) CLARIFYING ROLES OF ATTORNEY GENERAL  
23 AND SECRETARY OF HOMELAND SECURITY.—



1 (A) Section 107 of the Trafficking Victims  
2 Protection Act of 2000 (Division A of Public  
3 Law 106–386; 22 U.S.C. 7105) is amended—

4 (i) in subsections (b)(1)(E)(i)(II)(bb),  
5 (b)(1)(E)(ii), (e)(5), and (g), by striking  
6 “Attorney General” and inserting “Sec-  
7 retary of Homeland Security”; and

8 (ii) in subsection (c), by inserting “,  
9 Secretary of Homeland Security,” after  
10 “Attorney General”.

11 (B) Section 101(a)(15)(T) of the Immigra-  
12 tion and Nationality Act (8 U.S.C.  
13 1101(a)(15)(T)) is amended by striking “Attor-  
14 ney General” and inserting “Secretary of  
15 Homeland Security” each place it appears.

16 (C) Section 212(d)(13) of the Immigration  
17 and Nationality Act (8 U.S.C. 1182(d)(13)) is  
18 amended—

19 (i) in subparagraph (A), by striking  
20 “Attorney General” and inserting “Sec-  
21 retary of Homeland Security”;

22 (ii) in subparagraph (B), by striking  
23 “Attorney General” the first place it ap-  
24 pears and inserting “Secretary of Home-  
25 land Security”; and

1 (iii) in subparagraph (B), by striking  
2 “Attorney General, in the Attorney Gen-  
3 eral’s discretion” and inserting “Secretary,  
4 in the Secretary’s discretion”.

5 (D) Section 101(i) of the Immigration and  
6 Nationality Act (8 U.S.C. 1101(i)) is amend-  
7 ed—

8 (i) in paragraph (1), by striking “At-  
9 torney General” and inserting “Secretary  
10 of Homeland Security, the Attorney Gen-  
11 eral,”; and

12 (ii) in paragraph (2), by striking “At-  
13 torney General” and inserting “Secretary  
14 of Homeland Security”.

15 (E) Section 245(l) of the Immigration and  
16 Nationality Act (8 U.S.C. 1255(l)) is amend-  
17 ed—

18 (i) by striking “Attorney General”  
19 and inserting “Secretary of Homeland Se-  
20 curity” the first place it appears in para-  
21 graphs (1) and (2) and in paragraph (4);

22 (ii) by striking “Attorney General”  
23 and inserting “Secretary ” the second  
24 place it appears in paragraphs (1) and (2);  
25 and

1 (iii) in paragraph (2), by striking “At-  
2 torney General’s” and inserting “Sec-  
3 retary’s”.

4 (3) PETITIONING BY STATE AND LOCAL LAW  
5 ENFORCEMENT OFFICIALS.—Section 107(c)(3) of  
6 the Trafficking Victims Protection Act of 2000 (Di-  
7 vision A of Public Law 106–386; 22 U.S.C.  
8 7105(e)(3)) is amended by adding at the end the fol-  
9 lowing: “State or local law enforcement officials may  
10 petition Federal law enforcement officials for the  
11 continued presence for trafficking victims. If such a  
12 petition contains a certification that a trafficking  
13 victim is a victim of a severe form of trafficking, the  
14 presence of the trafficking victim shall be permitted  
15 in accordance with this paragraph.”.

16 (g) EFFECTIVE DATES.—

17 (1) IN GENERAL.—The amendments made by  
18 subsections (a), (b), (c)(1), (d), and (e) shall take ef-  
19 fect on the date of the enactment of this Act.

20 (2) TRANSITION FOR DURATION OF T VISAS.—  
21 In the case of an alien who is classified as a non-  
22 immigrant under section 101(a)(15)(T) of the Immig-  
23 ration and Nationality Act (8 U.S.C.  
24 1101(a)(15)(T)) before the the date of implementa-  
25 tion of the amendment made by subsection (c)(2)

1 and whose period of authorized stay was less than  
2 4 years, the authorized period of status of the alien  
3 as such a nonimmigrant shall be extended to be 4  
4 years and shall be further extended on a year-by-  
5 year basis as provided in section 214(o)(7) of such  
6 Act, as added by such amendment.

7 (3) CERTIFICATION PROCESS.—(A) The amend-  
8 ments made by subsection (f)(1) shall be effective as  
9 if included in the enactment of VAWA–2000.

10 (B) The amendments made by subsection (f)(2)  
11 shall be effective as of the applicable date of transfer  
12 of authority from the Attorney General to the Sec-  
13 retary of Homeland Security under the Homeland  
14 Security Act of 2002 (Public Law 107–296).

15 (C) The amendment made by subsection (f)(3)  
16 shall be effective as if included in the enactment of  
17 the Trafficking Victims Protection Reauthorization  
18 Act of 2003 (Public Law 108–193).

19 **SEC. 812. CLARIFICATION OF BASIS FOR RELIEF UNDER**  
20 **HARDSHIP WAIVERS FOR CONDITIONAL PER-**  
21 **MANENT RESIDENCE.**

22 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-  
23 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-  
24 ed by adding at the end the following: “An application  
25 for relief under this paragraph may be based on one or

1 more grounds specified in subparagraphs (A) through (D)  
2 and may be amended at any time to change the ground  
3 or grounds for such relief without the application being  
4 resubmitted.”.

5 (b) CONFORMING AMENDMENT.—Section  
6 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))  
7 is amended by inserting before the period at the end the  
8 following: “or qualifies for a waiver under section  
9 216(c)(4)”.

10 (c) EFFECTIVE DATE.—The amendment made by  
11 subsection (a) shall apply to applications for relief pending  
12 or filed on or after April 10, 2003 .

13 **SEC. 813. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**  
14 **FICKING.**

15 Section 245(l)(1)(A) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1255(l)(1)(A)) is amended by striking  
17 “for a continuous period of at least 3 years”.

18 **PART 2—VAWA PETITIONERS**

19 **SEC. 821. DEFINITION OF VAWA PETITIONER.**

20 (a) IN GENERAL.—Section 101(a) of the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1101(a)) is amended  
22 by adding at the end the following new paragraph:

23 “(51) The term ‘VAWA petitioner’ means an alien  
24 whose application or petition for classification or relief  
25 under any of the following provisions (whether as a prin-

1 cipal or as a derivative) has been filed and has not been  
2 denied after exhaustion of administrative appeals:

3 “(A) Clause (iii), (iv), or (vii) of section  
4 204(a)(1)(A).

5 “(B) Clause (ii) or (iii) of section 204(a)(1)(B).

6 “(C) The first section of Public Law 89–732  
7 (commonly known as the Cuban Adjustment Act) as  
8 a child or spouse who has been battered or subjected  
9 to extreme cruelty.

10 “(D) Section 902(d)(1)(B) of the Haitian Ref-  
11 ugee Immigration Fairness Act of 1998 (division A  
12 of section 101(h) of Public Law 105–277).

13 “(E) Section 202(d)(1) of the Nicaraguan Ad-  
14 justment and Central American Relief Act (8 U.S.C.  
15 1255 note; Public Law 105–100).

16 “(F) Section 309(e)(5) of the Illegal Immigra-  
17 tion Reform and Immigrant Responsibility Act of  
18 1996 (division C of Public Law 104–208; 8 U.S.C.  
19 1101 note).”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Section 212(a)(6)(A)(ii)(I) of such Act (8  
22 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking  
23 “qualifies for immigrant status under subparagraph  
24 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section  
25 204(a)(1)” and inserting “is a VAWA petitioner”.

1           (2) Section 212(a)(9)(C)(ii) of such Act (8  
2 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking “to  
3 whom the Attorney General has granted classifica-  
4 tion under clause (iii), (iv), or (v) of section  
5 204(a)(1)(A), or classification under clause (ii), (iii),  
6 or (iv) of section 204(a)(1)(B)” and inserting “is a  
7 VAWA petitioner”.

8           (3) Subsections (h)(1)(C) and (g)(1)(C) of sec-  
9 tion 212 (8 U.S.C. 1182) is amended by striking  
10 “qualifies for classification under clause (iii) or (iv)  
11 of section 204(a)(1)(A) or classification under clause  
12 (ii) or (iii) of section 204(a)(1)(B)” and inserting  
13 “is a VAWA petitioner”.

14           (4) Section 212(i)(1) of such Act (8 U.S.C.  
15 1182(i)(1)) is amended by striking “an alien granted  
16 classification under clause (iii) or (iv) of section  
17 201(a)(1)(A) or clause (ii) or (iii) of section  
18 204(a)(1)(B)” and inserting “a VAWA petitioner”.

19           (5) Section 237(a)(1)(H)(ii) of such Act (8  
20 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking “is  
21 an alien who qualifies for classification under clause  
22 (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or  
23 (iii) of section 204(a)(1)(B)” and inserting “is a  
24 VAWA petitioner”.

1           (6) Section 240A(b)(4)(B) of such Act (8  
2 U.S.C. 1229b(b)(4)(B)) is amended by striking  
3 “they were applications filed under section 204(a)(1)  
4 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of such Act” and  
5 inserting “the applicants were VAWA petitioners”.

6           (7) Section 245(a) of such Act (8 U.S.C.  
7 1255(a)) is amended by striking “under subpara-  
8 graph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section  
9 204(a)(1) or” and inserting “as a VAWA peti-  
10 tioner”.

11           (8) Section 245(c) of such Act (8 U.S.C.  
12 1255(c)) is amended by striking “under subpara-  
13 graph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii),  
14 (B)(iii), or (B)(iv) of section 204(a)(1)” and insert-  
15 ing “as a VAWA petitioner”.

16 **SEC. 822. SELF-PETITIONING FOR CHILDREN.**

17           (a) SELF-PETITIONING BY CHILDREN OF PARENT-  
18 ABUSERS UPON DEATH OR OTHER TERMINATION OF  
19 PARENT-CHILD RELATIONSHIP.—

20           (1)           CITIZEN           PARENTS.—Section  
21           204(a)(1)(A)(iv) of the Immigration and Nationality  
22           Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

23                       (A) by striking “or who” and inserting  
24                       “who”; and



1 (B) by inserting after “domestic violence,”  
2 the following: “or who was a child of a United  
3 States citizen parent who within the past 2  
4 years (or, if later, two years after the date the  
5 child attains 18 years of age) died or otherwise  
6 terminated the parent-child relationship,”.

7 (2) LAWFUL PERMANENT RESIDENT PAR-  
8 ENTS.—

9 (A) IN GENERAL.—Section  
10 204(a)(1)(B)(iii) of such Act (8 U.S.C.  
11 1154(a)(1)(B)(iii)) is amended—

12 (i) by striking “or who” and inserting  
13 “who”; and

14 (ii) by inserting after “domestic vio-  
15 lence,” the following: “or who was a child  
16 of a lawful permanent resident resident  
17 who within the past 2 years (or, if later,  
18 two years after the date the child attains  
19 18 years of age) died or otherwise termi-  
20 nated the parent-child relationship,”.

21 (B) CONFORMING TREATMENT OF DE-  
22 CEASED SPOUSES.—Section  
23 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8  
24 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is  
25 amended—

1 (i) by redesignating subitems (aaa)  
2 and (bbb) as subitems (bbb) and (ccc), re-  
3 spectively; and

4 (ii) by inserting before subitem (bbb),  
5 as so redesignated, the following:

6 “(aaa) whose spouse died within the past  
7 2 years;”.

8 (3) EFFECTIVE DATES.—

9 (A) IN GENERAL.—Subject to subpara-  
10 graph (B), the amendment made by paragraphs  
11 (1) and (2) shall take effect on the date of the  
12 enactment of this Act.

13 (B) TRANSITION IN CASE OF CITIZEN PAR-  
14 ENTS WHO DIED BEFORE ENACTMENT.—In ap-  
15 plying the amendments made by paragraphs (1)  
16 and (2)(A) in the case of an alien whose citizen  
17 parent or lawful permanent resident parent died  
18 or whose parent-child relationship with such  
19 parent terminated during the period beginning  
20 on October 28, 1998, and ending on the date  
21 of the enactment of this Act, the following rules  
22 apply:

23 (i) The reference to “within the past  
24 2 years” in section 204(a)(1)(A)(iv) or  
25 204(a)(1)(B)(iii), respectively, of the Im-

1 migration and Nationality Act in the mat-  
2 ter inserted by such paragraph is deemed  
3 to be a reference to such period.

4 (ii) The petition must be filed under  
5 such section within 2 years after the date  
6 of the enactment of this Act (or, if later,  
7 2 years after the alien's 18th birthday).

8 (iii) The determination of eligibility  
9 for benefits as a child under such section  
10 (including under section 204(a)(1)(D) of  
11 the Immigration and Nationality Act by  
12 reason of a petition authorized under such  
13 section) shall be determined as of the date  
14 of the death of the citizen parent or lawful  
15 permanent resident parent or the termi-  
16 nation of the parent-child relationship.

17 (b) PROTECTING VICTIMS OF CHILD ABUSE FROM  
18 AGING OUT.—

19 (1) CLARIFICATION REGARDING CONTINUATION  
20 OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF  
21 CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immi-  
22 gration and Nationality Act (8 U.S.C.  
23 1154(a)(1)(D)(i)(I)) is amended—

1 (A) by striking “clause (iv) of section  
2 204(a)(1)(A)” and inserting “subparagraph  
3 (A)(iv)”; and

4 (B) by striking “a petitioner for preference  
5 status under paragraph (1), (2), or (3) of sec-  
6 tion 203(a), whichever paragraph is applicable”  
7 and inserting “to continue to be treated as an  
8 immediate relative under section  
9 201(b)(2)(A)(i), or a petitioner for preference  
10 status under section 203(a)(3) if subsequently  
11 married,”.

