
IN THE SENATE OF THE UNITED STATES

JUNE 8, 2005

Mr. BIDEN (for himself, Mr. HATCH, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL


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

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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1 SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

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

“SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

“(a) DEFINITIONS.—In this title:

“(1) COURTS.—The term ‘courts’ means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

“(2) CHILD MALTREATMENT.—The term ‘child maltreatment’ means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.
“(3) Court-based and court-related personnel.—The term ‘court-based’ and ‘court-related personnel’ mean persons working in the court, whether paid or volunteer, including—

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

“(B) court security personnel;

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

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

“(4) Domestic violence.—The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is co-
habitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or child victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

“(5) DATING PARTNER.—The term ‘dating partner’ refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

“(A) the length of the relationship;

“(B) the type of relationship; and

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

“(6) DATING VIOLENCE.—The term ‘dating violence’ means violence committed by a person—

“(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
“(i) The length of the relationship.
“(ii) The type of relationship.
“(iii) The frequency of interaction between the persons involved in the relationship.

“(7) ELDER ABUSE.—The term ‘elder abuse’ means any action against a person who is 60 years of age or older that constitutes the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

“(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

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


“(10) INDIAN TRIBE.—The term ‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any
Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

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

“(12) LAW ENFORCEMENT.—The term ‘law enforcement’ means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

“(13) LEGAL ASSISTANCE.—The term ‘legal assistance’ includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

“(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protec-
tion or stay away order proceedings, and other
similar matters; and

“(B) criminal justice investigations, prose-
cutions and post-trial matters (including sen-
tencing, parole, and probation) that impact the
victim’s safety and privacy.

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

“(15) PERSONALLY IDENTIFYING INFORMATION
OR PERSONAL INFORMATION.—The term ‘personally
identifying information’ or ‘personal information’
means individually identifying information for or
about an individual including information likely to
disclose the location of a victim of domestic violence,
dating violence, sexual assault, or stalking, includ-
ing—

“(A) a first and last name;

“(B) a home or other physical address;
“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
“(D) a social security number; and
“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

“(16) PROSECUTION.—The term ‘prosecution’ means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim services programs).

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

“(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an
independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

“(18) RURAL AREA AND RURAL COMMUNITY.—

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

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

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

“(i) within an area designated as a metropolitan statistical area or considered
as part of a metropolitan statistical area;

and

“(ii) located in a rural census tract.

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

“(20) SEXUAL ASSAULT.—The term ‘sexual assault’ means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(21) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

“(B) suffer substantial emotional distress.
“(22) State.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

“(23) State domestic violence coalition.—The term ‘State domestic violence coalition’ means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

“(24) State sexual assault coalition.—The term ‘State sexual assault coalition’ means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(25) Territorial domestic violence or sexual assault coalition.—The term ‘territorial domestic violence or sexual assault coalition’ means a program addressing domestic violence that is—

“(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or
“(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

“(26) TRIBAL COALITION.—The term ‘tribal coalition’ means—

“(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

“(27) TRIBAL GOVERNMENT.—The term ‘tribal government’ means—

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

“(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settle-
mem Act (43 U.S.C. 1601 et seq.), that is rec-
ognized as eligible for the special programs and
services provided by the United States to Indi-
ans because of their status as Indians.

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

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

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

“(C) any tribal nonprofit organization.

“(29) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.
“(30) Victim advocate.—The term ‘victim advocate’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

“(31) Victim assistant.—The term ‘victim assistant’ means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

“(32) Victim services or victim service provider.—The term ‘victim services’ or ‘victim service provider’ means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence women’s shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

“(33) Youth.—The term ‘youth’ means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.
“(b) **Grant Conditions.**—

“(1) **Match.**—No matching funds shall be required for a grant or subgrant made under this title for any unit of local government, tribe, territory, or victim service provider.

“(2) **Nondisclosure of Confidential or Private Information.**—

“(A) In General.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantee and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

“(B) Nondisclosure.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

“(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs; or

“(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or
in the case of an unemancipated minor, the
minor and the parent or guardian or in the
case of persons with disabilities, the guard-
ian) about whom information is sought,
whether for this program or any other
Federal, State, tribal, or territorial grant
program.

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

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

“(ii) grantees and subgrantees shall
take steps necessary to protect the privacy
and safety of the persons affected by the
release of the information; and

“(iii) consent for release may not be
given by the abuser of the minor, person
with disabilities, or the abuser of the other
parent of the minor.

“(D) INFORMATION SHARING.—Grantees
and subgrantees may share—
“(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

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

“(5) Use of Funds.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.”.

“(c) Reports.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

“(d) Evaluation.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

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

“(2) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.”.

(b) Definitions in Crime Control Act.—Part T of title I of the Omnibus Crime Control and Safe Streets
Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting before section 2001 the following:

“SEC. 2000. DEFINITIONS.

“In this title the definitions in section 4002 of the Violence Against Women Act of 1994 shall apply.”.

(c) DEFINITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2002 (42 U.S.C. 3796-gg note) is amended to read as follows:

“SEC. 1002. DEFINITIONS.

“In this division the definitions in section 4002 of the Violence Against Women Act of 1994 shall apply.”.

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

SEC. 101. STOP GRANTS IMPROVEMENTS.

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

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—
(1) in paragraph (10), by striking “and” after the semicolon;

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

(3) by adding at the end the following:

“(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.”.

(c) Clarification of Activities Regarding Underserved Populations.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

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

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

“(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equally among those populations.”.
(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (b)—

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

(B) in paragraph (2), striking by “1/54” and inserting “1/56”;

(C) in paragraph (3), by striking “and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54” and inserting “coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56”;

(D) in paragraph (4), by striking “1/54” and inserting “1/56”;

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

(F) in paragraph (6), by striking the period and inserting “; and”;

(2) in subsection (d)—

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

(C) by adding at the end the following:

“(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and court and victim service providers have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.”.

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

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

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

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

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—
Section 2010 of the Omnibus Crime Control and Safe
Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by
adding at the end the following:

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

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

“(e) JUDICIAL NOTIFICATION.—

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

“(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

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

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

“(ii) 2 years.

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

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

“SEC. 2012. POLYGRAPH TESTING PROHIBITION.

“(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government must certify within 3 years of the date of enactment of this section that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

“(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.”.
SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) Authorization of Appropriations.—Section 1001(a)(19) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking “$65,000,000 for each of fiscal years 2001 through 2005” and inserting “$75,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.”.

(b) Grantee Requirements.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking “to treat domestic violence as a serious violation” and inserting “to treat domestic violence, dating violence, sexual assault, and stalking as serious violations”;

(2) in subsection (b)—

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

(B) in paragraph (1), by—

(i) striking “mandatory arrest or”;

and

(ii) striking “mandatory arrest pro-

grams and”;
(C) in paragraph (2), by—

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

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

(D) in paragraph (3), by—

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

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

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

(F) in paragraph (6), by—
(i) striking “other” and inserting “civil”; and

(ii) inserting after “domestic violence” the following: “, dating violence, sexual assault, and stalking”; and

(G) by adding at the end the following:

“(9) To develop State, territorial, or local policies, procedures, and protocols, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

“(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.
“(11) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.”;

(3) in subsection (e)—

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

(B) in paragraph (4), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

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

“(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

“(B) the refusal of a victim to submit to an examination described in subparagraph (A)
shall not prevent the investigation of the of-

fense.”; and

(4) by striking subsections (d) and (e) and in-

serting the following:

“(d) ALLOTMENT FOR INDIAN TRIBES.—Not less

than 10 percent of the total amount made available for

grants under this section for each fiscal year shall be avail-

able for grants to Indian tribal governments.”.

(e) APPLICATIONS.—Section 2102(b) of the Omnibus


3796hh–1(b)) is amended in each of paragraphs (1) and

(2) by inserting after “involving domestic violence” the fol-

lowing: “, dating violence, sexual assault, or stalking”.