12 (2) CLARIFICATION REGARDING APPLICATION  
13 TO CHILDREN OF LAWFUL PERMANENT RESI-  
14 DENTS.—Section 204(a)(1)(D) of such Act (8  
15 U.S.C. 1154(a)(1)(D)) is amended—

16 (A) in clause (i)(I)—

17 (i) by inserting after the first sentence  
18 the following new sentence: “Any child who  
19 attains 21 years of age who has filed a pe-  
20 tition under subparagraph (B)(iii) that was  
21 filed or approved before the date on which  
22 the child attained 21 year of age shall be  
23 considered (if the child has not been ad-  
24 mitted or approved for lawful permanent  
25 residence by the date the child attained 21

1 years of age) a petitioner for preference  
2 status under section 203(a)(2)(A), with the  
3 same priority date assigned to the self-peti-  
4 tion filed under such subparagraph.”; and

5 (ii) in the last sentence, by inserting  
6 “in either such case” after “shall be re-  
7 quired to be filed”;

8 (B) in clause (i)(III), by striking “para-  
9 graph (1), (2), or (3) of section 203(a)” and in-  
10 serting “section 203(a)(2)(A)”;

11 (C) in clause (ii), by striking “(A)(iii),  
12 (A)(iv),”.

13 (3) EFFECTIVE DATE.—The amendments made  
14 by this subsection shall apply to applications filed  
15 before, on, or after the date of the enactment of  
16 VAWA–2000.

17 (c) CLARIFICATION OF NO SEPARATE ADJUSTMENT  
18 APPLICATION FOR DERIVATIVE CHILDREN.—

19 (1) IN GENERAL.—Section 245(a) of the Immi-  
20 gration and Nationality Act (8 U.S.C. 1255(a)) is  
21 amended by adding at the end the following: “In the  
22 case of a petition under clause (ii), (iii), or (iv) of  
23 section 204(a)(1)(A) that includes an individual as  
24 a derivative child of a principal alien, no adjustment  
25 application other than the adjustment application of

1 the principal alien shall be required for adjustment  
2 of status of the individual under this subsection or  
3 subsection (c).”.

4 (2) EFFECTIVE DATE.—The amendment made  
5 by paragraph (1) shall take effect on the date of the  
6 enactment of this Act and shall apply to applications  
7 filed before, on, or after such date.

8 (d) LATE PETITION PERMITTED FOR ADULTS  
9 ABUSED AS CHILDREN.—

10 (1) IN GENERAL.—Section 204(a)(1)(D) of the  
11 Immigration and Nationality Act (8 U.S.C.  
12 1154(a)(1)(D)), as amended by subsection (b)(1), is  
13 amended by adding at the end the following new  
14 clause:

15 “(v) In the case of an alien who qualified to petition  
16 under subparagraph (A)(iv) or (B)(iii) as of the date the  
17 individual attained 21 years of age, the alien may file a  
18 petition under such respective subparagraph notwith-  
19 standing that the alien has attained such age or been mar-  
20 ried so long as the petition is filed before the date the  
21 individual attains 30 years of age. In the case of such a  
22 petition, the alien shall remain eligible for adjustment of  
23 status as a child notwithstanding that the alien has at-  
24 tained 21 years of age or has married, or both.”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) shall take effect on the date of the  
3           enactment of this Act and shall apply to individuals  
4           who attain 21 years of age on or after the date of  
5           the enactment of VAWA–2000.

6 **SEC. 823. SELF-PETITIONING PARENTS.**

7           (a) IN GENERAL.—Section 204(a)(1)(A) of the Im-  
8           migration and Nationality Act (8 U.S.C. 1154(a)(1)(A))  
9           is amended by adding at the end the following new clause:

10          “(vii) An alien who—

11               “(I) is the parent of a citizen of the United  
12               States or was a parent of a citizen of the United  
13               States who within the past 2 years lost or renounced  
14               citizenship status related to battering or extreme  
15               cruelty by the United States citizen son or daughter  
16               or who within the past two years died;

17               “(II) is a person of good moral character;

18               “(III) is eligible to be classified as an imme-  
19               diate relative under section 201(b)(2)(A)(i); and

20               “(IV) resides, or has resided in the past, with  
21               the citizen daughter or son;

22           may file a petition with the Secretary of Homeland Secu-  
23           rity under this subparagraph for classification of the alien  
24           under such section if the alien demonstrates that the alien  
25           has been battered by or has been the subject of extreme

1 cruelty perpetrated by the alien’s citizen son or daugh-  
2 ter.”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall take effect on the date of the enact-  
5 ment of this Act.

6 **SEC. 824. PROMOTING CONSISTENCY IN VAWA ADJUDICA-**  
7 **TIONS.**

8 (a) IN GENERAL.—Section 204(a)(1) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is  
10 amended—

11 (1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb),  
12 by striking “an incident of domestic violence” and  
13 inserting “battering or extreme cruelty by the  
14 United States citizen spouse”;

15 (2) in subparagraph (A)(iv), by striking “an in-  
16 cident of domestic violence” and inserting “battering  
17 or extreme cruelty by such parent”;

18 (3) in subparagraph (B)(ii)(II)(aa)(CC)(aaa),  
19 by striking “due to an incident of domestic violence”  
20 and inserting “related to battering or extreme cru-  
21 elty by the lawful permanent resident spouse”; and

22 (4) in subparagraph (B)(iii), by striking “due  
23 to an incident of domestic violence” and inserting  
24 “related to battering or extreme cruelty by such par-  
25 ent”.



1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect as if included in the enact-  
3 ment of VAWA–2000.

4 **SEC. 825. RELIEF FOR CERTAIN VICTIMS PENDING AC-**  
5 **TIONS ON PETITIONS AND APPLICATIONS**  
6 **FOR RELIEF.**

7 (a) VAWA PETITIONERS AND APPLICANTS FOR U  
8 AND T NONIMMIGRANT CLASSIFICATION.—

9 (1) IN GENERAL.— Section 204(a)(1) of the  
10 Immigration and Nationality Act (8 U.S.C.  
11 1154(a)(1)) is amended by adding at the end the  
12 following new subparagraph:

13 “(K)(i) In the case of an alien in the United States  
14 for whom a petition as a VAWA petitioner has been  
15 filed—

16 “(I) if the petition sets forth a prima facie case  
17 for approval, the alien shall not be removed, de-  
18 tained, or deported, and such a petition shall be  
19 processed without regard to whether a proceeding to  
20 remove or deport such alien is brought or pending;  
21 and

22 “(II) if the petition is approved, the alien is eli-  
23 gible for work authorization and shall be provided an  
24 ‘employment authorized’ endorsement or other ap-  
25 propriate work permit incidental to such approval.

1       “(ii) In the case of an alien in the United States for  
2 whom an application for nonimmigrant status (whether as  
3 a principal or derivative child) under subparagraph (T)  
4 of section 101(a)(15) has been filed—

5           “(I) if there is a bona fide determination that  
6 the application is approvable or the application is  
7 approved, the alien shall not be removed, detained,  
8 or deported; and

9           “(II) if the application is approved, the alien is  
10 eligible for work authorization and shall be provided  
11 an ‘employment authorized’ endorsement or other  
12 appropriate work permit incidental to such approval.

13       “(iii) In the case of an alien in the United States  
14 for whom an application for nonimmigrant status (wheth-  
15 er as a principal or derivative child) under subparagraph  
16 (U) of section 101(a)(15) has been filed, if interim relief  
17 is granted on the application or the application is ap-  
18 proved—

19           “(I) the alien shall not be removed, detained, or  
20 deported; and

21           “(II) the alien is eligible for work authorization  
22 and shall be provided an ‘employment authorized’  
23 endorsement or other appropriate work permit inci-  
24 dental to such relief or approval.”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) shall take effect on the date of the  
3           enactment of this Act and shall apply to petitions  
4           and applications filed before, on, or after such date.

5           (b) APPLICANTS FOR CANCELLATION OF REMOVAL  
6 OR SUSPENSION OF DEPORTATION.—

7           (1) IN GENERAL.—Section 240A(b)(2) of the  
8           Immigration and Nationality Act (8 U.S.C.  
9           1229b(b)(2)) is amended by adding at the end the  
10          following new subparagraph: :

11                   “(E) RELIEF WHILE APPLICATION PEND-  
12                   ING.—In the case of an alien who has applied  
13                   for relief under this paragraph and whose appli-  
14                   cation sets forth a prima facie case for such re-  
15                   lief or who has filed an application for relief  
16                   under section 244(a)(3) (as in effect on March  
17                   31, 1997) that sets forth a prima facie case for  
18                   such relief—

19                           “(i) the alien shall not be removed,  
20                           detained, or deported unless the applica-  
21                           tion is denied and all opportunities for ap-  
22                           peal of the denial have been exhausted;  
23                           and

24                                   “(ii) such an application shall be proc-  
25                                   essed without regard to whether a pro-

1           ceeding to remove or deport such alien is  
2           brought or pending.”.

3           (2) **EFFECTIVE DATE.**—The amendment made  
4           by paragraph (1) shall take effect on the date of the  
5           enactment of this Act and shall apply to applications  
6           filed before, on, or after such date.

7 **SEC. 826. ACCESS TO VAWA PROTECTION REGARDLESS OF**  
8           **MANNER OF ENTRY.**

9           (a) **FIANCEES.**—

10           (1) **IN GENERAL.**—Section 214(d) of the Immi-  
11           gration and Nationality Act (8 U.S.C. 1184(d)) is  
12           amended by inserting before the period at the end  
13           the following: “, unless the alien is not eligible under  
14           section 204(c) to have a petition approved and is eli-  
15           gible for status as a VAWA petitioner, for status as  
16           a nonimmigrant under subparagraph (T) or (U) of  
17           section 101(a)(15)(T), or for relief under section  
18           240A(b)(2) or under section 244(a)(3) (as in effect  
19           on March 31, 1997)”.

20           (2) **EFFECTIVE DATE.**—The amendment made  
21           by paragraph (1) shall take effect on the date of the  
22           enactment of this Act and shall apply to aliens ad-  
23           mitted before, on, or after such date.

24           (b) **SPOUSES WHO ARE CONDITIONAL PERMANENT**  
25 **RESIDENTS.**—

1           (1) IN GENERAL.—Section 245(d) of the Immi-  
2           gration and Nationality Act (8 U.S.C. 1255(d)) is  
3           amended—

4                     (A) by inserting “(1)” after “(d)”; and

5                     (B) by adding at the end the following new  
6           paragraph:

7           “(2) Paragraph (1) shall not apply to an alien who  
8           seeks adjustment of status on the basis of an approved  
9           petition for classification as a VAWA petitioner.”.

10           (2) CONFORMING CLARIFICATION IN CANCELLA-  
11           TION OF REMOVAL.—Section 240A(b)(2)(A) of such  
12           Act (8 U.S.C. 1229b(b)(2)(A)) is amended, in the  
13           matter before clause (i), by inserting “, regardless of  
14           whether the alien has been admitted for permanent  
15           residence on a conditional basis under section 216,”  
16           before “if the alien demonstrates”.

17           (3) SUSPENSION OF DEPORTATION.—An alien  
18           may qualify for relief under section 244(a)(3) of the  
19           Immigration and Nationality Act (as in effect on  
20           March 31, 1997), regardless of whether the alien  
21           has been admitted for permanent residence on a con-  
22           ditional basis under section 216 of such Act.

23           (4) EFFECTIVE DATE.—The amendments made  
24           by this subsection, and the provisions of paragraph  
25           (3), shall take effect on the date of the enactment

1 of this Act and shall apply to applications for adjust-  
2 ment of status, for cancellation of removal, or for  
3 suspension of deportation filed before, on, or after  
4 such date.

5 (c) SPOUSES AND CHILDREN OF ASYLUM APPLI-  
6 CANTS UNDER ADJUSTMENT PROVISIONS.—

7 (1) IN GENERAL.—Section 209(b)(3) of the Im-  
8 migration and Nationality Act (8 U.S.C. 1159(b)(3))  
9 is amended—

10 (A) by inserting “(A)” after “(3)”; and

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

12 “(B) was the spouse of a refugee within the  
13 meaning of section 101(a)(42)(A) at the time the  
14 asylum application was granted and who was bat-  
15 tered or was the subject of extreme cruelty per-  
16 petrated by such refugee or whose child was battered  
17 or subjected to extreme cruelty by such refugee  
18 (without the active participation of such spouse in  
19 the battery or cruelty), or

20 “(C) was the child of a refugee within the  
21 meaning of section 101(a)(42)(A) at the time of the  
22 filing of the asylum application and who was bat-  
23 tered or was the subject of extreme cruelty per-  
24 petrated by such refugee,”.

1           (2) EFFECTIVE DATE.—The amendments made  
2 by paragraph (1) shall take effect on the date of the  
3 enactment of this Act and—

4           (A) section 209(b)(3)(B) of the Immigra-  
5 tion and Nationality Act, as added by para-  
6 graph (1)(B), shall apply to asylum applications  
7 granted before, on, or after such date; and

8           (B) section 209(b)(3)(C) of such Act, as so  
9 added, shall apply with respect to asylum appli-  
10 cations filed before, on, or after such date.

11 (d) VISA WAIVER ENTRANTS.—

12           (1) IN GENERAL.—Section 217(b)(2) of such  
13 Act (8 U.S.C. 1187(b)(2)) is amended by inserting  
14 after “asylum,” the following: “as a VAWA peti-  
15 tioner, or for relief under subparagraph (T) or (U)  
16 of section 101(a)(15), under section 240A(b)(2), or  
17 under section 244(a)(3) (as in effect on March 31,  
18 1997),”.

19           (2) EFFECTIVE DATE.—The amendment made  
20 by paragraph (1) shall take effect on the date of the  
21 enactment of this Act and shall apply to waivers  
22 provided under section 217(b)(2) of the Immigration  
23 and Nationality Act before, on, or after such date as  
24 if it had been included in such waivers.

1 (e) EXCEPTION FROM FOREIGN RESIDENCE RE-  
2 QUIREMENT FOR EDUCATIONAL VISITORS.—

3 (1) IN GENERAL.—Section 212(e) of such Act  
4 (8 U.S.C. 1182(e)) is amended, in the matter before  
5 the first proviso, by inserting “unless the alien is a  
6 VAWA petitioner or a nonimmigrant under subpara-  
7 graph (T) or (U) of section 101(a)(15)” after “fol-  
8 lowing departure from the United States”.

9 (2) EFFECTIVE DATE.—The amendment made  
10 by paragraph (1) shall take effect on the date of the  
11 enactment of this Act and shall apply to .

12 **SEC. 827. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**  
13 **CATIONS FOR ADJUSTMENTS OF STATUS.**

14 (a) APPLICATION OF MOTIONS TO REOPEN FOR ALL  
15 VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the  
16 Immigration and Nationality Act (8 U.S.C.  
17 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)  
18 of the REAL ID Act of 2005 (Division B of Public Law  
19 109–13), is amended—

20 (1) in subclause (I), by striking “under clause  
21 (iii) or (iv) of section 204(a)(1)(A), clause (ii) or  
22 (iii) of section 204(a)(1)(B)” and inserting “as a  
23 VAWA petitioner”; and

24 (2) in subclause (II), by inserting “or adjust-  
25 ment of status” after “cancellation of removal”.



1 (b) APPLICATION OF VAWA DEPORTATION PROTEC-  
2 TIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETI-  
3 TIONERS.—Section 1506(c)(2) of the Violence Against  
4 Women Act of 2000 (8 U.S.C. 1229a note) is amended—

5 (1) in subparagraph (A)—

6 (A) by amending clause (i) to read as fol-  
7 lows:

8 “(i) if the basis of the motion is to  
9 apply for relief as a VAWA petitioner (as  
10 defined in section 101(a)(51) of the Immi-  
11 gration and Nationality Act (8 U.S.C.  
12 1101(a)(51)) or under section 244(a)(3) of  
13 such Act (8 U.S.C. 1254(a)(3)); and”;

14 (B) in clause (ii), by inserting “or adjust-  
15 ment of status” after “suspension of deporta-  
16 tion”; and

17 (2) in subparagraph (B)(ii), by striking “for re-  
18 lief” and all that follows through “1101 note))” and  
19 inserting “for relief described in subparagraph  
20 (A)(i)”.

21 (c) APPLICATION OF VAWA-RELATED RELIEF  
22 UNDER SECTION 202 OF NACARA.—

23 (1) IN GENERAL.—Section 202(d)(1) of the  
24 Nicaraguan Adjustment and Central American Re-

1        lief Act (8 U.S.C. 1255 note; Public Law 105–100)  
2        is amended—

3                (A) in subparagraph (B)(ii), by inserting  
4                “, or was eligible for adjustment,” after “whose  
5                status is adjusted”; and

6                (B) in subparagraph (E), by inserting  
7                after “April 1, 2000” the following: “, or, in  
8                the case of an alien who qualifies under sub-  
9                paragraph (B)(ii), applies for such adjustment  
10              during the 18-month period beginning on the  
11              date of enactment of the Violence Against  
12              Women Act of 2005” .

13              (2)        TECHNICAL        AMENDMENT.—Section  
14              202(d)(3) of such Act (8 U.S.C. 1255 note; Public  
15              Law 105–100) is amended by striking  
16              “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

17              (3) EFFECTIVE DATE.—The amendment made  
18              by paragraph (2) shall take effect as if included in  
19              the enactment of VAWA–2000.

20              (d) PETITIONING RIGHTS OF CERTAIN FORMER  
21              SPOUSES UNDER CUBAN ADJUSTMENT.—

22              (1) IN GENERAL.—The first section of Public  
23              Law 89–732 (8 U.S.C. 1255 note) is amended—

1 (A) in the last sentence, by striking  
2 “204(a)(1)(H)” and inserting “204(a)(1)(J)”;  
3 and

4 (B) by adding at the end the following:  
5 “An alien who was the spouse of any Cuban  
6 alien described in this section and has resided  
7 with such spouse shall continue to be treated as  
8 such a spouse for 2 years after the date on  
9 which the Cuban alien dies (or, if later, 2 years  
10 after the date of enactment of Violence Against  
11 Women Act of 2005), or for 2 years after the  
12 date of termination of the marriage (or, if later,  
13 2 years after the date of enactment of Violence  
14 Against Women Act of 2005) if the alien dem-  
15 onstrates a connection between the termination  
16 of the marriage and the battering or extreme  
17 cruelty by the Cuban alien.”.

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1)(A) shall take effect as if included  
20 in the enactment of VAWA–2000.

21 (e) SELF-PETITIONING RIGHTS OF HRIFA APPLI-  
22 CANTS.—

23 (1) IN GENERAL.—Section 902(d)(1)(B) of the  
24 Haitian Refugee Immigration Fairness Act of 1998  
25 (division A of section 101(h) of Public Law 105–

1 277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as  
2 amended by section 1511(a) of VAWA–2000, is  
3 amended—

4 (A) in clause (i), by striking “whose status  
5 is adjusted to that of an alien lawfully admitted  
6 for permanent residence” and inserting “who is  
7 or was eligible for classification”;

8 (B) in clause (ii), by striking “whose sta-  
9 tus is adjusted to that of an alien lawfully ad-  
10 mitted for permanent residence” and inserting  
11 “who is or was eligible for classification”; and

12 (C) in clause (iii), by striking  
13 “204(a)(1)(H)” and inserting “204(a)(1)(J)” .

14 (2) EFFECTIVE DATE.—The amendments made  
15 by paragraph (1)(C) shall take effect as if included  
16 in the enactment of VAWA–2000.

17 (f) SELF-PETITIONING RIGHTS UNDER SECTION 203  
18 OF NACARA.—Section 309 of the Illegal Immigration  
19 and Reform and Immigrant Responsibility Act of 1996  
20 (division C of Public Law 104–208; 8 U.S.C. 1101 note),  
21 as amended by section 203(a) of the Nicaraguan Adjust-  
22 ment and Central American Relief Act (8 U.S.C. 1255  
23 note; Public Law 105–100), is amended—

24 (1) in subsection (c)(5)(C)(i)(VII)(aa), as  
25 amended by section 1510(b) of VAWA–2000—

1 (A) by striking “or” at the end of subitem  
2 (BB);

3 (B) by striking “and” at the end of  
4 subitem (CC) and inserting “or”; and

5 (C) by adding at the end the following new  
6 subitem:

7 “(DD) at the time at which  
8 the spouse or child files an appli-  
9 cation for suspension of deporta-  
10 tion or cancellation of removal;  
11 and”; and

12 (2) in subsection (g)—

13 (A) by inserting “(1)” before “Notwith-  
14 standing”;

15 (B) by inserting “subject to paragraph  
16 (2),” after “section 101(a) of the Immigration  
17 and Nationality Act),”; and

18 (C) by adding at the end the following new  
19 paragraph:

20 “(2) There shall be no limitation on a motion to re-  
21 open removal or deportation proceedings in the case of an  
22 alien who is described in subclause (VI) or (VII) of sub-  
23 section (c)(5)(C)(i). Motions to reopen removal or deporta-  
24 tion proceedings in the case of such an alien shall be han-  
25 dled under the procedures that apply to aliens seeking re-

1 lief under section 204(a)(1)(A)(iii) of the Immigration and  
2 Nationality Act.”.

3 (g) EFFECTIVE DATE.—Except as otherwise provided  
4 in this section, the amendments made by this section shall  
5 take effect on the date of the enactment of this Act.

6 **SEC. 828. PAROLE FOR VAWA PETITIONERS AND DERIVA-**  
7 **TIVES.**

8 (a) IN GENERAL.—Section 240A(b)(4) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1229b(b)(4)) is  
10 amended—

11 (1) in the heading, by inserting “BATTERED  
12 ALIENS AND” before “CHILDREN OF BATTERED  
13 ALIENS”;

14 (2) in subparagraph (A)—

15 (A) by striking “or” at the end of clause  
16 (i);

17 (B) by striking the period at the end of  
18 clause (ii) and inserting “; or”; and

19 (C) by adding at the end the following new  
20 clause:

21 “(iii) a VAWA petitioner.”; and

22 (3) in subparagraph (B)—

23 (A) in the first sentence, by inserting “on  
24 a year-by-year basis” after “shall extend”; and

1 (B) in the first sentence, by inserting “or,  
2 in the case of subparagraph (A)(iii), from the  
3 date of approval of the applicable petition”  
4 after “1996”).

5 (b) CONFORMING AMENDMENT.—Section 212(d)(5)  
6 of such Act (8 U.S.C. 1182(d)(5)) is amended by adding  
7 at the end the following new subparagraph:

8 “(C) For provision providing for parole for certain  
9 battered aliens, children or battered aliens, and parents  
10 of battered alien children, see section 240A(b)(4).”

11 (c) EFFECTIVE DATE.—The amendments made by  
12 this section shall take effect on the date of the enactment  
13 of this Act.

14 **SEC. 829. EXEMPTION OF VICTIMS OF DOMESTIC VIO-**  
15 **LENCE, SEXUAL ASSAULT AND TRAFFICKING**  
16 **FROM SANCTIONS FOR FAILURE TO DEPART**  
17 **VOLUNTARILY.**

18 (a) IN GENERAL.—Section 240B(d) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1229c(d)) is amend-  
20 ed—

21 (1) by striking “If” and inserting “(1) Subject  
22 to paragraph (2), if”; and

23 (2) by adding at the end the following new  
24 paragraph::

1       “(2) The ineligibility for relief under paragraph (1)  
2 shall not apply to an alien who is a VAWA petitioner, who  
3 is seeking status as a nonimmigrant under subparagraph  
4 (T) or (U) of section 101(a)(15), or who is an applicant  
5 for relief under section 240A(b)(2) or under section  
6 244(a)(3) (as in effect on March 31, 1997).”.

7       (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall apply as if included in the enactment  
9 of the Immigration Reform and Immigrant Responsibility  
10 Act of 1996 (division C of Public Law 104–208) and shall  
11 apply to failures to depart voluntarily occurring before, on,  
12 or after the date of the enactment of this Act.

13 **SEC. 830. CLARIFICATION OF ACCESS TO NATURALIZATION**  
14 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

15       (a) IN GENERAL.—Section 319(a) of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 1430(a)) is amended  
17 by inserting after “extreme cruelty by a United States cit-  
18 izen spouse or parent” the following: “, regardless of  
19 whether the lawful permanent resident status was ob-  
20 tained on the basis of such battery or cruelty”.

21       (b) EFFECTIVE DATE.—The amendment made by  
22 subsection (a) shall take effect on the date of the enact-  
23 ment of this Act and shall apply to applications for natu-  
24 ralization filed before, on, or after the date of the enact-  
25 ment of this Act.



1 **SEC. 831. CONSOLIDATING ADJUDICATION OF VAWA CASES**  
2 **IN VAWA UNIT.**

3 (a) IN GENERAL.—Subtitle F of title IV of the  
4 Homeland Security Act of 2002 (Public Law 107–296)  
5 is amended by adding at the end the following new section:

6 **“SEC. 479. CONSOLIDATED ADJUDICATION OF VAWA CASES**  
7 **IN VAWA UNIT.**

8 “(a) SOLE JURISDICTION.—The Secretary of Home-  
9 land Security shall designate the VAWA unit as the ad-  
10 ministrative unit within the Department of Homeland Se-  
11 curity with sole jurisdiction over the adjudication of the  
12 following:

13 “(1) Applications and petitions of VAWA peti-  
14 tioners described in section 101(a)(51) of the Immi-  
15 gration and Nationality Act (8 U.S.C. 1101(a)(51)).

16 “(2) Applications for nonimmigrant status  
17 under subparagraph (T) or (U) of section  
18 101(a)(15) of the Immigration and Nationality Act  
19 (8 U.S.C. 1101(a)(15)).

20 “(3) Applications seeking relief under para-  
21 graph (2) or (4) of section 240A(b) of the Immigra-  
22 tion and Nationality Act (8 U.S.C. 122b(b)).

23 “(4) Applications for adjustment of status by  
24 VAWA petitioners who are described in subpara-  
25 graph (A) or (B) of section 101(a)(51) of such Act.

1           “(5) Applications for employment authorization  
2           under section 214(c)(11).

3           “(b) ADDITIONAL JURISDICTION.—The VAWA unit  
4           may have jurisdiction over such other matters as the Sec-  
5           retary may specify.

6           “(c) VAWA UNIT DEFINED.—For purposes of this  
7           section, the term ‘VAWA unit’ means the administrative  
8           unit within the Department of Homeland Security that  
9           has responsibility as of May 1, 2005, for petitions under  
10          subparagraphs (A)(iii), (A)(iv), (B)(ii), and (B)(iii) of sec-  
11          tion 204(a)(1) of the Immigration and Nationality Act  
12          and for applications for nonimmigrant status under sub-  
13          paragraphs (T) and (U) of section 101(a)(15) of such  
14          Act.”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
16          in section 1(b) of such Act is amended by inserting after  
17          the item relating to section 478 the following new item:

          “Sec. 479. Consolidated adjudication of VAWA cases in VAWA unit.”.