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDEN-

TIALITY.—Part U of title I of the Omnibus Crime Control

and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.)

is amended by adding at the end the following:

“SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

“Of the total amounts appropriated under this part,

not less than 5 percent and up to 8 percent shall be avail-

able for providing training and technical assistance relat-

ing to the purpose areas of this part to improve the capac-

ity of grantees and other entities to offer services and as-

sistance to victims of domestic violence and dating vio-

lence.”.
SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

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

(1) in subsection (a), by—

(A) inserting before ‘‘legal assistance’’ the following: ‘‘civil and criminal’’;

(B) inserting after ‘‘effective aid to’’ the following: ‘‘adult and youth’’; and

(C) inserting at the end the following:

‘‘Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.’’;

(2) in subsection (c), by inserting ‘‘and tribal organizations, territorial organizations’’ after ‘‘Indian tribal governments’’;

(3) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

‘‘(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appro-
priate tribal, State, territorial, and local law enforce-
ment officials; and

(B) in paragraph (4), by inserting “dating
violence,” after “domestic violence,”;

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

(5) in subsection (f)—

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

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

(B) in paragraph (2)(A), by—

(i) striking “5 percent” and inserting

“10 percent”; and

(ii) inserting “adult and youth” after

“that assist”.

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL
 SERVICES.

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

(1) in subsection (a)(2)(C)—
(A) in the matter preceding clause (i), by striking “using funds derived from a source other than the Corporation to provide” and inserting “providing”;

(B) in clause (i), by striking “in the United States” and all that follows and inserting “or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or”; and

(C) in clause (ii), by striking “has been battered” and all that follows and inserting “, without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).”; and

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

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(b) **Savings Provision.**—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

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

(a) **Violence Against Women Act Court Training and Improvements.**—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle J—Violence Against Women Act Court Training and Improvements"

"**SEC. 41001. SHORT TITLE.**"

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

"**SEC. 41002. PURPOSE.**"

"The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—"
“(1) improved internal civil and criminal court functions, responses, practices, and procedures;
“(2) education for court-based and court-related personnel on issues relating to victims’ needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;
“(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;
“(4) enabling courts or court-based or court-related programs to develop new or enhance current—
“(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);
“(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);
“(C) offender management, monitoring, and accountability programs;
“(D) safe and confidential information-storage and -sharing databases within and be-
tween court systems;

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

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

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

“SEC. 41003. GRANT REQUIREMENTS.

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

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

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

“(B) national, State, tribal, or local pri-
ivate, nonprofit organizations with demonstrated
expertise in developing and providing judicial
education about domestic violence, dating violence, sexual assault, or stalking.

“(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

“(A) any courts or court-based personnel working directly with or making decisions about adult or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

“(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

“(C) the grantee’s internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.
“SEC. 41004. NATIONAL EDUCATION CURRICULA.

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

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

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

“(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

“SEC. 41005. TRIBAL CURRICULA.

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

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about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

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

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

“(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

“SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 to 2010.

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

“(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants to tribes.”
SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) Enforcement of Protection Orders Issued by Territories.—Section 2265 of title 18, United States Code, is amended by—

(1) striking “or Indian tribe” each place it appears and inserting “, Indian tribe, or territory”;

and

(2) striking “State or tribal” each place it appears and inserting “State, tribal, or territorial”.

(b) Clarification of Entities Having Enforcement Authority and Responsibilities.—Section 2265(a) of title 18, United States Code, is amended by striking “and enforced as if it were” and inserting “and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were”.

(c) Limits on Internet Publication of Protection Order Information.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

“(3) Limits on Internet Publication of Registration Information.—A State, Indian tribe, or territory shall not publish publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State,
tribal or territorial jurisdiction, if such publication
would be likely to publicly reveal the identity or loca-
tion of the party protected under such order. A
State, Indian tribe, or territory may share court-gen-
erated and law enforcement-generated information
contained in secure, governmental registries for pro-
tection order enforcement purposes.”.

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

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

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

“(A) any injunction, restraining order, or
any other order issued by a civil or criminal
court for the purpose of preventing violent or
threatening acts or harassment against, sexual
violence, or contact or communication with or
physical proximity to, another person, including
any temporary or final order issued by a civil
or criminal court whether obtained by filing an
independent action or as a pendente lite order
in another proceeding so long as any civil or
criminal order was issued in response to a com-
plaint, petition, or motion filed by or on behalf of a person seeking protection; and

“(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.”; and

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

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

“(II) a person who is or has been in a social relationship of a romantic
or intimate nature with the victim, as
determined by the length of the rela-
tionship, the type of relationship, and
the frequency of interaction between
the persons involved in the relation-
ship”.

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

1902 et seq.) is amended by adding at the end the fol-
lowing:

“Subtitle K—Privacy Protections
for Victims of Domestic Vio-
ence, Dating Violence, Sexual
Violence, and Stalking

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

“The Attorney General, through the Director of the
Office on Violence Against Women, may award grants
under this subtitle to States, tribes, territories, or local
agencies or nonprofit, nongovernmental organizations to
ensure that personally identifying information of adult,
youth, and child victims of domestic violence, sexual vio-

lence, stalking, and dating violence shall not be released
or disclosed to the detriment of such victimized persons.

**SEC. 41102. PURPOSE AREAS.**

Grants made under this subtitle may be used—

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

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

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

(4) to develop safe uses of technology (such as
notice requirements regarding electronic surveillance
by government entities), to protect against abuses of
technology (such as electronic or GPS stalking), or
providing training for law enforcement on high tech
electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

“SEC. 41103. ELIGIBLE ENTITIES.

“Entities eligible for grants under this subtitle include—

“(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

“(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

“(3) States or State agencies;

“(4) local governments or agencies;

“(5) tribal governments, agencies, or organizations;

“(6) territorial governments, agencies, or organizations; or

“(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.
“SEC. 41104. GRANT CONDITIONS.

“Applicants described in paragraphs (3) through (7) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

“SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 through 2010.

“(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

“(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.”.
SEC. 108. SEX OFFENDER MANAGEMENT.

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

“(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 109. STALKER DATABASE.

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

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

and

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

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

“There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.”.
SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

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

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a State or a local government.

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

(4) VICTIM OF TRAFFICKING.—The term “victim of trafficking” means a person subjected to an act of trafficking.

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

(e) USE OF FUNDS.—A grant awarded under this section shall be used to—
(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

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

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) Restrictions.—

(1) Administrative Expenses.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) Nonexclusivity.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.
SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect;

“(2) the National Court Appointed Special Advocate Association maintains a system of accountability, including standards, quality assurance, training, and technical assistance for a network of 70,000 volunteers in more than 850 programs operating in 49 States, the District of Columbia, and the Virgin Islands; and

“(3) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.”.

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012)
is amended by striking “January 1, 1995” and inserting “January 1, 2010”.

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

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

(2) subsection (b)—

(A) in paragraph (1), by striking “to initiate or expand” and inserting “to initiate, sustain, and expand”; and

(B) in paragraph (2), by—

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

(ii) striking “to initiate and to expand” and inserting “to initiate, sustain, and expand”; and

(3) by adding at the end the following:

“(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request criminal background checks from the Federal Bureau of Investigation National Crime Information Center for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.”.
(d) REAUTHORIZATION.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $17,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 113. PREVENTING CYBERSTALKING.

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

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

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

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

“(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).”.

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

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) Interstate Stalking.—Section 2261A of title
18, United States Code, is amended to read as follows:

“§ 2261A. Stalking

“Whoever—

“(1) travels in interstate or foreign commerce
or within the special maritime and territorial jurisdic-
tion of the United States, or enters or leaves In-
dian country, with the intent to kill, injure, harass,
place under surveillance, or intimidate another per-
son, and in the course of, or as a result of, such
travel places that person in reasonable fear of the
death of, or serious bodily injury to, or causes sub-
stantial emotional harm to that person, a member of
the immediate family (as defined in section 115) of
that person, or the spouse or intimate partner of
that person; or

“(2) with the intent—
“(A) to kill, injure, harass, place under surveillance, intimidate, or cause substantial emotional harm to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

“(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

“(i) that person;

“(ii) a member of the immediate family (as defined in section 115 of that person; or

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

uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional harm to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);
shall be punished as provided in section 2261(b) of this title.”.

SEC. 115. REPEAT OFFENDER PROVISION.