18          (c) EFFECTIVE DATE.—The amendment made by  
19          paragraph (1) shall apply to applications and petitions  
20          filed on or after the date that is 180 days after the date  
21          of the enactment of this Act and, to the extent feasible,  
22          to applications and petitions filed before such date.

1 **SEC. 832. PROHIBITION OF ADVERSE DETERMINATIONS OF**  
2 **ADMISSIBILITY OR DEPORTABILITY BASED**  
3 **ON PROTECTED INFORMATION.**

4 (a) APPLICATION TO ADDITIONAL DEPARTMENTS  
5 AND OTHER BATTERED ALIENS.—Section 384 of the Ille-  
6 gal Immigration Reform and Immigrant Responsibility  
7 Act of 1996 (division C of Public Law 104–208; 8 U.S.C.  
8 1367) is amended—

9 (1) in subsection (a), as amended by section  
10 1513(d) of VAWA–2000—

11 (A) in the matter before paragraph (1), by  
12 striking “(including any bureau or agency of  
13 such Department)” and inserting “, or the Sec-  
14 retary of Homeland Security, the Secretary of  
15 State, the Secretary of Health and Human  
16 Services, or the Secretary of Labor or any other  
17 official or employee of the Department of  
18 Homeland Security, the Department of State,  
19 the Department of Health and Human Services,  
20 or the Department of Labor (including any bu-  
21 reau or agency of any such Department)”;

22 (B) in paragraph (1)—

23 (i) in the matter before subparagraph  
24 (A), by striking “furnished solely by” and  
25 inserting “furnished by or derived from in-  
26 formation provided solely by”;

1 (ii) by striking “or” at the end of sub-  
2 paragraph (D);

3 (iii) by adding “or” at the end of sub-  
4 paragraph (E); and

5 (iv) by inserting after subparagraph  
6 (E) the following new subparagraph:

7 “(F) in the case of an alien applying for  
8 continued presence as a victim of trafficking  
9 under section 107(b)(1)(E)(i)(II)(bb) of the  
10 Trafficking Protection Act of 2000 or status  
11 under section 101(a)(15)(T) of the Immigration  
12 and Nationality Act, the trafficker or perpe-  
13 trator,”; and

14 (v) by striking “or” at the end;

15 (C) in paragraph (2)—

16 (i) by striking “of the Department,”  
17 and inserting “of any such Department,”;

18 (ii) by striking “under clause (iii) or  
19 (iv) of section 204(a)(1)(A), clause (ii) or  
20 (iii) of section 204(a)(1)(B)” and inserting  
21 “as a VAWA petitioner (as defined in sec-  
22 tion 101(a)(51) of the Immigration and  
23 Nationality Act), or under”;

24 (iii) by striking “or section  
25 240A(a)(3) of such Act as an alien (or the

1 part of a child) who has been battered or  
2 subjected to extreme cruelty.” and insert-  
3 ing the following: “, section 101(a)(15)(T),  
4 or section 240A(b)(2) of such Act, or sec-  
5 tion 244(a)(3) of such Act (as in effect on  
6 March 31, 1997), or for continued pres-  
7 ence as a victim of trafficking under sec-  
8 tion 107(b)(1)(E)(i)(II)(bb) of the Traf-  
9 ficking Protection Act of 2000, or any de-  
10 rivative of the alien;” and

11 (iv) by striking the period at the end  
12 and inserting a semicolon; and

13 (D) by inserting after paragraph (2) the  
14 following:

15 “(3) undertake any part of an enforcement ac-  
16 tion—

17 “(A) at a domestic violence shelter, a vic-  
18 tims services organization or program (as de-  
19 scribed in section 2003(8) of the Omnibus  
20 Crime Control and Safe Streets Act of 1968),  
21 a rape crisis center, a family justice center, or  
22 a supervised visitation center; or

23 “(B) against an alien at a courthouse (or  
24 in connection with the appearance of the alien  
25 at a courthouse) if the alien is appearing in

1 connection with a protection order case, child  
2 custody case, or other civil or criminal case re-  
3 lating to domestic violence, sexual assault, traf-  
4 ficking, or stalking in which the alien has been  
5 battered or subject to extreme cruelty or if the  
6 alien is described in subparagraph (T) or (U) of  
7 section 101(a)(15) of the Immigration and Na-  
8 tionality Act; or

9 “(4) in the case of an alien described in section  
10 101(a)(27)(J) of the Immigration and Nationality  
11 Act who has been abused, neglected, or abandoned,  
12 contact the alleged abuser (or family member of the  
13 alleged abuser) at any stage of applying for special  
14 immigrant juvenile status, including after a request  
15 for the consent of the Secretary of Homeland Secu-  
16 rity under clause (iii)(I) of such section.”; and

17 (2) in subsection (b)—

18 (A) in paragraphs (1), by striking “may  
19 provide, in the Attorney General’s discretion”  
20 and inserting “, Secretary of Homeland Secu-  
21 rity, Secretary of State, Secretary of Health  
22 and Human Services, and Secretary of Labor  
23 may provide”;

24 (B) in paragraph (2), by striking “may  
25 provide in the discretion of the Attorney Gen-

1           eral” and inserting “, Secretary of Homeland  
2           Security, Secretary of State, Secretary of  
3           Health and Human Services, and the Secretary  
4           of Labor may provide”; and

5           (C) in paragraph (5), by striking “is au-  
6           thorized to disclose” and inserting “, Secretary  
7           of Homeland Security, Secretary of State, Sec-  
8           retary of Health and Human Services, and Sec-  
9           retary of Labor, or Attorney General may dis-  
10          close”.

11          (b) **EFFECTIVE DATE.**—The amendments made by  
12          subsection (a) shall take effect on the date of the enact-  
13          ment of this Act and shall apply to violations or dislo-  
14          sures made on or after such date.

15                   **PART 3—MISCELLANEOUS PROVISIONS**

16          **SEC. 841. REMOVING 2 YEAR CUSTODY AND RESIDENCY RE-**  
17                   **QUIREMENT FOR BATTERED ADOPTED CHIL-**  
18                   **DREN.**

19          (a) **IN GENERAL.**—Section 101(b)(1)(E)(i) of the  
20          Immigration and Nationality Act (8 U.S.C.  
21          1101(b)(1)(E)(i)) is amended by inserting after “at least  
22          two years” the following: “or if the child has been battered  
23          or subject to extreme cruelty by the adopting parent or  
24          by a family member of the adopting parent residing in  
25          the same household”.

1 (b) CONFORMING NATURALIZATION AMENDMENT.—  
2 Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is  
3 amended by inserting before the period at the end the fol-  
4 lowing: “or the child is residing in the United States pur-  
5 suant to a lawful admission for permanent residence and  
6 has been battered or subject to extreme cruelty by the cit-  
7 izen parent or by a family member of the citizen parent  
8 residing in the same household ”

9 (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall take effect on the date of the enactment  
11 of this Act and shall apply to applications pending or filed  
12 on or after such date.

13 **SEC. 842. WAIVER OF CERTAIN GROUNDS OF INADMIS-**  
14 **SIBILITY FOR VAWA PETITIONERS.**

15 (a) WAIVER OF UNLAWFUL PRESENCE.—Paragraph  
16 (9)(B)(iii)(IV) of section 212(a) of the Immigration and  
17 Nationality Act (8 U.S.C. 1182(a)) is amended by striking  
18 “who would be described in paragraph (6)(A)(ii)” and all  
19 that follows and by inserting “who demonstrates that the  
20 alien is described in subclauses (I) and (II) of paragraph  
21 (6)(A)(ii).”.

22 (b) WAIVER OF FALSE CLAIM OF U.S. CITIZEN-  
23 SHIP.—

24 (1) IN GENERAL.—Section 212(i)(1) of such  
25 Act (8 U.S.C. 1182(i)(1)) is amended by inserting



1 “(and, in the case of a VAWA petitioner who dem-  
2 onstrates a connection between the false claim of  
3 United States citizenship and the petitioner being  
4 subjected to extreme cruelty or physical or mental  
5 abuse, clause (ii))” after “clause (i)”.

6 (2) CONFORMING REFERENCE.—Section  
7 212(a)(6)(C)(iii) of such Act (8 U.S.C.  
8 1182(a)(6)(C)(iii)) is amended by striking “clause  
9 (i)” and inserting “clauses (i) and (ii)”.

10 (c) EXEMPTION FROM PUBLIC CHARGE GROUND.—

11 (1) IN GENERAL.—Section 212(a)(4) of such  
12 Act (8 U.S.C. 1182(a)(4)) is amended by adding at  
13 the end the following new subparagraph:

14 “(E) SPECIAL RULE FOR BATTERED  
15 ALIENS.—Subparagraphs (A) through (C) shall  
16 not apply to an alien who is a VAWA petitioner  
17 or is a qualified alien described in section  
18 431(c) of the Personal Responsibility and Work  
19 Opportunity Reconciliation Act of 1996.”.

20 (2) CONFORMING AMENDMENT.—Section  
21 212(a)(4)(C)(i) of such Act (8 U.S.C.  
22 1182(a)(4)(C)(i)) is amended to read as follows:

23 “(i) the alien is described in subpara-  
24 graph (E); or”.

1 (d) EFFECTIVE DATE.—Except as provided in this  
2 section, the amendments made by this section shall take  
3 effect on the date of the enactment of this Act and shall  
4 apply regardless of whether the conviction was entered,  
5 crime, or disqualifying event occurred before, on, or after  
6 such date.

7 **SEC. 843. TREATMENT OF GOOD MORAL CHARACTER.**

8 (a) IN GENERAL.—Section 101(a)(43) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1101(a)(43)) is  
10 amended—

11 (1) in subparagraphs (F) and (G), by striking  
12 “at least one year” and inserting “is more than one  
13 year”;

14 (2) in subparagraph (J), by striking “one year  
15 imprisonment or more” by inserting “imprisonment  
16 of more than one year”;

17 (3) in subparagraph (P), by striking “at least  
18 12 months” and inserting “more than one year”;  
19 and

20 (4) in subparagraphs (R) and (S), by striking  
21 “at least one year” and inserting “more than one  
22 year”.

23 (b) EFFECTIVE DATE.—The amendments made by  
24 subsection (a) shall take effect on the date of the enact-  
25 ment of this Act and shall apply to all convictions entered

1 (and criminal acts occurring) before, on, or after the date  
2 of the enactment of this Act.

3 **SEC. 844. EMPLOYMENT AUTHORIZATION FOR BATTERED**  
4 **SPOUSES OF H-1B VISA HOLDERS.**

5 (a) IN GENERAL.—Section 214(c) of the Immigration  
6 and Nationality Act (8 U.S.C. 1184(c)), as amended by  
7 sections 403(a) and 404(a) of the REAL ID Act of 2005  
8 (Division B of Public Law 109–13), is amended by adding  
9 at the end the following new paragraph:

10 “(15) In the case of an alien spouse admitted under  
11 section 101(a)(15)(H) who is accompanying or following  
12 to join a principal alien admitted under section  
13 101(a)(15)(H)(i)(B), the Secretary of Homeland Security  
14 shall authorize the alien spouse to engage in employment  
15 in the United States and provide the spouse with an ‘em-  
16 ployment authorized’ endorsement or other appropriate  
17 work permit if the alien spouse demonstrates that during  
18 the marriage the alien spouse or a child of the alien spouse  
19 has been battered or has been the subject to extreme cru-  
20 elty perpetrated by the spouse of the alien spouse.”.

21 (b) EFFECTIVE DATE.—The amendment made by  
22 subsection (a) shall take effect on the date of the enact-  
23 ment of this Act and shall apply to aliens who obtained  
24 the status of an alien spouse admitted under section

1 101(a)(15)(H) of the Immigration and Nationality Act be-  
2 fore, on, or after such date.

3 **SEC. 845. GROUNDS FOR HARDSHIP WAIVER FOR CONDI-**  
4 **TIONAL PERMANENT RESIDENCE FOR IN-**  
5 **TENDED SPOUSES.**

6 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-  
7 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-  
8 ed—

9 (1) by striking “or” at the end of subparagraph  
10 (B);

11 (2) by striking the period at the end of sub-  
12 paragraph (C) and inserting “, or”; and

13 (3) by inserting after subparagraph (C) the fol-  
14 lowing new subparagraph:

15 “(D) the alien meets the requirements  
16 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and  
17 following the marriage ceremony has been bat-  
18 tered by or was subject to extreme cruelty per-  
19 petrated by his or her intended spouse and was  
20 not at fault in failing to meet the requirements  
21 of paragraph (1).”.

22 (b) EFFECTIVE DATE.—The amendments made by  
23 subsection (a) shall apply as if included in the enactment  
24 of VAWA–2000.

1 **SEC. 846. CANCELLATION OF REMOVAL.**

2 (a) CLARIFYING APPLICATION OF DOMESTIC VIO-  
3 LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-  
4 MOVAL.—

5 (1) IN GENERAL.—Section 240A(b) of the Im-  
6 migration and Nationality Act (8 U.S.C. 1229b(b))  
7 is amended—

8 (A) in paragraph (1)(C), by striking “(ex-  
9 cept in a case described in section 237(a)(7)  
10 where the Attorney General exercises discretion  
11 to grant a waiver)” and inserting “, subject to  
12 paragraph (5)”;

13 (B) in paragraph (2)(A), by amending  
14 clause (iv) to read as follows:

15 “(iv) subject to paragraph (5), the  
16 alien is not inadmissible under section  
17 212(a)(2) or removable under section  
18 237(a)(2) or 237(a)(3); and ”; and

19 (C) by adding at the end the following new  
20 paragraph:

21 “(5) APPLICATION OF DOMESTIC VIOLENCE  
22 WAIVER AUTHORITY.—Paragraphs (1)(C) and  
23 (2)(A)(iv) shall not apply with respect to an offense  
24 described in clause (i) or (ii) of section 237(a)(2)(E)  
25 in the case described in section 237(a)(7)(A).”.

1           (2) EFFECTIVE DATE.—The amendments made  
2           by paragraph (1) shall apply as if included in the  
3           enactment of section 1504(a) of VAWA–2000.

4           (b) CLARIFYING NONAPPLICATION OF CANCELLA-  
5 TION CAP.—

6           (1) IN GENERAL.—Section 240A(e)(3) of the  
7           Immigration and Nationality Act (8 U.S.C.  
8           1229b(e)(3)) is amended by adding at the end the  
9           following new subparagraph:

10                   “(C) Aliens with respect to their cancella-  
11                   tion of removal under subsection (b)(2).”.

12           (2) EFFECTIVE DATE.—The amendment made  
13           by paragraph (1) shall apply to cancellations of re-  
14           moval occurring on or after October 1, 2004.

15 **SEC. 847. MOTIONS TO REOPEN.**

16           (a) REMOVAL PROCEEDINGS.—

17           (1) IN GENERAL.—Section 240(c)(7) of the Im-  
18           migration and Nationality Act (8 U.S.C.  
19           1230(c)(7)), as redesignated by section 101(d)(1) of  
20           the REAL ID Act of 2005 (Division B of Public  
21           Law 109–13), is amended—

22                   (A) in subparagraph (A), by inserting “,  
23                   except that this limitation shall not apply so as  
24                   to prevent the filing of one motion to reopen de-

1 scribed in clause (iv)” before the period at the  
2 end;

3 (B) in subparagraph (C)(iv), in the matter  
4 before subclause (I), by striking “The deadline  
5 specified in subsection (b)(5)(C) for filing a mo-  
6 tion to reopen does not apply” and inserting  
7 “Any limitation under this section on the dead-  
8 lines for filing such motions shall not apply”;  
9 and

10 (C) in subparagraph (C)(iv), by adding  
11 after and below subclause (III) the following  
12 new sentence:

13 “The filing of a motion to reopen under  
14 this clause shall stay the removal of the  
15 alien pending final disposition of the mo-  
16 tion including exhaustion of all appeals.”.

17 (2) EFFECTIVE DATE.—The amendments made  
18 by paragraph (1) shall take effect on the date of the  
19 enactment of this Act.

20 (b) DEPORTATION PROCEEDINGS.—

21 (1) IN GENERAL.—Section 1506(c)(2)(A) of  
22 VAWA–2000 is amended—

23 (A) in the matter before clause (i), by  
24 striking “Notwithstanding any limitation im-  
25 posed by law on motions” inserting “Notwith-

1 standing any limitation on the number of mo-  
2 tions, or the deadlines for filing motions (in-  
3 cluding the deadline specified in section  
4 242B(c)(3) of the Immigration and Nationality  
5 Act before the title III–A effective date),”;

6 (B) in the matter before clause (i), by  
7 striking “there is no time limit on the filing of  
8 a motion” and all that follows through “does  
9 not apply” and inserting “such limitations shall  
10 not apply to the filing of a single motion under  
11 this subparagraph to reopen such proceedings”;  
12 and

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

14 “The filing of a motion under this subpara-  
15 graph shall stay the removal of the alien pend-  
16 ing a final disposition of the motion including  
17 the exhaustion of all appeals.”.

18 (2) EFFECTIVE DATE.—The amendments made  
19 by paragraph (1) shall take effect on the date of the  
20 enactment of this Act .

21 **SEC. 848. REMOVAL PROCEEDINGS.**

22 (a) EXCEPTION TO REINSTATEMENT OF REMOVAL.—

23 (1) IN GENERAL.—Section 241(a)(5) of the Im-  
24 migration and Nationality Act (8 U.S.C. 1251(a)(5))  
25 is amended by adding at the end the following: “The



1 provisions of this paragraph shall not apply to an  
2 alien who, before reinstatement of the removal order,  
3 sought relief as a VAWA petitioner, applied for sta-  
4 tus as a nonimmigrant under subparagraph (T) or  
5 (U) of section 101(a)(15), or applied for relief under  
6 section 240A(b)(2) or section 244(a)(3) (as in effect  
7 on March 31, 1997).”.

8 (2) EFFECTIVE DATE.—The amendment made  
9 by paragraph (1) shall take effect on the date of the  
10 enactment of this Act.

11 (b) TREATMENT OF BATTERY OR EXTREME CRU-  
12 ELTY AS EXCEPTIONAL CIRCUMSTANCES.—

13 (1) IN GENERAL.—Section 240(e)(1) of such  
14 Act (8 U.S.C. 1230(e)(1)) is amended by inserting  
15 “battery or extreme cruelty of the alien or any child  
16 or parent of the alien or” after “exceptional cir-  
17 cumstances (such as”.

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1) shall take effect on the date of the  
20 enactment of this Act and shall apply to a failure to  
21 appear that occurs before, on, or after such date.

1 **SEC. 849. CONFORMING RELIEF IN SUSPENSION OF DEPOR-**  
2 **TATION PARALLEL TO THE RELIEF AVAIL-**  
3 **ABLE IN VAWA-2000 CANCELLATION FOR**  
4 **BIGAMY.**

5 Section 244(a)(3) of the Immigration and Nationality  
6 Act (as in effect before the title III–A effective date in  
7 section 309 of the Illegal Immigration Reform and Immig-  
8 rant Responsibility Act of 1996) shall be applied as if  
9 “or by a United States citizen or lawful permanent resi-  
10 dent whom the alien intended to marry, but whose mar-  
11 riage is not legitimate because of that United States citi-  
12 zen’s or permanent resident’s bigamy” were inserted after  
13 “by a spouse or parent who is a United States citizen or  
14 lawful permanent resident”.

15 **SEC. 850. CORRECTION OF CROSS-REFERENCE TO CRED-**  
16 **IBLE EVIDENCE PROVISIONS.**

17 (a) CUBAN ADJUSTMENT PROVISION.—The last sen-  
18 tence of the first section of Public Law 89–732 (November  
19 2, 1966; 8 U.S.C. 1255 note), as amended by section  
20 1509(a) of VAWA–2000, is amended by striking  
21 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

22 (b) NACARA.—Section 202(d)(3) of the Nicaraguan  
23 Adjustment and Central American Relief Act (8 U.S.C.  
24 1255 note; Public Law 105–100), as amended by section  
25 1510(a)(2) of VAWA–2000, is amended by striking  
26 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

1 (c) IIRAIRA.—Section 309(c)(5)(C)(iii) of the Ille-  
2 gal Immigration and Reform and Immigrant Responsi-  
3 bility Act of 1996 (division C of Public Law 104–208; 8  
4 U.S.C. 1101 note), as amended by section 1510(b)(2) of  
5 VAWA–2000, is amended by striking “204(a)(1)(H)” and  
6 inserting “204(a)(1)(J)”.

7 (d) HRIFA.—Section 902(d)(1)(B)(iii) of the Hai-  
8 tian Refugee Immigration Fairness Act of 1998 (division  
9 A of section 101(h) of Public Law 105–277; 112 Stat.  
10 2681–538), as amended by section 1511(a) of VAWA–  
11 2000, is amended by striking “204(a)(1)(H)” and insert-  
12 ing “204(a)(1)(J)”.

13 (e) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect as if included in the enact-  
15 ment of VAWA–2000.

16 **SEC. 851. TECHNICAL CORRECTIONS.**

17 (a) TECHNICAL CORRECTIONS TO REFERENCES IN  
18 APPLICATION OF SPECIAL PHYSICAL PRESENCE AND  
19 GOOD MORAL CHARACTER RULES.—

20 (1) PHYSICAL PRESENCE RULES.—Section  
21 240A(b)(2)(B) of the Immigration and Nationality  
22 Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

23 (A) in the first sentence, by striking  
24 “(A)(i)(II)” and inserting “(A)(ii)”; and

1 (B) in the fourth sentence, by striking  
2 “section 240A(b)(2)(B)” and inserting “this  
3 subparagraph, subparagraph (A)(ii),”.

4 (2) MORAL CHARACTER RULES.—Section  
5 240A(b)(2)(C) of such Act (8 U.S.C.  
6 1229b(b)(2)(C)) is amended by striking  
7 “(A)(i)(III)” and inserting “(A)(iii)”.

8 (3) EFFECTIVE DATE.—The amendments made  
9 by this subsection shall be effective as if included in  
10 the enactment of section 1504(a) of VAWA (114  
11 Stat. 1522).

12 (b) CORRECTION OF CROSS-REFERENCE ERROR IN  
13 APPLYING GOOD MORAL CHARACTER.—

14 (1) IN GENERAL.—Section 101(f)(3) of the Im-  
15 migration and Nationality Act (8 U.S.C. 1101(f)(3))  
16 is amended by striking “(9)(A)” and inserting  
17 “(10)(A)”.

18 (2) EFFECTIVE DATE.—The amendment made  
19 by paragraph (1) shall be effective as if included in  
20 the enactment of the Illegal Immigration Reform  
21 and Immigrant Responsibility Act of 1996 (Public  
22 Law 104–208).

23 (c) PUNCTUATION CORRECTION.—Effective as if in-  
24 cluded in the enactment of section 5(c)(2) of VAWA–  
25 2000, section 237(a)(1)(H)(ii) of such Act (8 U.S.C.

1 1227(a)(1)(H)(ii)) is amended by striking the period at  
 2 the end and inserting “; or”.

3 (d) CORRECTION OF DESIGNATION AND INDENTA-  
 4 TION.—The last sentence of section 212(a)(9)(C)(ii) of the  
 5 Immigration and Nationality Act (8 U.S.C.  
 6 1182(a)(9)(C)(ii)), as added by section 1505(a) of  
 7 VAWA–2000, is amended—

8 (1) by striking “section 212(a)(9)(C)(i)” and  
 9 inserting “clause (i)”;

10 (2) by redesignating paragraphs (1) and (2),  
 11 and subparagraphs (A) through (D) of paragraph  
 12 (2), as subclauses (I) and (II), and items (aa)  
 13 through (dd) of subclause (II), respectively; and

14 (3) by moving the margins of each of such  
 15 paragraphs and subparagraphs 6 ems to the right.

16 (e) ADDITIONAL TECHNICAL CORRECTION.—Section  
 17 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is  
 18 amended by striking “(10(E))” and inserting “(10)(E))”.

## 19 **Subtitle B—Additional Protections**

### 20 **PART 1—ENSURING CRIME VICTIM ACCESS TO** 21 **LEGAL SERVICES**

#### 22 **SEC. 861. ENSURING CRIME VICTIM ACCESS TO LEGAL** 23 **SERVICES.**

24 (a) IN GENERAL.—Section 502 of the Departments  
 25 of Commerce, Justice, and State, the Judiciary, and Re-

1 lated Agencies Appropriations Act, 1998 (Public Law  
2 105–119; 111 Stat. 2510) is amended—

3 (1) by amending subparagraph (C) of sub-  
4 section (a) to read as follows:

5 “(C) subsection (a)(11) of such section  
6 504 shall not be construed to prohibit a recipi-  
7 ent from using Corporation funds and funds de-  
8 rived from a source other than the Corporation  
9 to provide legal assistance to—

10 “(i) an alien who has been battered or  
11 subjected to extreme cruelty or who has  
12 been a victim of sexual assault or a victim  
13 of trafficking in the United States;

14 “(ii) an alien whose child has been  
15 battered or subjected to extreme cruelty or  
16 has been a victim of sexual assault or a  
17 victim of trafficking in the United States,  
18 if the alien has not actively participated in  
19 the battery, extreme cruelty, sexual as-  
20 sult, or trafficking; or

21 “(iii) an alien who qualifies (or whose  
22 child qualifies) for status under section  
23 101(a)(15)(U) of the Immigration and Na-  
24 tionality Act (8 U.S.C. 1101(a)(15)(U)) .”;  
25 and

1           (2) by striking paragraph (2) of subsection (b)  
2           and inserting the following:

3           “(2) The term ‘victim of trafficking’ has the  
4           meaning given such term in section 103(14) of the  
5           Trafficking Victims Protection Act of 2000 (Public  
6           Law 106–286; 22 U.S.C. 7102(14)). ”.

7           (b) EFFECTIVE DATE.—The amendments made by  
8           subsection (a) shall apply to expenditures made on or after  
9           the date of the enactment of this Act with respect to ap-  
10          propriations made for fiscal years beginning before, on,  
11          or after such date.

12          (c) CONSTRUCTION.—Nothing in the amendments  
13          made by subsection (a) shall be construed to restrict the  
14          legal assistance provided to victims of severe forms of traf-  
15          ficking and certain family members allowed under section  
16          107(b)(1) of the Trafficking Victims Protection Act of  
17          2000 (Public Law 106–286; 22 U.S.C. 7105(b)(1)).