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

“§ 2265A. Repeat offender provision

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

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) In General.—Section 2261(a) of title 18, United States Code, is amended—

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

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

(b) Definition.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:
“(10) DATING PARTNER.—The term ‘dating partner’ refers to person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

“(A) the length of the relationship; and

“(B) the type of relationship; and

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

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

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

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

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

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

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

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

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.
(5) Geographic isolation often compound the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

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

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

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

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

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

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their
abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women’s programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a
9-1-1 operator, or even in acquiring information about their rights and the legal system.

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

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

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

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.
(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline’s ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

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

“SEC. 2013. SEXUAL ASSAULT SERVICES.

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

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

“(A) adult, youth, and child victims of sexual assault;

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

“(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

“(2) to provide for technical assistance and training relating to sexual assault to—
“(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

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

“(C) nonprofit organizations;

“(D) faith-based organizations; and

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

“(b) GRANTS TO STATES AND TERRITORIES.—

“(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

“(2) ALLOCATION AND USE OF FUNDS.—

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

“(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall
be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

“(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

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

“(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

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

“(iv) information and referral to assist the sexual assault victim and family or household members;

“(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities
for racial and ethnic, and other underserved communities; and

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

“(3) APPLICATION.—

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

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

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

“(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;
“(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

“(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

“(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations.

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

“(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—
“(A) be a private nonprofit organization that focuses primarily on racial and ethnic communities;

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

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

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

“(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

“(4) DISTRIBUTION.—

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

“(B) Up to 5 percent of funds appropriated under this section in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within racial and ethnic communities.

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

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

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

“(1) GRANTS AUTHORIZED.—

“(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.
“(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

“(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

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

“(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

“(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

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

“(D) design and conduct public education campaigns;
“(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

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

“(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

“(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

“(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to \(\frac{1}{56}\) of the amounts so appropriated to each of those States and territorial coalitions.

“(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.
“(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

“(e) GRANTS TO TRIBES.—

“(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of a sexual assault programs or projects in Indian country and Alaskan native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

“(2) ALLOCATION AND USE OF FUNDS.—

“(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

“(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide
grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

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

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

“(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

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

“(E) not less than 7 percent shall be used for grants to tribes under subsection (e); and

“(F) not less than 7 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (e).”.

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

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

“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

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

“(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

“(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

“(B) law enforcement agencies;
“(C) prosecutors;
“(D) courts;
“(E) other criminal justice service providers;
“(F) human and community service providers;
“(G) educational institutions; and
“(H) health care providers;
“(2) to establish and expand nonprofit, non-governmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and
“(3) to increase the safety and well-being of women and children in rural communities, by—
“(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and
“(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.
“(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the ‘Direc-
tor’), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

“(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

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

“(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

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

“(d) ALLOTMENTS AND PRIORITIES.—
“(1) Allotment for Indian Tribes.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

“(2) Allotment for Sexual Assault Services.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities.

“(3) Allotment for Technical Assistance.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs.

“(4) Underserved Populations.—In awarding grants under this section, the Director shall give priority to racial, ethnic, and other underserved populations.

“(5) Allocation of Funds for Rural States.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

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

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

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

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

“SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

“(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

“(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against women and girls who are individuals with disabilities (as defined in

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section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

“(2) to enhance direct services to such individuals.

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

“(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled women and girls;

“(2) to conduct outreach activities to ensure that disabled women and girls who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

“(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled women and girls;

“(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services,
programs, and activities of victim service organizations for disabled women and girls;

“(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

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

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

“(6) to rehabilitate facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled women and girls;

“(7) to provide advocacy and intervention services for disabled women and girls who are victims of domestic violence, dating violence, stalking, or sexual assault; or

“(8) to develop model programs providing advocacy and intervention services within organizations serving disabled women and girls who are victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) ELIGIBLE ENTITIES.—
“(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

“(A) a State;

“(B) a unit of local government;

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

“(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled women and girls.

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

“(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.”.
SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

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

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

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

“(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect and exploitation, including domestic violence or sexual assault, against victims who are 60 years of age or older;

“(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older;

“(3) increasing the physical accessibility of buildings in which services are or will be rendered for victims of elder abuse, neglect, and exploitation,
including domestic and sexual violence, who are 60 years of age or older;

“(4) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older; and

“(5) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of domestic and sexual abuse who are 60 years of age or older.

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

“(1) a State;

“(2) a unit of local government;

“(3) an Indian tribal government or tribal organization; or

“(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence or sexual assault.”.

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

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

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

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

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

(2) in subsection (g)—

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

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).
TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

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

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

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

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

SEC. 302. RAPE PREVENTION AND EDUCATION.
Section 393B(c) of part J of title III of the Public
Health Service Act (42 U.S.C. 280b–1c(e)) is amended to
read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUS-
TICE FOR YOUNG VICTIMS OF VIOLENCE.
The Violence Against Women Act of 1994 (Public
Law 103–322, Stat. 1902 et seq.) is amended by adding
at the end the following:
“Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

“(a) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the ‘Secretary’), acting through the Family and Youth Services Bureau, in consultation with the Department of Justice, shall award grants to eligible entities to conduct programs to serve victims of domestic violence, dating violence, sexual assault, and stalking who are between the ages of 12 and 24. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

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

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

“(2) a community-based organization specializing in intervention or violence prevention services for youth;
“(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

“(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

“(c) Use of Funds.—

“(1) In General.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

“(2) Types of Programs.—Such a program—

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

“(B) shall include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or link-
ages to existing services in the community tailored to the needs of underserved populations;

“(C) may include mental health services for teens and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

“(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

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

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

“(d) AWARDS BASIS.—

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

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

“(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

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

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

“SEC. 41202. ACCESS TO JUSTICE FOR TEENS.

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

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—The Attorney General,
through the Director of the Office on Violence
Against Women (in this section referred to as the
‘Director’), shall make grants to eligible entities to
carry out the purposes of this section.

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

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

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

“(B) shall include a court; and
“(C) may include—

“(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

“(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and racial, ethnic, and other underserved communities;

“(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

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

“(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

“(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens; or
“(vii) Indian Health Services, Indian Child Welfare, the Bureau of Indian Affairs, or the Federal Bureau of Investigations.

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

“(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

“(2) to establish and enhance linkages and collaboration between—

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

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

“(i) to respond effectively and comprehensively to the varying needs of young
victims of abuse;

“(ii) to include linguistically, culturally, and community relevant services
for racial, ethnic, and other underserved populations or linkages to existing services
in the community tailored to the needs of underserved populations; and

“(iii) to include where appropriate legal assistance, referral services, and parental support;

“(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address minor victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

“(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual
assault, or stalking against minors and young adults and meet the needs of young victims of violence; and

“(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

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

“(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

“(f) DISTRIBUTION.—In awarding grants under this section—
“(1) not less than 7 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

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

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

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

“(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Con-
gress, and make widely available, including through elec-
tronic means, summaries that contain information on—
“(1) the activities implemented by the recipients
of the grants awarded under this section; and
“(2) related initiatives undertaken by the Direc-
tor to promote attention to dating violence, domestic
violence, sexual assault, and stalking and their im-
pact on young victims by—
“(A) the staffs of courts;
“(B) domestic violence, dating violence,
sexual assault, and stalking service providers;
and
“(C) law enforcement agencies and com-
community organizations.
“(h) Authorization of Appropriations.—There
are authorized to be appropriated to carry out this section,
$5,000,000 in each of fiscal years 2006 through 2010.

“SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION
ON THE INTERSECTION BETWEEN DOMESTIC
VIOLENCE AND CHILD MALTREATMENT.
“(a) Purpose.—The purpose of this section is to
support efforts by child welfare agencies, domestic violence
or dating violence victim services providers, courts, law en-
forcement, and other related professionals and community
organizations to develop collaborative responses and serv-
ices and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

“(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the ‘Secretary’), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

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

“(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

“(2) set aside not more than 7 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and
“(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

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

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

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

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

“(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

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

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

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

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

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

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

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

“(6) provide appropriate referrals to commu-
nity-based programs and resources, such as health
and mental health services, shelter and housing as-
sistance for adult and youth victims and their chil-
dren, legal assistance and advocacy for adult and
youth victims, assistance for parents to help their
children cope with the impact of exposure to domes-
tic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

“(i) GRANTEE REQUIREMENTS.—

“(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

“(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

“(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appro-
appropriate resources, protection, and support to the
victimized parents of such children and to the
children themselves; and

“(C) outline methods and means participat-
ing entities will use to ensure that all serv-
ices are provided in a developmentally, linguis-
tically and culturally competent manner and
will utilize community-based supports and re-
sources.

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

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

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

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

“(D) may include a court; and

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

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

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

(1) in subsection (a)(2), by adding at the end the following: “The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting “develop and implement campus policies, protocols, and services that” after “boards to”; and

(ii) by adding at the end the following: “Within 90 days after the date of enactment of the Violence Against Women Act of 2005, the Attorney General shall issue and make available minimum standards of training relating to violent crimes against women on campus, for all campus
security personnel and personnel serving
on campus disciplinary or judicial
boards.”;

(B) in paragraph (4), by striking all that
follows “strengthen” and inserting: “victim
services programs on the campuses of the insti-
tutions involved, including programs providing
legal, medical, or psychological counseling, for
victims of domestic violence, dating violence, or
sexual assault, and to improve delivery of victim
assistance on campus. To the extent prac-
ticable, such an institution shall collaborate
with any entities carrying out nonprofit and
other victim services programs, including sexual
assault, domestic violence, and dating violence
victim services programs in the community in
which the institution is located. If appropriate
victim services programs are not available in
the community or are not accessible to stu-
dents, the institution shall, to the extent prac-
ticable, provide a victim services program on
campus or create a victim services program in
collaboration with a community-based organiza-
tion. The institution shall use not less than 20
percent of the funds made available through the
grant for a victim services program provided in accordance with this paragraph.”;

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

(D) by redesignating paragraphs (7), (9), and (10) as paragraphs (6), (7), and (8), respectively;

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

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

(4) in subsection (d)—

(A) by striking paragraph (4);

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

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

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

“(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of do-
mestic violence, dating violence, sexual assault, or stalking, and their families, grantee and sub-
grantees under this title shall protect the con-
fidentiality and privacy of persons receiving
services.

“(B) NONDISCLOSURE.—Subject to sub-
paragraph (C), grantees and subgrantees shall
not—

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

“(ii) reveal individual client informa-
tion without the informed, written, reason-
ably time-limited consent of the person (or
in the case of an unemancipated minor, the
minor and the parent or guardian or in the
case of persons with disabilities, the guard-
ian) about whom information is sought,
whether for this program or any other
Federal, State, tribal, or territorial grant
program.
“(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

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

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

“(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and
“(iii) law-enforcement and prosecution-generated information for law enforcement and prosecution purposes.

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

“(i) a first and last name;

“(ii) a home or other physical address;

“(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(iv) a social security number; and

“(v) any other information, including, date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of clauses (i) through (iv), would serve to identify any individual.”; and

(5) in subsection (g), by—

(A) striking “$10,000,000” and inserting “$15,000,000”;
(B) striking “2001” and inserting “2006”; and

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

SEC. 305. JUVENILE JUSTICE.

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

(1) in paragraph (7)(B)—

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

(B) by inserting before clause (ii) the following:

“(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females;”.

(b) USE OF FUNDS.—Section 223(a)(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(9)) is amended—

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

(2) in subparagraph (S), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:

“(T) developing and adopting policies to prohibit disparate treatment of female juveniles in placement and treatment, and establishing gender-specific services to ensure that female juveniles have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, education in parenting, education in general, and other training and vocational services.”.

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

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

(2) in subsection (a)—

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

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

(C) by striking “to provide” and inserting the following:
“(1) to provide’’;

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

(E) by adding at the end the following:

“(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

“(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

“(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.’’; and

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

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.”
“(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

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

“(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

“(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.”.
TITLE IV—STRENGTHENING AMERICA’S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle M—Strengthening America’s Families by Preventing Violence Against Women and Children

“SEC. 41301. FINDINGS.

“Congress finds that—

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

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

“(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child’s violent behavior;
“(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

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

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

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

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

“SEC. 41302. PURPOSE.

“The purpose of this subtitle is to—

“(1) prevent crimes involving violence against women, children, and youth;
“(2) increase the resources and services available to prevent violence against women, children, and youth;

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

“(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

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

“(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

“SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

“(a) Grants Authorized.—
“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

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

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

“(A) considering the needs of underserved populations;

“(B) awarding not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

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

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

“(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

“(c) Use of Funds.—The funds appropriated under this section shall be used for—

“(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child’s caretaker; or

“(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other pro-
grams serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

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

“(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

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

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

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and
“(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

“(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

“(B) ensure linguistically, culturally, and community relevant services for racial, ethnic, and other underserved communities.

“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and
implementing model policies and procedures to train
home visitation service providers on addressing do-
mestic violence, dating violence, sexual assault, and
stalking in families experiencing violence, or at risk
of violence, to reduce the impact of that violence on
children, maintain safety, improve parenting skills,
and break intergenerational cycles of violence.

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

“(3) AWARD BASIS.—The Director shall—

“(A) consider the needs of underserved
populations;

“(B) award not less than 7 percent of such
amounts for the funding of tribal projects from
the amounts made available under this section
for a fiscal year; and

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

“(b) AUTHORIZATION OF APPROPRIATIONS.—There
is authorized to be appropriated to carry out this section
$7,000,000 for each of fiscal years 2006 through 2010.
“(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

“(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

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

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

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

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

“(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;
“(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

“(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

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

“(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a non-abusing parent or caretaker in response to violence against anyone in the household; and

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

“(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and
are included as training partners, where possible.

"SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) Grants Authorized.—

"(1) In general.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

"(2) Term.—The Director shall make grants under this section for a period of 2 fiscal years.

"(3) Award Basis.—The Director shall award grants—

"(A) considering the needs of underserved populations;

"(B) awarding not less than 7 percent of such amounts for the funding of tribal projects
from the amounts made available under this section for a fiscal year; and

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

“(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

“(c) Use of Funds.—

“(1) Programs.—The funds appropriated under this section shall be used by eligible entities for—

“(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

“(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

“(ii) that include at a minimum—
“(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

“(II) strategies to help participants be as safe as possible; or

“(B) create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

“(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

“(d) ELIGIBLE ENTITIES.—

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

“(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;
“(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

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

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

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

“(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

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

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

“(1) prepare and submit to the Director an application at such time, in such manner, and con-
taining such information as the Director may re-
quire; and

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

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

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

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

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

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DIS-
EASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and
Human Services acting through the National Center for
Injury Prevention and Control at the Centers for Disease
Control Prevention shall make grants to entities, including
sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) Use of Funds.—The research conducted under this section shall include the following areas:

(1) Evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in this title, including strategies addressing racial, ethnic, and other underserved communities.

(2) An evaluation of the efficacy and effectiveness of interventions and policies targeting offenders and potential offenders to prevent perpetration of sexual and domestic violence.

(3) An examination of the social norms and family structure that support sexual and domestic violence and to evaluate strategies to change them.

(c) Authorization of Appropriations.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2006 through 2010.
TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM’S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.
(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify,
and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system’s response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against
women and children, increasing the number of women
properly screened, identified, and treated for lifetime expo-
sure to violence, and expanding research on effective inter-
ventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFES-
SIONALS IN DOMESTIC AND SEXUAL VIO-
LENCE.

Part D of title VII of the Public Health Service Act
(42 U.S.C. 294 et seq.) is amended by adding at the end
the following:

“SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION
ON DOMESTIC VIOLENCE AND OTHER TYPES
OF VIOLENCE AND ABUSE.

“(a) GRANTS.—The Secretary, acting through the
Director of the Health Resources and Services Adminis-
tration, shall award grants under this section to develop
interdisciplinary training and education programs that
provide undergraduate, graduate, post-graduate medical,
nursing (including advanced practice nursing students),
and other health professions students with an under-
standing of, and clinical skills pertinent to, domestic vio-
ence, sexual assault, stalking, and dating violence.