18          **PART 2—ELIGIBILITY FOR CERTAIN PUBLIC BEN-**  
19          **EFITS OF ALIENS SUFFERING FROM DOMES-**  
20          **TIC ABUSE**

21          **SEC. 871. ELIGIBILITY FOR CERTAIN PUBLIC BENEFITS OF**  
22          **ALIENS SUFFERING FROM DOMESTIC ABUSE.**

23          (a) EXEMPTION FROM SSI AND FOOD STAMPS  
24          BAN.—Section 402(a)(2) of the Personal Responsibility  
25          and Work Opportunity Reconciliation Act of 1996 (8

1 U.S.C. 1612(a)(2)) is amended by adding at the end the  
2 following new subparagraph:

3           “(M) BATTERED AND CRIME VICTIM  
4 ALIENS.—With respect to eligibility for benefits  
5 for a specified Federal program (as defined in  
6 paragraph (3)), paragraph (1) shall not apply  
7 to an alien who—

8                   “(i) is described in section 431(e);

9                   “(ii) is described in section 431(b)  
10 and also is described in section 431(c),  
11 other than paragraphs (1)(B), (2)(B), and  
12 (3)(B) of such section; or

13                   “(iii) is described in a clause (i) or (ii)  
14 and was lawfully admitted as a permanent  
15 resident.”.

16       (b) EXEMPTION FROM TANF, SOCIAL SERVICES  
17 BLOCK GRANT, AND MEDICAID BAN.—Section 402(b)(2)  
18 of such Act (8 U.S.C. 1612(b)(2)) is amended by inserting  
19 after subparagraph (F) the following new subparagraph:

20           “(G) BATTERED AND CRIME VICTIM  
21 ALIENS.—An alien who—

22                   “(i) is described in section 431(e);

23                   “(ii) is described in section 431(b)  
24 and also is described in section 431(e),



1           other than paragraphs (1)(B), (2)(B), and  
2           (3)(B) of such section; or

3           “(iii) is described in clause (i) or (ii)  
4           and was lawfully admitted as a permanent  
5           resident.”.

6           (c) EXEMPTION FROM 5-YEAR BAN FOR FEDERAL  
7 MEANS-TESTED PUBLIC BENEFITS.—Section 403(b) of  
8 such Act (8 U.S.C. 1613(b)) is amended by adding at the  
9 end the following new paragraph:

10           “(3) BATTERED AND CRIME VICTIM ALIENS.—

11           An alien who—

12           “(A) is described in section 431(c);

13           “(B) is described in section 431(b) and  
14           also is described in section 431(c), other than  
15           paragraphs (1)(B), (2)(B), and (3)(B) of such  
16           section; or

17           “(C) is described in subparagraph (A) or  
18           (B) and was lawfully admitted as a permanent  
19           resident.”.

20           (d) STATUS AS QUALIFIED ALIEN FOR VAWA PETI-  
21 TIONERS AND NONIMMIGRANT “U” AND “T” VISA APPLI-  
22 CANTS AND VISA HOLDERS.—Section 431(c) of such Act  
23 (8 U.S.C. 1641(b)) is amended—

24           (1) in paragraph (1)(B)—

1 (A) in clause (i), by striking “or a child”  
2 and inserting “, child, or parent” and by strik-  
3 ing “or (iv)” and inserting “(iv), or (vii)”;

4 (B) in clause (ii), by striking “(as in effect  
5 prior to April 1, 1997)”;

6 (C) in clause (iii), by striking the period at  
7 the end and inserting a comma;

8 (D) in clause (iv), by striking the semi-  
9 colon at the end and inserting a comma;

10 (E) in clause (v), by striking the semicolon  
11 at the end and inserting “, or”; and

12 (F) by adding at the end the following new  
13 clause:

14 “(vi) status as a VAWA petitioner (as  
15 defined in section 101(a)(51) of such Act),  
16 other than such a petitioner described in  
17 clause (i) or (ii);”;

18 (2) by striking “or” at the end of paragraph  
19 (2)(B);

20 (3) by striking the period at the end of para-  
21 graph (3)(B) and inserting “; or”; and

22 (4) by inserting after paragraph (3)(B) the fol-  
23 lowing new paragraph:

24 “(4) an alien who has applied for and not been  
25 denied status as a nonimmigrant under clause (i) or

1 (ii) of subparagraph (T), or clause (i) or (ii) of sub-  
2 paragraph (U), of section 101(a)(15) of the Immi-  
3 gration and Nationality Act”.

4 (e) CONFORMING DEFINITION OF “FAMILY” USED  
5 IN LAWS GRANTING FEDERAL PUBLIC BENEFIT ACCESS  
6 FOR BATTERED ALIENS TO STATE FAMILY LAW.—

7 (1) IN GENERAL.—Section 431(e) of such Act  
8 (8 U.S.C. 1641(e)) is amended—

9 (A) in paragraph (1)(A), by striking “by a  
10 spouse or a parent, or by a member of the  
11 spouse or parent’s family residing in the same  
12 household as the alien and the spouse or parent  
13 consented to, or acquiesced in, such battery or  
14 cruelty” and inserting “by a spouse, parent,  
15 son, or daughter, or by any individual having a  
16 relationship with the alien covered by the civil  
17 or criminal domestic violence statutes of the  
18 State or Indian country where the alien resides,  
19 or the State or Indian country in which the  
20 alien, the alien’s child, or the alien child’s par-  
21 ents received a protection order, or by any indi-  
22 vidual against whom the alien could obtain a  
23 protection order,”;

24 (B) in paragraph (2)(A), by striking “by a  
25 spouse or parent of the alien (without the active

1 participation of the alien in the battery or cru-  
2 elty), by a member of the spouse or parent’s  
3 family residing in the same household as the  
4 alien and the spouse or parent consented or ac-  
5 quiesced to such battery or cruelty,” and insert-  
6 ing “by a spouse, parent, son, or daughter of  
7 the alien (without the active participation of the  
8 alien in such battery) or by any individual hav-  
9 ing a relationship with the alien covered by the  
10 civil or criminal domestic violence statutes of  
11 the State or Indian country where the alien re-  
12 sides, or the State or Indian country in which  
13 the alien, the alien’s child, or the alien child’s  
14 parents received a protection order, or by any  
15 individual against whom the alien could obtain  
16 a protection order,”; and

17 (C) in paragraph (3)(A), by striking “by a  
18 spouse or parent, or by a member of the spouse  
19 or parent’s family residing in the same house-  
20 hold as the alien and the spouse or parent con-  
21 sented or acquiesced to such battery or cru-  
22 elty,” and inserting “by a spouse, parent, son,  
23 or daughter, or by any individual having a rela-  
24 tionship with the alien covered by the civil or  
25 criminal domestic violence statutes of the State

1 or Indian country where the alien resides, or  
2 the State or Indian country in which the alien,  
3 the alien's child, or the alien child's parents re-  
4 ceived a protection order, or by any individual  
5 against whom the alien could obtain a protec-  
6 tion order,".

7 (2) FEDERAL ATTRIBUTION OF SPONSOR'S IN-  
8 COME AND RESOURCES.—Section 421(f)(1)(A) of  
9 such Act (8 U.S.C. 1631(f)(1)(A)) is amended—

10 (A) in clause (i), by striking “by a spouse  
11 or parent, or by a member of the spouse or par-  
12 ent's family residing in the same household as  
13 the alien and the spouse or parent consented or  
14 acquiesced to such battery or cruelty,” and in-  
15 serting “by a spouse, parent, son, or daughter,  
16 or by any individual having a relationship with  
17 the alien covered by the civil or criminal domes-  
18 tic violence statutes of the State or Indian  
19 country where the alien resides, or the State or  
20 Indian country in which the alien, the alien's  
21 child, or the alien child's parents received a pro-  
22 tection order, or by any individual against  
23 whom the alien could obtain a protection  
24 order,”;

1 (B) in clause (ii), by striking “by a spouse  
2 or parent of the alien (without the active par-  
3 ticipation of the alien in the battery or cruelty),  
4 or by a member of the spouse or parent’s family  
5 residing in the same household as the alien and  
6 the spouse or parent consented or acquiesced to  
7 such battery or cruelty,” and inserting “by a  
8 spouse, parent, son, or daughter of the alien  
9 (without the active participation of the alien in  
10 the battery or cruelty) or by any individual hav-  
11 ing a relationship with the alien covered by the  
12 civil or criminal domestic violence statutes of  
13 the State or Indian country where the alien re-  
14 sides, or the State or Indian country in which  
15 the alien, the alien’s child, or the alien child’s  
16 parents received a protection order, or by any  
17 individual against whom the alien could obtain  
18 a protection order,”;

19 (C) by striking “or” before “(iii) the  
20 alien”; and

21 (D) by inserting “, or (iv) the alien is de-  
22 scribed in section 431(c)(4)” before “and the  
23 battery or cruelty”.

24 (f) ELIMINATION OF SPONSOR LIABILITY AND RE-  
25 SPONSIBILITY OR REIMBURSEMENT WITH RESPECT TO

1 BENEFITS PROVIDED TO BATTERED ALIENS.—Section  
 2 423(d) of the Personal Responsibility and Work Oppor-  
 3 tunity Reconciliation Act of 1996 is amended by adding  
 4 after paragraph (11) the following new paragraph:

5           “(12) Benefits provided to an alien who—  
 6                 “(A) is described in section 431(c); or  
 7                 “(B) is described in section 431(b) and  
 8                 also is described in section 431(c), other than  
 9                 paragraphs (1)(B), (2)(B), and (3)(B) of such  
 10                 section.”.

11           (g) CONFORMING AMENDMENT CONFIRMING  
 12 HIRAIRA’S GRANT OF PUBLIC AND ASSISTED HOUSING  
 13 TO ALL QUALIFIED ALIENS, INCLUDING BATTERED IM-  
 14 MIGRANTS.—Section 214 of the Housing and Community  
 15 Development Act of 1980 (42 U.S.C. 1436a) is amend-  
 16 ed—

17           (1) in subsection (a)—  
 18                 (A) in paragraph (6), by striking “or” at  
 19                 the end;  
 20                 (B) by redesignating paragraph (7) as  
 21                 paragraph (8); and  
 22                 (C) by inserting after paragraph (6) the  
 23                 following:  
 24                 “(7) a qualified alien described in section 431  
 25                 of the Personal Responsibility and Work Oppor-

1 tunity Reconciliation Act of 1996 (8 U.S.C. 1641),  
2 or”; and

3 (2) in subsection (c)—

4 (A) in paragraph (1)(A), by striking “(6)”  
5 and inserting “(7)”; and

6 (B) in paragraph (2)(A), in the matter  
7 preceding clause (i), by inserting “(other than  
8 a qualified alien described in 431 of the Per-  
9 sonal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996 (8 U.S.C. 1641)”  
11 after “any alien”.

12 (h) IMPLEMENTATION.—Not later than 180 days  
13 after the date of the enactment of this Act, the Secretary  
14 of Homeland Security, Secretary of Agriculture, the Sec-  
15 retary of Health and Human Services, and the Secretary  
16 of Housing and Urban Development shall promulgate reg-  
17 ulations for its officials to implement this section.

18 (i) EFFECTIVE DATE.—The amendments made by  
19 this section apply to applications for public benefits and  
20 public benefits provided on or after the date of the enact-  
21 ment of this Act.



1 **PART 3—LAW ENFORCEMENT TRAINING GRANTS**

2 **SEC. 881. GRANTS FOR LAW ENFORCEMENT TRAINING PRO-**  
3 **GRAMS TO IDENTIFY AND PROTECT VICTIMS**  
4 **OF TRAFFICKING.**

5 (a) DEFINITIONS.—In this section:

6 (1) ACT OF TRAFFICKING.—The term “act of  
7 trafficking” means an act or practice described in  
8 paragraph (8) or (9) of section 103 of the Traf-  
9 ficking Victims Protection Act of 2000 (22 U.S.C.  
10 7102).

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

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

20 (4) VICTIM OF TRAFFICKING.—The term “vic-  
21 tim of trafficking” means an individual subjected to  
22 an act of trafficking.

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

1           (c) USE OF FUNDS.—A grant awarded under this  
2 section shall be used for any one or more of the following:

3           (1) To train law enforcement personnel to iden-  
4 tify and protect victims of trafficking, including  
5 training such personnel to utilize Federal, State, or  
6 local resources to assist victims of trafficking.

7           (2) To train law enforcement or State or local  
8 prosecutors to identify, investigate, or prosecute acts  
9 of trafficking.

10           (3) To train law enforcement or State or local  
11 prosecutors to utilize laws that prohibit acts of traf-  
12 ficking.

13           (4) To assist in the development of State and  
14 local laws to prohibit acts of trafficking.

15           (d) RESTRICTIONS.—

16           (1) SUPPLEMENT NOT SUPPLANT.—A grant  
17 awarded under this section shall be used to supple-  
18 ment and not supplant other Federal, State, and  
19 local public funds available to carry out the training  
20 described in subsection (c).

21           (2) ADMINISTRATIVE EXPENSES.—An eligible  
22 entity that receives a grant under this section may  
23 use not more than 5 percent of the total amount of  
24 such grant for administrative expenses.



1 tions with Indian tribal governments concerning the Fed-  
2 eral administration of tribal funds and programs estab-  
3 lished under the Violence Against Women Act of 1994  
4 (title IV of Public Law 103–322; 108 Stat. 1902) and the  
5 Violence Against Women Act of 2000 (division B of Public  
6 Law 106–386; 114 Stat. 1491), including consultation  
7 concerning—

8           (1) the timeliness of the Federal grant applica-  
9           tion and award processes;

10           (2) the amounts awarded under each program  
11           directly to tribal governments, tribal organizations,  
12           and tribal nonprofit organizations;

13           (3) determinations not to award grant funds;

14           (4) grant awards made in violation of the eligi-  
15           bility guidelines to a nontribal entity; and

16           (5) technical assistance grants for tribal grant  
17           programs or programs addressing the safety of In-  
18           dian women.

19           (b) RECOMMENDATIONS.—During consultations  
20           under subsection (a), the Secretary and the Attorney Gen-  
21           eral shall solicit recommendations from Indian tribes con-  
22           cerning—

23           (1) administering tribal funds and programs;

1           (2) enhancing the safety of Indian women from  
2           domestic violence, dating violence, sexual assault,  
3           and stalking; and

4           (3) strengthening the Federal response to such  
5           violent crimes.

6 **SEC. 903. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**  
7           **INDIAN WOMEN.**

8           (a) NATIONAL BASELINE STUDY.—

9           (1) IN GENERAL.—The Attorney General, act-  
10          ing through the Director of the Office on Violence  
11          Against Women, shall conduct a national baseline  
12          study to examine violence against Indian women.

13          (2) SCOPE.—

14               (A) IN GENERAL.—The study shall exam-  
15               ine violence committed against Indian women,  
16               including—

17                       (i) domestic violence;

18                       (ii) dating violence;

19                       (iii) sexual assault;

20                       (iv) stalking; and

21                       (v) murder.

22               (B) EVALUATION.—The study shall evalu-  
23               ate the effectiveness of Federal, State, tribal,  
24               and local responses to the violations described

1 in subparagraph (A) committed against Indian  
2 women.

3 (3) TASK FORCE.—

4 (A) IN GENERAL.—The Attorney General,  
5 acting through the Director of the Office on Vi-  
6 olence Against Women, shall establish a task  
7 force to assist in the development and imple-  
8 mentation of the study under paragraph (1).

9 (B) MEMBERS.—The Director shall ap-  
10 point to the task force representatives from—

11 (i) national tribal domestic violence  
12 and sexual assault nonprofit organizations;

13 (ii) tribal governments; and

14 (iii) the National Congress of Amer-  
15 ican Indians.

16 (4) REPORT.—Not later than 2 years after the  
17 date of enactment of this Act, the Attorney General  
18 shall submit to the Committee on Indian Affairs of  
19 the Senate, the Committee on the Judiciary of the  
20 Senate, and the Committee on the Judiciary of the  
21 House of Representatives a report that describes the  
22 findings made in the study.

23 (5) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out

1 this section \$1,000,000 for each of fiscal years 2006  
2 and 2007, to remain available until expended.

3 (b) INJURY STUDY.—

4 (1) IN GENERAL.—The Secretary of Health and  
5 Human Services, acting through the Indian Health  
6 Service and the Injury Control Division of the Cen-  
7 ters for Disease Control and Prevention, shall con-  
8 duct a study to obtain a national projection of—

9 (A) the incidence of injuries and homicides  
10 resulting from domestic violence, dating vio-  
11 lence, sexual assault, or stalking committed  
12 against American Indian and Alaska Native  
13 women; and

14 (B) the cost of providing health care for  
15 the injuries described in subparagraph (A).

16 (2) REPORT.—Not later than 2 years after the  
17 date of enactment of this Act, the Secretary of  
18 Health and Human Services shall submit to the  
19 Committee on Indian Affairs of the Senate, the  
20 Committee on the Judiciary of the Senate, and the  
21 Committee on the Judiciary of the House of Rep-  
22 resentatives a report that describes the findings  
23 made in the study and recommends health care  
24 strategies for reducing the incidence and cost of the  
25 injuries described in paragraph (1).





1           (1) ESTABLISHMENT.—The Attorney General  
2 shall contract with any interested Indian tribe, tribal  
3 organization, or tribal nonprofit organization to de-  
4 velop and maintain—

5                   (A) a national tribal sex offender registry;  
6           and

7                   (B) a tribal protection order registry con-  
8 taining civil and criminal orders of protection  
9 issued by Indian tribes and participating juris-  
10 dictions.

11           (2) AUTHORIZATION OF APPROPRIATIONS.—  
12 There is authorized to be appropriated to carry out  
13 this section \$1,000,000 for each of fiscal years 2006  
14 through 2010, to remain available until expended.

15 **SEC. 905. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE**  
16 **AGAINST WOMEN.**

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

20 **“SEC. 2007. TRIBAL DIVISION.**

21           “(a) IN GENERAL.—The Director of the Office on Vi-  
22 olence Against Women shall designate one or more em-  
23 ployees to be responsible for—

24                   “(1) overseeing and managing the administra-  
25 tion of grants to and contracts with Indian tribes,

1 tribal courts, tribal organizations, tribal nonprofit  
2 organizations and the territories;

3 “(2) ensuring that, if a grant under the Act or  
4 a contract pursuant to such a grant is made to an  
5 organization to perform services that benefit more  
6 than one Indian tribe, the approval of each Indian  
7 tribe to be benefited shall be a prerequisite to the  
8 making of the grant or letting of the contract;

9 “(3) assisting in the development of Federal  
10 policy, protocols, and guidelines on matters relating  
11 to violence against Indian women;

12 “(4) advising the Director of the Office on Vio-  
13 lence Against Women concerning policies, legislation,  
14 implementation of laws, and other issues relating to  
15 violence against Indian women;

16 “(5) representing the Office on Violence  
17 Against Women in the annual consultations under  
18 section 905;

19 “(6) providing assistance to the Department of  
20 Justice to develop policy and to enforce Federal law  
21 relating to violence against Indian women;

22 “(7) maintaining a liaison with the judicial  
23 branches of Federal, State and tribal governments  
24 on matters relating to violence against Indian  
25 women; and

1           “(8) ensuring that adequate tribal technical as-  
2           sistance is made available to Indian tribes, tribal  
3           courts, tribal organizations, and tribal nonprofit or-  
4           ganizations for all programs relating to violence  
5           against Indian women.

6           “(b) AUTHORITY.—

7           “(1) IN GENERAL.—The Director shall ensure  
8           that a portion of the tribal set-aside funds from any  
9           grant awarded under the Violence Against Women  
10          Act of 1994 (title IV of Public Law 103–322; 108  
11          Stat. 1902) or the Violence Against Women Act of  
12          2000 (division B of Public Law 106–386; 114 Stat.  
13          1491) is used to enhance the capacity of Indian  
14          tribes to address the safety of Indian women.

15          “(2) ACCOUNTABILITY.—The Director shall en-  
16          sure that some portion of the tribal set-aside funds  
17          from any grant made under this part is used to hold  
18          offenders accountable through—

19                  “(A) enhancement to the response of In-  
20                  dian tribes to crimes of domestic violence, dat-  
21                  ing violence, sexual assault, and stalking  
22                  against Indian women, including legal services  
23                  for victims and Indian-specific offender pro-  
24                  grams;

1           “(B) development and maintenance of trib-  
2 al domestic violence shelters or programs for  
3 battered Indian women, including sexual assault  
4 services, that are based upon the unique cir-  
5 cumstances of the Indian women to be served;

6           “(C) development of tribal educational  
7 awareness programs and materials;

8           “(D) support for customary tribal activities  
9 to strengthen the intolerance of an Indian tribe  
10 to violence against Indian women; and

11           “(E) development, implementation, and  
12 maintenance of tribal electronic databases for  
13 tribal protection order registries.”.

14   **TITLE X—BEST HELP FOR RAPE**  
15                           **VICTIMS**

16   **SEC. 1001. SHORT TITLE.**

17           This title may be cited as the “Best Help for Rape  
18 Victims Act”.

19   **SEC. 1002. REQUIRED ELEMENT OF NATIONAL PROTOCOL**  
20                           **FOR SEXUAL ASSAULT MEDICAL FORENSIC**  
21                           **EXAMINATIONS.**

22           (a) IN GENERAL.—Section 1405 of the Violence  
23 Against Women Act of 2000 (42 U.S.C. 3796gg note) is  
24 amended—

1           (1) by redesignating subsection (d) as sub-  
2           section (e); and

3           (2) by inserting after subsection (c) the fol-  
4           lowing new subsection:

5           “(d) REQUIRED ELEMENT OF PROTOCOL.—The na-  
6           tional protocol required by subsection (a)(3) shall include  
7           a recommendation to the effect that a victim of sexual as-  
8           sault who is at risk of pregnancy from rape—

9           “(1) should be offered information about emer-  
10          gency contraception; and

11          “(2) should, if the victim so requests, be pro-  
12          vided with emergency contraception on site.”.

13          (b) IMPLEMENTATION TO PROTOCOL ALREADY  
14          ISSUED.—The Attorney General shall ensure that any  
15          protocol already issued under section 1405(a)(3) of the Vi-  
16          olence Against Women Act of 2000 is, not later than 30  
17          days after the date of the enactment of this Act, revised  
18          and reissued in a form that complies with section 1405(d)  
19          of that Act (as added by subsection (a)(2) of this section).

1 **TITLE XI—INCREASED PROTEC-**  
2 **TION FOR VICTIMS OF TRAF-**  
3 **FICKING**

4 **SEC. 1101. PROTECTION OF CHILDREN FROM TRAFFICKING**  
5 **IN PERSONS.**

6 (a) DEFINITION OF SEVERE FORMS OF TRAF-  
7 FICKING IN PERSONS.—Section 103(8)(B) of the Traf-  
8 ficking Victims Protection Act of 2000 (22 U.S.C.  
9 7102(8)(B)) is amended to read as follows:

10 “(B) the recruitment, harboring, transpor-  
11 tation, provision, or obtaining of a person for  
12 labor or services—

13 “(i) through the use of force, fraud,  
14 or coercion for the purpose of subsection to  
15 involuntary servitude, peonage, debt bond-  
16 age, or slavery; or

17 “(ii) in which the person induced to  
18 perform such labor has not attained 18  
19 years of age and the labor is economically  
20 exploitative and likely to be hazardous, to  
21 interfere with the child’s education, or to  
22 be harmful to the child’s health or phys-  
23 ical, mental, spiritual, moral, or social de-  
24 velopment.”.

1 (b) **TRAFFICKING VICTIM REGULATIONS.**—Section  
2 107(c)(1)(B) of the Trafficking Victims Protection Act of  
3 2000 (22 U.S.C. 7105(c)(1)(B)) is amended to read as  
4 follows:

5 “(B) receive necessary medical care, refer-  
6 ral of appropriate counsel, appointment by the  
7 Director of the Office of Refugee Resettlement  
8 of a guardian ad litem who has training in traf-  
9 ficking victims issues or who is working with a  
10 nonprofit, nongovernmental trafficking victims  
11 services program if the individual has not at-  
12 tained 18 years of age, and other assistance;  
13 and”.

14 (c) **EXEMPTING CHILDREN FROM EXTREME HARD-**  
15 **SHIP REQUIREMENT FOR T NONIMMIGRANTS.**—Section  
16 101(a)(15)(T)(i)(IV) of the Immigration and Nationality  
17 Act (8 U.S.C. 1101(a)(15)(T)(i)(IV)) is amended by in-  
18 serting after “severe harm upon removal” the following:  
19 “or the alien has not attained 18 years of age”.

20 **SEC. 1102. CREATION OF NONIMMIGRANT VISA TO PRO-**  
21 **TECT ALIENS WHO FILE COMPLAINTS OF**  
22 **ABUSE AGAINST THEIR FORMER EMPLOYERS.**

23 Section 101(a)(15) of the Immigration and Nation-  
24 ality Act (8 U.S.C. 1101(a)(15)) is amended—

1 (1) by striking “or” at the end of subparagraph  
2 (U);

3 (2) by striking the period at the end of sub-  
4 paragraph (V) and inserting “; or”; and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(W) an alien who files a petition for status  
8 under this subparagraph who the Secretary of  
9 Homeland Security determines should be permitted  
10 to remain in the United States for a period of time  
11 sufficient to allow the alien to participate fully and  
12 effectively in all Federal, State, or local legal pro-  
13 ceedings and nonfrivolous Federal, State, or local  
14 administrative proceedings relevant to a legal com-  
15 plaint regarding a violation of the Fair Labor Stand-  
16 ards Act or any other Federal, State, or local law or  
17 regulation governing the alien’s terms and conditions  
18 of employment.”.

19 **SEC. 1103. PROTECTION FOR VICTIMS WHO ARE TRAF-**  
20 **FICKED BY PERSONS WITH DIPLOMATIC IM-**  
21 **MUNITY.**

22 Section 111 of the Trafficking Victims Protection Act  
23 of 2000 (22 U.S.C. 7108) is amended by adding at the  
24 end the following new subsection:



1           “(h) ACTIONS AGAINST TRAFFICKERS WITH DIPLO-  
2 MATIC IMMUNITY.—If the Secretary of State has reason  
3 to believe that an individual assigned by a foreign govern-  
4 ment to the United States with immunity from criminal  
5 jurisdiction as a result of international obligations of the  
6 United States arising from multilateral agreements, bilat-  
7 eral agreements, or otherwise under international law has  
8 been involved in an act of trafficking in persons, the Sec-  
9 retary shall—

10                   “(1) request from the foreign government a  
11 waiver of immunity with respect to the individual; or

12                   “(2) declare the individual to be a persona non  
13 grata.”.

14 **SEC. 1104. LOWERING THE BAR FOR ADJUSTMENT OF STA-**  
15 **TUS.**

16           Section 245(l)(1)(C)(ii) of the Immigration and Na-  
17 tionality Act (8 U.S.C. 1255(l)(1)(C)(ii)) is amended by  
18 striking “extreme hardship involving unusual and severe  
19 harm” and inserting “hardship”.

20 **SEC. 1105. ALLOWING FOR RENEWAL OF T VISAS.**

21           Section 214(o) of the Immigration and Nationality  
22 Act (8 U.S.C. 1184(o)) is amended by adding at the end  
23 the following:

24                   “(7)(A) Except as provided in subparagraph (B), an  
25 alien who is issued a visa or otherwise provided non-

1 immigrant status under section 101(a)(15)(T) may be  
2 granted such status for a period of not more than 4 years.