“(b) ELIGIBILITY.—To be eligible to receive a grant
under this section an entity shall—
“(1) be an accredited school of allopathic or osteopathic medicine;

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

“(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

“(C) a plan for consulting with, and compensating community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.
“(c) Use of Funds.—

“(1) Required Uses.—Amounts provided under a grant under this section shall be used to—

“(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

“(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

“(2) Permissive Uses.—Amounts provided under a grant under this section may be used to—

“(A) offer community-based training opportunities in rural areas for medical, nursing,
and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

“(B) provide stipends to students from racial and ethnic population groups who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

“(3) REQUIREMENTS.—

“(A) CONFIDENTIALITY AND SAFETY.—

Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coali-
tions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

“(B) Rural programs.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

“(4) Child and elder abuse.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

“(d) Requirements of grantees.—

“(1) Limitation on administrative expenses.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

“(2) Contribution of funds.—A grantee under this section, and any entity receiving assistance under the grant for training and education,
shall contribute non-Federal funds, either directly or
through in-kind contributions, to the costs of the ac-
tivities to be funded under the grant in an amount
that is not less than 25 percent of the total cost of
such activities.

“(e) Authorization of Appropriations.—There
is authorized to be appropriated to carry out this section,
$3,000,000 for each of fiscal years 2006 through 2010.
Amounts appropriated under this subsection shall remain
available until expended.”.

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES
TO DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act
(42 U.S.C. 280g et seq.) is amended by adding at the end
the following:

“SEC. 399P. GRANTS TO FOSTER PUBLIC HEALTH RE-
SPONSES TO DOMESTIC VIOLENCE, DATING
VIOLENCE, SEXUAL ASSAULT, AND STALKING.

“(a) Authority To Award Grants.—

“(1) In general.—The Secretary, acting
through the Director of the Centers for Disease
Control and Prevention, shall award grants to eligi-
ble State, tribal, territorial, or local entities to
strengthen the response of State, tribal, territorial,
or local health care systems to domestic violence, 
dating violence, sexual assault, and stalking.

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

“(A) be—

“(i) a State department (or other divi-
sion) of health, a State domestic or sexual 
assault coalition or service-based program, 
State law enforcement task force, or any 
other nonprofit, nongovernmental, tribal, 
territorial, or State entity with a history of 
effective work in the fields of domestic vio-
ence, dating violence, sexual assault or 
stalking, and health care; or

“(ii) a local, nonprofit domestic vio-
ence, dating violence, sexual assault, or 
stalking service-based program, a local de-
partment (or other division) of health, a 
local health clinic, hospital, or health sys-
tem, or any other nonprofit, tribal, or local 
entity with a history of effective work in 
the field of domestic or sexual violence and 
health;

“(B) prepare and submit to the Secretary 
an application at such time, in such manner,
and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

“(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

“(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.
“(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

“(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient’s privacy and safety and prohibits insurance discrimination.

“(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

“(C) The evaluation of practice and the institutionalization of identification, intervention,
and documentation including quality improvement measurements.

“(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

“(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

“(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

“(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

“(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education
materials to patients and health care professionals and behavioral and public health staff.

“(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

“(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

“(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2006 through 2010.”.

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

(114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

“CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

“SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

“(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

“(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

“(1) With respect to the authority of the Centers for Disease Control and Prevention—

“(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health condi-
tions, and the health status of individuals, families, and populations; and

“(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

“(2) With respect to the authority of the Agency for Healthcare Research and Quality—

“(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic and dating violence and childhood exposure to domestic and dating violence; and

“(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

“(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.”
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.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

“Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

“SEC. 41401. FINDINGS.

“Congress finds that:

“(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

“(2) 92 percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 per-
cent have been victims of intimate partner violence as adults.

“(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

“(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

“(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.
“(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

“(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

“(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

“(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

“(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

“(11) Victims of domestic violence in rural areas face additional barriers, challenges, and
unique circumstances, such as geographical isolation,
poverty, lack of public transportation systems, short-
ages of health care providers, under-insurance or
lack of health insurance, difficulty ensuring con-
fidentiality in small communities, and decreased ac-
access to many resources (such as advanced education,
job opportunities, and adequate childcare).

“(12) Congress and the Secretary of Housing
and Urban Development have recognized in recent
years that families experiencing domestic violence
have unique needs that should be addressed by those
administering the Federal housing programs.

“SEC. 41402. PURPOSE.

“The purpose of this subtitle is to reduce domestic
violence, dating violence, sexual assault, and stalking, and
to prevent homelessness by—

“(1) protecting the safety of victims of domestic
violence, dating violence, sexual assault, and stalking
who reside in homeless shelters, public housing, as-
sisted housing, Indian housing, or other emergency,
transitional, permanent, or affordable housing, and
ensuring that such victims have meaningful access to
the criminal justice system without jeopardizing such
housing;
“(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

“(3) building collaborations between victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking;

and

“(4) enabling public and assisted housing agencies, Indian housing authorities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

“SEC. 41403. DEFINITIONS.

“For purposes of this subtitle—

“(1) the term ‘assisted housing’ means housing assisted—

“(A) under section 221(d)(3), section 221(d)(4), or section 236 of the National Hous-
ing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

“(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or

“(C) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

“(2) the term ‘continuum of care’ means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

“(3) the term ‘Indian housing’ means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

“(4) the term ‘low-income housing assistance voucher’ means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

“(5) the term ‘public housing’ means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

“(6) the term ‘public housing agency’ means an agency described in section 3(b)(6) of the United
States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

“(7) the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’—

“(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

“(B) includes—

“(i) an individual who—

“(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

“(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

“(III) is living in an emergency or transitional shelter;

“(IV) is abandoned in a hospital; or

“(V) is awaiting foster care placement;

“(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily
used as a regular sleeping accommodation for human beings; or

“(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph; and

“(8) the term ‘homeless service provider’ means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness.

“SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-TERM HOUSING FOR VICTIMS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration on Children, Youth and Families (‘ACYF’), and in consultation with the Secretary of Housing
and Urban Development, shall award grants and
contracts for a period of not less than 2 years to eli-
gible entities to develop long-term housing options
for adult and youth victims of domestic violence,
dating violence, sexual assault, and stalking who are
currently homeless or at risk for becoming homeless.

“(2) AMOUNT.—The Secretary of Health and
Human Services shall award—

“(A) grants for projects that do not in-
clude the cost of construction in amounts—

“(i) not less than $25,000 per year;

and

“(ii) not more than $350,000 per
year; and

“(B) grants for projects that do include
the cost of construction in amounts—

“(i) not less than $75,000 per year;

and

“(ii) not more than $1,000,000 per
year.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive
a grant under this section, an entity shall demonstrate
that it is a coalition or partnership, applying jointly,
that—
“(1) shall include a domestic violence victim service provider;

“(2) shall include—

“(A) a homeless service provider;

“(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

“(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, an Indian housing authority or tribal housing consortium;

“(3) may include a dating violence, sexual assault, or stalking victim service provider;

“(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

“(5) may include a public housing agency or Indian housing authority;

“(6) may include tenant organizations in public or Indian housing, as well as nonprofit, nongovernmental tenant organizations;
“(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development’s Continuum of Care process;

“(8) may include a State, tribal, territorial, or local government or government agency; and

“(9) may include any other such agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity seeking a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

“(2) CONTENTS.—Each application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) USE OF FUNDS.—Grants and contracts awarded to eligible entities pursuant to subsection (a) shall be used to design or replicate and implement new activities, serv-
ices, and programs to develop long-term housing options
for adult and youth victims of domestic violence, dating
violence, sexual assault, or stalking, and their dependents,
who are currently homeless or at risk of becoming home-
less. Such activities, services, or programs—

“(1) shall participate in the Department of
Housing and Urban Development’s Continuum of
Care process, unless such a process does not exist in
the community to be served;

“(2) shall develop sustainable long-term housing
in the community by—

“(A) coordinating efforts and resources
among the various groups and organizations
comprised in the entity to access existing pri-

tate and public funding;

“(B) placing individuals and families in
long-term housing; and

“(C) providing services to help individuals
or families find and maintain long-term hous-
ing, including financial and support assistance;

“(3) may provide capital costs for the purchase,
preconstruction, construction, renovation, repair, or
conversion of affordable housing units;
“(4) may use funds for the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

“(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

“(e) Underserved Populations and Priorities.—In awarding grants under this section, the Secretary of Health and Human Services, acting through the ACYF, shall—

“(1) give priority to linguistically and culturally specific services;

“(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3);

“(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations; and

“(4) ensure that at least 2 of the grants awarded must fund projects that include construction consistent with the purposes in subsection (a)(i).

“(f) Definitions.—For purposes of this section—

“(1) the term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—
“(A) rented or owned by the individual;

“(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

“(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization; and

“(2) the term ‘affordable housing’ means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

“(g) Evaluation, Monitoring, Administration, and Technical Assistance.—For purposes of this section—

“(1) up to 3 percent of the funds appropriated under subsection (h) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

“(2) up to 8 percent of the funds appropriated under subsection (h) for each fiscal year may be
used to provide technical assistance to grantees under this section.

“(h) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

“SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

“(a) Purpose.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

“(1) education and training of eligible entities;

“(2) development and implementation of appropriate housing policies and practices;

“(3) enhancement of collaboration with victim service providers and tenant organizations; and

“(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

“(b) Grants Authorized.—
“(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice (‘Director’), and in consultation with the Secretary of Housing and Urban Development (‘Secretary’), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families (‘ACYF’), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

“(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to Indian housing authorities.

“(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

“(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsections (f) and (i).

“(c) ELIGIBLE GRANTEES.—

“(1) IN GENERAL.—Eligible grantees are—

“(A) public housing agencies;
“(B) principally managed public housing resident management corporations, as determined by the Secretary;

“(C) public housing projects owned by public housing agencies;

“(D) agencies and authorities receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

“(E) private, for-profit, and nonprofit owners or managers of assisted housing.

“(2) Submission required for all grantees.—To receive assistance under this section, an eligible grantee shall certify that—

“(A) its policies and practices do not prohibit or limit a resident’s right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

“(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary’s instructions;
“(C) it does not discriminate against any person—

“(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

“(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim’s family or household member;

“(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

“(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period se-
lected by the Attorney General in consultation
with the Secretary and ACYF.

“(d) APPLICATION.—Each eligible entity seeking a
grant under this section shall submit an application to the
Attorney General at such a time, in such a manner, and
containing such information as the Attorney General may
require.

“(e) CERTIFICATION.—

“(1) IN GENERAL.—A public housing agency,
Indian housing authority, or assisted housing pro-
vider receiving funds under this section may request
that an individual claiming relief under this section
certify that the individual is a victim of domestic vio-
lice, dating violence, sexual assault, or stalking.
The individual shall provide a copy of such certifi-
cation to the public housing agency, Indian housing
authority, or assisted housing provider within a rea-
sonable period of time after the agency or authority
requests such certification.

“(2) CONTENTS.—An individual may satisfy the
certification requirement of paragraph (1) by—

“(A) providing the public housing agency,
Indian housing authority, or assisted housing
provider with documentation, signed by an em-
ployee, agent, or volunteer of a victim service
provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

“(B) producing a Federal, State, tribal, territorial, or local police or court record.

“(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, Indian housing authority, owner, or manager to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing authority may provide benefits to an individual based solely on the individual’s statement or other corroborating evidence.

“(4) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, Indian housing authority, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domes-
tic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest con-
fidence by such housing authority, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, Indian housing authority, owner, or manager, except to the extent that disclosure is—

“(i) requested or consented to by the individual in writing; or

“(ii) otherwise required by applicable law.

“(B) Notification.—An individual shall be notified of the limits of such confidentiality and informed in advance about circumstances in which the housing agency, assisted housing provider, Indian housing authority, owner, or manager will be compelled to disclose the individual’s information.

“(f) Use of Funds.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—
“(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims’ negative histories;

“(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim’s or the victim children’s safety;

“(3) protecting victims’ confidentiality, including protection of victims’ personally identifying information, address, or rental history;

“(4) assisting victims who need to leave a public housing, Indian housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, Indian housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;
“(5) enabling the public housing agency, Indian housing authority, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

“(6) enabling the public housing agency, Indian housing authority, or assisted housing provider to comply with court orders, including civil protection orders issued to protect the victim, when notified and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

“(7) developing and implementing more effective security policies, protocols, and services;

“(8) allotting not more than 15 percent of funds awarded under the grant to make physical improvements;

“(9) training all personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

“(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.
“(g) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

“(h) Technical Assistance.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.”.

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) In General.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting “the Department of Housing and Urban Development, and the Department of Health and Human Services,” after “Department of Justice,”;

(B) by inserting “, including domestic violence victim service providers, domestic violence coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented
history of effective work concerning domestic violence, dating violence, sexual assault, or stalking” after “other organizations”; and

(C) in paragraph (1), by inserting “, dating violence, sexual assault, or stalking” after “domestic violence”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting “, dating violence, sexual assault, or stalking” after “violence”;

(C) by inserting before paragraph (2), as redesignated, the following:

“(1) transitional housing, or acquire land or buildings, or rehabilitate or construct buildings for the purpose of providing transitional housing to persons described in subsection (a), including funding for—

“(A) the predevelopment cost and capital expenses involved in the development of transitional housing; and

“(B) the operating expenses of newly developed or existing transitional housing.”; and
(D) in paragraph (3)(B) as redesignated, by inserting “Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.” after “assistance.”;

(3) in paragraph (1) of subsection (c), by striking “18 months” and inserting “24 months”;

(4) in subsection (d)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim’s housing; and”;

(5) in subsection (e)(2)—
(A) in subparagraph (A), by inserting
“purpose and” before “amount”; 

(B) in clause (ii) of subparagraph (C), by
striking “and”; 

(C) in subparagraph (D), by striking the
period and inserting “; and”; and

(D) by adding at the end the following new
subparagraph:

“(E) the client population served and the
number of individuals requesting services that
the transitional housing program is unable to
serve as a result of a lack of resources.”; and

(6) in subsection (g)—

(A) in paragraph (1), by striking
“$30,000,000” and inserting “$40,000,000”;

(B) in paragraph (1), by striking “2004”
and inserting “2006”;

(C) in paragraph (1), by striking “2008.”
and inserting “2010”; 

(D) in paragraph (2), by striking “not
more than 3 percent” and inserting “up to 5
percent”;

(E) in paragraph (2), by inserting “evalua-
tion, monitoring, technical assistance,” before
“salaries”; and
(F) in paragraph (3), by adding at the end the following new subparagraphs:

“(C) UNDERSERVED POPULATIONS.—

“(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

“(ii) Priority shall be given to projects developed under subsection (b) that primarily serve racial, ethnic, or other underserved populations.”.

SEC. 603. PUBLIC AND INDIAN HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437e–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (3)”;

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

(C) by inserting after paragraph (1) the following:
“(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency or Indian housing authority of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.”;

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

“(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

“(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

“(B) any activities, services, or programs provided or offered by a public housing agency or Indian housing authority that helps child and adult victims of domestic violence, dating
violence, sexual assault, or stalking, to obtain or
maintain housing; and

“(C) any activities, services, or programs
provided or offered by a public housing agency
or Indian housing authority to prevent domestic
violence, dating violence, sexual assault, and
stalking, or to enhance victim safety in assisted
families.”.

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National
Affordable Housing Act (42 U.S.C. 12705(b)(1)) is
amended by inserting after “immunodeficiency syn-
drome,” the following: “victims of domestic violence, dat-
ing violence, sexual assault, and stalking”.

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOME-
LESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless
Assistance Act (42 U.S.C. 11383) is amended—
(1) by adding at the end of subsection (a) the
following:

“(8) CONFIDENTIALITY.—

“(A) IN GENERAL.—In the course of
awarding grants or implementing programs
under this subsection, the Secretary shall in-
struct any recipient or subgrantee not to dis-
close to any person, agency, or entity any personally identifying information about any client where the Secretary, recipient, or subgrantee believes based upon reasonable evidence that the client is either a child or an adult victim of domestic violence, dating violence, sexual assault, or stalking, or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking. The Secretary shall not require or ask a recipient or subgrantee of any other Federal or State program to disclose personally identifying information about any clients where the persons, agencies, or entities implementing those programs believe, based upon reasonable evidence, that those clients either are child or adult victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. The Secretary shall instruct any recipient or subgrantee under this subsection or any recipient or subgrantee of any other Federal or State program participating in the Homeless Management Information System that personally identifying in-
information about any client may only be disclosed if the program seeking to disclose such information has obtained informed, reasonably time-limited, written consent from the client to whom the information relates. The Secretary may require or ask any recipient or subgrantee to share nonpersonally identifying data in the aggregate regarding services to clients and nonpersonally identifying demographic information in order to comply with the data collection requirements of the Homeless Management Information System.