3 “(B) An alien who is issued a visa or otherwise pro-  
4 vided nonimmigrant status under section 101(a)(15)(T)  
5 may extend the period of such status beyond the period  
6 described in subparagraph (A) if a Federal, State, or local  
7 law enforcement official, prosecutor, judge, or other au-  
8 thority investigating or prosecuting activity relating to  
9 human trafficking or criminal activity certifies that the  
10 presence of the alien in the United States is necessary to  
11 assist in the investigation or prosecution of such activity.”.

12 **SEC. 1106. ALLOWING FOR RESETTLEMENT TO THE UNITED**  
13 **STATES OF TRAFFICKED PERSONS WHO ARE**  
14 **IDENTIFIED IN COUNTRIES THAT ARE UN-**  
15 **ABLE OR UNWILLING TO OFFER ADEQUATE**  
16 **PROTECTION TO THE VICTIM.**

17 (a) AS REFUGEES.—Section 207 of the Immigration  
18 and Nationality Act (8 U.S.C. 1157) is amended—

19 (1) in subsection (a)(3), by adding at the end  
20 the following: “Victims of severe forms of trafficking  
21 who are unable to avail themselves of protection in  
22 another country may also be eligible for admission in  
23 accordance with procedures designated for the ad-  
24 mission of refugees under this section.”; and

1           (2) in subsection (d)(1), by adding at the end  
2           the following: “The President shall also designate  
3           additional admissions numbers for victims of severe  
4           forms of trafficking, as provided under section  
5           (a)(3).”.

6           (b) PAROLE.—Section 212(d)(5) of such Act (8  
7           U.S.C. 1182(d)(5)) is amended by adding at the end the  
8           following new subparagraph:

9           “(C) In applying subparagraph (A) in the case of a  
10          trafficking victim identified by a United States Embassy  
11          or Consulate or an office of the United Nations High Com-  
12          missioner on Refugees or a family member of a victim of  
13          trafficking described in section 101(a)(15)(T)(i), urgent  
14          humanitarian reasons are deemed to exist if the traf-  
15          ficking victim or the family member’s life or safety is in  
16          danger in connection with trafficking as described in sec-  
17          tion 101(a)(15)(i)(I).”.

18       **SEC. 1107. ACCESS TO COUNSEL.**

19          Section 107(c)(2) of the Trafficking Victims Protec-  
20          tion Act of 2000 (22 U.S.C. 7105(c)(2)) is amended—

21               (1) by adding at the end before the period the  
22               following: “, receive notification of the right to be  
23               represented by counsel, and be provided with a list  
24               of persons, updated not less often than quarterly,  
25               who have indicated their availability to represent vic-

1 tims of trafficking and who are trained to handle  
2 cases involving victims of trafficking”; and

3 (2) by further adding at the end the following  
4 new sentence: “While in the custody of the Federal  
5 Government, victims of severe forms of trafficking  
6 shall be afforded access to counsel at all proceedings  
7 relating to the investigation or prosecution of the act  
8 of trafficking involved.”.

9 **SEC. 1108. REQUIREMENT TO PERMIT CONTINUED PRES-**  
10 **ENCE IN THE UNITED STATES.**

11 Section 107(c)(3) of the Trafficking Victims Protec-  
12 tion Act of 2000 (22 U.S.C. 7105(c)(3)) is amended—

13 (1) by striking “may permit” and inserting  
14 “shall permit”;

15 (2) by inserting after “alien individual’s contin-  
16 ued presence in the United States” the following: “,  
17 within 60 days after the individual, the individual’s  
18 representative, or a local or State law enforcement  
19 official has presented the alien individual to such  
20 Federal law enforcement officials”; and

21 (3) in the heading, by striking “AUTHORITY”  
22 and inserting “REQUIREMENT”.

1 **SEC. 1109. ADDITIONAL DUTIES OF THE SENIOR POLICY OP-**  
2 **ERATING GROUP.**

3 Section 105(f) of the Trafficking Victims Protection  
4 Act of 2000 (22 U.S.C. 7103) is amended—

5 (1) by striking “The Operating Group” and in-  
6 serting the following:

7 “(1) IN GENERAL.—The Operating Group”;  
8 and

9 (2) by adding at the end the following new sen-  
10 tence: “The Operating Group shall maintain and  
11 preserve records of vital information regarding each  
12 such grant and grant policy.”; and

13 (3) by further adding at the end the following  
14 new paragraph:

15 “(2) REPORT.—Not later than June 1 of each  
16 year, the Operating Group shall submit to Congress  
17 a report that contains a detailed description of the  
18 purpose of each grant awarded during the preceding  
19 12-month period, the number of applicants for each  
20 grant, the criteria applied to select the grantee, the  
21 amount of each grant, and an evaluation of the per-  
22 formance of each grant, including any problems or  
23 investigations of the performance of any grant.”.

24 **SEC. 1110. AUTHORIZATIONS OF APPROPRIATIONS.**

25 Section 113 of the Trafficking Victims Protection Act  
26 of 2000 (22 U.S.C. 7110) is amended—

1 (1) in subsection (a)—

2 (A) by striking “and \$5,000,000” and in-  
3 serting “\$5,000,000”;

4 (B) by adding at the end before the period  
5 the following: “, and \$5,500,000 for each of the  
6 fiscal years 2006 and 2007”; and

7 (C) by further adding at the end the fol-  
8 lowing new sentence: “In addition, there are au-  
9 thorized to be appropriated to the Office to  
10 Monitor and Combat Trafficking for official re-  
11 ception and representation expenses \$3,000 for  
12 each of the fiscal years 2006 and 2007.”;

13 (2) in subsection (b), by striking “2004 and  
14 2005” and inserting “2004, 2005, 2006, and 2007”;

15 (3) in subsection (c)(1), by striking “2004 and  
16 2005” each place it appears and inserting “2004,  
17 2005, 2006, and 2007”;

18 (4) in subsection (d), by striking “2004 and  
19 2005” each place it appears and inserting “2004,  
20 2005, 2006, and 2007”;

21 (5) in subsection (e)—

22 (A) in paragraphs (1) and (2), by striking  
23 “2003 through 2005” and inserting “2003  
24 through 2007”; and

1 (B) in paragraph (3), by striking  
2 “\$300,000 for fiscal year 2004 and \$300,000  
3 for fiscal year 2005” and inserting “\$300,000  
4 for each of the fiscal years 2004 through  
5 2007”; and

6 (6) in subsection (f), by striking “2004 and  
7 2005” and inserting “2004, 2005, 2006, and 2007”.

8 **SEC. 1111. SPECIAL UNIT TO INVESTIGATE TRAFFICKING IN**  
9 **PERSONS WITHIN BUREAU OF IMMIGRATION**  
10 **AND CUSTOMS ENFORCEMENT OF THE DE-**  
11 **PARTMENT OF HOMELAND SECURITY.**

12 (a) ESTABLISHMENT.—Not later than 180 days after  
13 the date of the enactment of this Act, the Secretary of  
14 Homeland Security shall establish a special unit to inves-  
15 tigate trafficking in persons within the Bureau of Immi-  
16 gration and Customs Enforcement of the Department of  
17 Homeland Security.

18 (b) DUTIES.—The special unit established pursuant  
19 to subsection (a) shall—

20 (1) investigate suspected cases of trafficking in  
21 persons;

22 (2) in conjunction with appropriate nongovern-  
23 mental organizations, conduct training programs on  
24 the prevention of trafficking in persons and provide  
25 other related services to appropriate personnel of the

1 Bureau of Immigration and Customs Enforcement;  
2 and

3 (3) provide for the establishment of one or more  
4 professional victim witness coordinator positions  
5 within the special unit in order to assist victims of  
6 trafficking in legal proceedings relating to the act of  
7 trafficking involved.

8 (c) DEFINITION.—In this section, the term “victim  
9 of trafficking” has the meaning given such term in section  
10 103(14) of the Trafficking Victims Protection Act of 2000  
11 (22 U.S.C. 7102(14)).

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Secretary of  
14 Homeland Security to carry out this section \$15,000,000  
15 for each of the fiscal years 2006 and 2007.

16 **SEC. 1112. ASSISTANCE FROM UNITED STATES DIPLOMATIC**  
17 **AND CONSULAR POSTS.**

18 (a) ASSISTANCE.—Section 107(a) of the Trafficking  
19 Victims Protection Act of 2000 (22 U.S.C. 7105(a) is  
20 amended by adding at the end the following new para-  
21 graph:

22 “(3) ASSISTANCE FROM UNITED STATES DIPLO-  
23 MATIC AND CONSULAR POSTS.—The Secretary of  
24 State shall instruct personnel at the appropriate  
25 United States Embassy or Consulate to assist in ef-



1       forts to arrange for the transportation from a for-  
2       foreign country of the children, spouse, parents, or un-  
3       married siblings of a victim of trafficking if such  
4       children, spouse, parents, or siblings have been  
5       threatened by the trafficker or the trafficker’s asso-  
6       ciates, are seriously ill, or if other urgent humani-  
7       tarian considerations warrant.”.

8       (b)       CONFORMING        AMENDMENT.—Section  
9       212(d)(5)(A) of the Immigration and Nationality Act (8  
10       U.S.C. 1182(d)(5)(A)) is amended by adding at the end  
11       the following: “For purposes of applying this paragraph,  
12       family members provided assistance under section  
13       107(a)(3) of the Trafficking Victims Protection Act of  
14       2000 and immediate family members of individuals quali-  
15       fying as nonimmigrants under section 101(a)(15)(T) shall  
16       be considered as qualifying for parole under this para-  
17       graph on the basis of urgent humanitarian reasons.”.

18       **SEC. 1113. MECHANISMS TO PREVENT TRAFFICKING AND**  
19                               **PROVIDE PROTECTION AND ASSISTANCE FOR**  
20                               **VICTIMS OF TRAFFICKING.**

21       (a)       ECONOMIC ALTERNATIVES TO PREVENT AND  
22       DETER TRAFFICKING.—Section 106(a) of the Trafficking  
23       Victims Protection Act of 2000 (22 U.S.C. 7104(a)) is  
24       amended—

1           (1) in paragraph (4), by striking “and” at the  
2           end;

3           (2) in paragraph (5), by striking the period at  
4           the end and inserting “; and”; and

5           (3) by adding at the end the following new  
6           paragraph:

7           “(6) programs to educate and protect internally  
8           displaced persons and refugees from trafficking in  
9           persons.”.

10          (b) COORDINATION BY FEDERAL GOVERNMENT OF-  
11          FICIALS.—Section 107(c)(4) of the Trafficking Victims  
12          Protection Act of 2000 (22 U.S.C. 7105(c)(4)) is amend-  
13          ed—

14               (1) by striking “the Department of State and  
15               the Department of Justice” and inserting “the De-  
16               partment of Homeland Security (particularly the  
17               Bureau of Customs and Border Protection, the Bu-  
18               reau of Immigration and Customs Enforcement, and  
19               the Bureau of Citizenship and Immigration Serv-  
20               ices), the Department of State, the Department of  
21               Labor, and the Department of Justice”; and

22               (2) by adding at the end the following new sen-  
23               tence: “Such training shall ensure that officials who  
24               have contact with victims of trafficking properly con-  
25               sult with each other in order to limit unnecessary

1 trauma resulting from multiple interviews and con-  
2 current investigations.”.

3 (c) QUESTIONNAIRE ABOUT TRAFFICKING FOR USE  
4 IN EXPEDITED REMOVAL.—Section 235(b)(1)(A) of the  
5 Immigration and Nationality Act (8 U.S.C.  
6 1225(b)(1)(A)) is amended—

7 (1) in clause (i), by striking “or a fear of perse-  
8 cution” and inserting “, a fear of persecution, or evi-  
9 dence of having been trafficked”; and

10 (2) in clause (ii), by adding at the end the fol-  
11 lowing: “If the officer determines that the alien may  
12 be a victim of trafficking, the officer shall refer the  
13 alien to a law enforcement agency, a nonprofit, non-  
14 governmental trafficking victims services program,  
15 or any other official designated as appropriate to re-  
16 ceive such referrals.”.

17 (d) ANNUAL REPORT ON TRAINING OF LAW EN-  
18 FORCEMENT.—Section 107(g) of the Victims of Traf-  
19 ficking and Violence Protection Act of 2000 (8 U.S.C.  
20 1101 note) is amended by adding at the end the following:  
21 “Such report shall also include statistics regarding the  
22 number of law enforcement officials who have been trained  
23 in the identification and protection of trafficking victims  
24 and certification for assistance as nonimmigrants under  
25 section 101(a)(15)(U) of such Act.”

1 **SEC. 1114. LONGER STATUTE OF LIMITATION FOR SLAV-**  
2 **ERY-RELATED OFFENSES.**

3 (a) **EXTENSION OF STATUTE OF LIMITATIONS.**—  
4 Chapter 213 of title 18, United States Code, is amended  
5 by adding at the end the following:

6 **“§ 3297. Slavery-related offenses**

7 “No person shall be prosecuted, tried, or punished  
8 for any non-capital offense or conspiracy to commit a non-  
9 capital offense under section 1581, 1583, 1584, 1589,  
10 1590, 1591 or 1592 of this title or under section 274 of  
11 the Immigration and Nationality Act unless the indict-  
12 ment is found or the information is instituted not later  
13 than 10 years after the commission of the offense.”.

14 (b) **CLERICAL AMENDMENT.**—The table of sections  
15 at the beginning of chapter 213 of title 18, United States  
16 Code, is amended by adding at the end the following new  
17 item:

“3297. Slavery-related offenses.”.

○