“(B) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term ‘personally identifying information’ or ‘personal information’ means individually identifying information for or about an individual including—

“(i) a first and last name;
“(ii) a home or other physical address;
“(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
“(iv) a social security number; and
“(v) any other information, including
date of birth, racial or ethnic background,
or religious affiliation, that, in combination
with any of clauses (i) through (iv), would
serve to identify any individual.”.

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—
(1) in subsection (d)—
(A) in paragraph (1)(B)(ii), by inserting after “other good cause” the following: “, and
that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating a lease held by the victim of such violence”; and
(B) in paragraph (1)(B)(iii), by inserting after “termination of tenancy” the following: “, except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s

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household or any guest or other person under
the tenant’s control, shall not be cause for ter-
mination of the tenancy, if the tenant or imme-
diate member of the tenant’s family is a victim
of domestic violence, dating violence, or stalking
and, as a result, could not control or prevent
the criminal activity; (II) nothing in subclause
(I) may be construed to limit the authority of
an owner or manager consistent with applicable
State law to evict or the public housing agency
or assisted housing provider to terminate vouch-
er assistance to individuals who engage in
criminal acts of physical violence against family
members or others; and (III) nothing in sub-
clause (I) may be construed to limit the author-
ity of an owner or manager to evict, or the pub-
lic housing agency or assisted housing provider
to terminate, voucher assistance to any tenant
if the owner, manager, public housing agency,
or assisted housing provider can demonstrate
an actual and imminent threat to the larger
community if that tenant is not evicted or ter-
minated from assistance.”;
(2) in subsection (f)—
(A) in paragraph (6), by striking “and”;
(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and
(C) by adding at the end the following new paragraphs:

“(8) the term ‘domestic violence’ has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);

“(9) the term ‘dating violence’ has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

“(10) the term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

“(B) suffer significant emotional or physical distress; and

“(11) the term ‘sexual assault’ has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”;
(A) by inserting at the end of paragraph (6)(B) the following new sentence: “That an applicant is or is perceived to be, or has been or has been perceived to be, a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority.”;

(B) in paragraph (7)(C), by inserting after “other good cause” the following: “, and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating a lease held by the victim of such violence”; and

(C) in paragraph (7)(D), by inserting after “termination of tenancy” the following: “; except that (i) criminal activity relating directly to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant’s family is a victim
of domestic violence, dating violence, or stalking
and, as a result, could not control or prevent
the criminal activity; (ii) nothing in clause (i)
may be construed to limit the authority of an
owner or manager consistent with applicable
State law to evict or the public housing agency
or assisted housing provider to terminate voucher assistance to individuals who engage in
criminal acts of physical violence against family members or others; and (iii) nothing in clause
(i) may be construed to limit the authority of
an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if
the owner, manager, public housing agency, or
assisted housing provider can demonstrate an actual and imminent threat to the larger com-
munity if that tenant is not evicted or termi-
nated from assistance.’’;
(4) in subsection (r)(5), by inserting after ‘‘vio-
lation of a lease’’ the following: ‘‘, except that a fam-
ily may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit in order to
protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit”; and

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

“(ee) Certification and Confidentiality.—

“(1) Certification.—

“(A) In general.—An owner, manager, public housing agency, or assisted housing provider responding to subsections (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), and (r)(5) may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide a copy of such certification within a reasonable period of time after the owner, manager, public housing agency, or assisted housing provider requests such certification.
“(B) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

“(i) providing the requesting owner, manager, public housing agency, or assisted housing provider with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; or

“(ii) producing a Federal, State, tribal, territorial, or local police or court record.

“(C) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, public housing agency, or assisted housing provider to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits
provided in this section. At their discretion, the
owner, manager, public housing agency, or as-
sisted housing provider may provide benefits to
an individual based solely on the individual’s
statement or other corroborating evidence.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information pro-
vided to an owner, manager, public housing
agency, or assisted housing provider pursuant
to paragraph (1), including the fact that an in-
dividual is a victim of domestic violence, dating
violence, sexual assault, or stalking, shall be re-
tained in the strictest confidence by an owner,
manager, public housing agency, or assisted
housing provider, and shall neither be entered
into any shared database nor provided to any
related entity, except to the extent that disclo-
sure is—

“(i) requested or consented to by the
individual in writing; or

“(ii) otherwise required by applicable
law.

“(B) NOTIFICATION.—An individual must
be notified of the limits of such confidentiality
and informed in advance about circumstances
in which the person or entity will be compelled
to disclose the individual’s information.”.

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PRO-
GRAM.

Section 6 of the United States Housing Act of 1937
(42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating para-
graph (3) and (4), as paragraphs (4) and (5), re-
spectively;

(2) by inserting after paragraph (2) the fol-
lowing:

“(3) the public housing agency shall not deny
admission to the project to any applicant on the
basis that the applicant is or is perceived to be, or
has been or has been perceived to be, a victim of do-
mestic violence, dating violence, or stalking”;

(3) in subsection (l)(5), by inserting after
“other good cause” the following: “, and that an in-
cident or incidents of actual or threatened domestic
violence, dating violence, or stalking will not be con-
strued as a serious or repeated violation of the lease
by the victim or threatened victim of that violence
and will not be good cause for terminating a lease
held by the victim of such violence”;

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(4) in subsection (l)(6), by inserting after “termination of tenancy” the following: “; except that
(A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a
member of a tenant’s household or any guest or other person under the tenant’s control, shall not be
cause for termination of the tenancy, if the tenant or immediate member of the tenant’s family is a vic-
tim of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the
criminal activity; (B) nothing in subparagraph (A) may be construed to limit the authority of a public
housing agency consistent with applicable State law to evict, or the public housing agency or assisted
housing provider to terminate, voucher assistance to individuals who engage in criminal acts of physical
violence against family members or others; and (C) nothing in subparagraph (A) may be construed to
limit the authority of a public housing agency to termi-nate the tenancy of any tenant if the public hous-
ing agency can demonstrate an actual and imminent threat to the larger community if that tenant’s ten-
ancy is not terminated.”; and
(5) by inserting at the end of subsection (t) the
following new subsection:
“(u) Certification and Confidentiality.—

“(1) Certification.—

“(A) In general.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide a copy of such certification within a reasonable period of time after the public housing agency requests such certification.

“(B) Contents.—An individual may satisfy the certification requirement of subparagraph (A) by—

“(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating vio-
lence, or stalking, or the effects of the abuse; or

“(ii) producing a Federal, State, tribal, territorial, or local police or court record.

“(C) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency’s discretion, a public housing agency may provide benefits to an individual based solely on the individual’s statement or other corroborating evidence.

“(2) CONFIDENTIALITY.—

“(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in the strictest confidence by such public housing agency, and shall neither be entered into any
shared database nor provided to any related entity, except to the extent that disclosure is—

“(i) requested or consented to by the individual in writing; or

“(ii) otherwise required by applicable law.

“(B) Notification.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual’s information.

“(3) Definitions.—For purposes of this subsection and subsection (l) (5) and (6)—

“(A) the term ‘domestic violence’ has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);

“(B) the term ‘dating violence’ has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and
“(C) the term ‘stalking’ means engaging in
a course of conduct directed at a specific person
that would cause a reasonable person to—
“(i) fear for his or her safety or the
safety of others; or
“(ii) suffer significant emotional dis-
tress.”.

TITLE VII—PROVIDING ECO-
NOMIC SECURITY FOR VICT-
TIMS OF VIOLENCE

SEC. 701. EMERGENCY LEAVE.

(a) IN GENERAL.—The Violence Against Women Act
of 1994 (Public Law 103–322; 108 Stat. 1902) is amend-
ed by adding after subtitle N the following:

“Subtitle O—Assistance for Individ-
uals Experiencing Domestic or
Sexual Violence

“CHAPTER 1—EMERGENCY LEAVE

“SEC. 41501. FINDINGS.

“Congress makes the following findings:
“(1) Violence against women is a leading cause
of physical injury to women. Such violence has a
devastating impact on women’s physical and emo-
tional health, financial security, and ability to main-
tain their jobs, and thus impacts interstate commerce.

“(2) Studies indicate that one of the best predictors of whether a victim of such violence will be able to stay away from her abuser is her degree of economic independence. However, domestic violence, dating violence, sexual assault, and stalking (referred to in this subtitle as ‘domestic or sexual violence’) often negatively impact victims’ ability to maintain employment.

“(3) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity. Other reports have estimated that domestic violence costs United States employers between $5,800,000,000 and $13,000,000,000 annually.

“(4) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

“(5) Abusers frequently seek to exert financial control over their partners by actively interfering with the ability of their partners to work, including preventing their partners from going to work, harassing their partners at work, limiting the access
of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

“(6) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusers.

“(7) Victims of domestic violence also frequently miss work due to injuries, court proceedings, and safety concerns requiring legal protections. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.

“(8) According to a 1998 report of the Government Accountability Office, between 25 percent and 50 percent of victims of domestic violence surveyed reported that the victims lost a job due, at least in part, to domestic violence.

“(9) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.
“(10) Domestic violence also affects abusers’ ability to work. A recent study found that 48 percent of abusers reported having difficulty concentrating at work and 42 percent reported being late to work. 78 percent reported using their own company’s resources in connection with the abusive relationship.

“(11) About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999. Half of all female victims of violent workplace crimes know their abusers. Nearly 1 out of 10 violent workplace incidents are committed by spouses or other partners.

“(12) Sexual assault, whether occurring in or out of the workplace, can impair an employee’s work performance, require time away from work, and undermine the employee’s ability to maintain a job. Almost 50 percent of sexual assault victims lose their jobs or are forced to quit in the aftermath of the assaults.

“(13) More than 35 percent of stalking victims report losing time from work due to the stalking and 7 percent never return to work.
“(14) Five States provide victims of domestic or
sexual violence with leave from work to attend court
proceedings, to go to the doctor, or to take other
steps to address the violence in their lives, and sev-
eral other States provide time off to victims of
crimes, which can include victims of domestic or sex-
ual violence, to attend court proceedings.

“SEC. 41502. PURPOSES.

“The purposes of this chapter are, pursuant to the
affirmative power of Congress to enact legislation under
the portions of section 8 of article I of the Constitution
relating to providing for the general welfare and to regula-
tion of commerce among the several States, and under sec-
tion 5 of the 14th amendment to the Constitution—

“(1) to promote the national interest in reduc-
ing domestic or sexual violence by enabling victims
of domestic or sexual violence to maintain the finan-
cial independence necessary to leave abusive situa-
tions, achieve safety, and minimize the physical and
emotional injuries from domestic or sexual violence,
and to reduce the devastating economic con-
sequences of domestic or sexual violence to employ-
ers and employees;

“(2) to promote the national interest in ensur-
ing that victims of domestic or sexual violence can
recover from and cope with the effects of such vio-

lence, and participate in criminal and civil justice

processes, without fear of adverse economic con-

sequences;

“(3) to reduce the negative impact on interstate

commerce produced by dislocations of employees and

harmful effects on productivity, employment, health

care costs, and employer costs, caused by domestic

or sexual violence, including related intentional ef-
forts to frustrate women’s ability to participate in

employment and interstate commerce; and

“(4) to enforce the 14th amendment’s guar-

antee of equal protection of the laws by—

“(A) preventing and remedying sex-based
discrimination and discrimination against vic-
tims of domestic and sexual violence in employ-
ment leave by addressing the failure of existing

laws to protect the employment rights of women

and such victims; and

“(B) thus furthering the equal opportunity

of women for economic self-sufficiency and em-

ployment free from discrimination.

“SEC. 41503. DEFINITIONS.

“In this title, except as otherwise expressly provided:
“(1) COMMERCE.—The terms ‘commerce’ and ‘industry or activity affecting commerce’ have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

“(2) ELECTRONIC COMMUNICATIONS.—The term ‘electronic communications’ includes communications via telephone (including mobile phone), computer, e-mail, video recorder, fax machine, telex, or pager.

“(3) EMPLOY; STATE.—The terms ‘employ’ and ‘State’ have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

“(4) EMPLOYEE.—

“(A) IN GENERAL.—The term ‘employee’ means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)).

“(B) BASIS.—The term includes a person employed as described in subparagraph (A)—

“(i) on a full- or part-time basis; or
“(ii) as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

“(5) EMPLOYER.—The term ‘employer’—

“(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more individuals for each working day during each of the 20 or more calendar weeks in the current or preceding calendar year; and

“(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency that employs individuals as described in section 3(e)(2) of the Fair Labor Standards Act of 1938, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

“(6) EMPLOYMENT BENEFITS.—The term ‘employment benefits’ means all benefits provided or made available to employees by an employer (including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational bene-
fits, and pensions), regardless of whether such bene-
fits are provided or made available by a practice or
written policy of an employer or through an ‘em-
ployee benefit plan’, as defined in section 3(3) of the
Employee Retirement Income Security Act of 1974
(29 U.S.C. 1002(3)).

“(7) FAMILY OR HOUSEHOLD MEMBER.—The
term ‘family or household member’, used with re-
pect to an individual, means a nonabusive spouse,
former spouse, parent, son or daughter, or person
residing or formerly residing in the same dwelling
unit as the individual.

“(8) PARENT; SON OR DAUGHTER.—The terms
‘parent’ and ‘son or daughter’ have the meanings
given the terms in section 101 of the Family and

“(9) PERSON.—The term ‘person’ has the
meaning given the term in section 3 of the Fair

“(10) PUBLIC AGENCY.—The term ‘public
agency’ has the meaning given the term in section
3 of the Fair Labor Standards Act of 1938 (29

“(11) PUBLIC ASSISTANCE.—The term ‘public
assistance’ includes cash, food stamps, medical as-
sistance, housing assistance, and other benefits pro-
vided on the basis of income by a public agency.

“(12) Reduced Leave Schedule.—The term
‘reduced leave schedule’ means a leave schedule that
reduces the usual number of hours per workweek, or
hours per workday, of an employee.

“(13) Secretary.—The term ‘Secretary’
means the Secretary of Labor.

“SEC. 41504. Entitlement to Emergency Leave for Ad-
ressing Domestic or Sexual Violence.

“(a) Leave Requirement.—

“(1) Basis.—An employee who is a victim of
domestic or sexual violence may take leave from
work to address domestic or sexual violence, by—

“(A) seeking medical attention for, or re-
covering from, physical or psychological injuries
caused by domestic or sexual violence to the
employee or the employee’s family or household
member;

“(B) obtaining emergency housing, tem-
porary or permanent, or taking other actions to
increase the safety of the employee or the em-
ployee’s family or household member; or

“(C) seeking legal or law enforcement as-
sistance or remedies to ensure the health and
safety of the employee or the employee’s family
or household member, including preparing for
or participating in any civil or criminal legal
proceeding related to or derived from domestic
or sexual violence.

“(2) PERIOD.—An employee may take not more
than 10 days of leave, as described in paragraph (1),
in any 12-month period.

“(3) SCHEDULE.—Leave described in para-
graph (1) may be taken intermittently or on a re-
duced leave schedule.

“(b) NOTICE.—The employee shall provide the em-
ployer with reasonable notice of the employee’s intention
to take the leave, unless providing such notice is not prac-
ticable.

“(e) CERTIFICATION.—

“(1) IN GENERAL.—The employer may require
the employee to provide certification to the employer,
within a reasonable period after the employer re-
quires the certification, that—

“(A) the employee or the employee’s family
or household member is a victim of domestic or
sexual violence; and

“(B) the leave is for 1 of the purposes de-
described in subsection (a)(1).
“(2) CONTENTS.—An employee may satisfy the certification requirement of paragraph (1) by providing to the employer—

“(A) documentation from an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, or a medical or other professional, from whom the employee or the employee’s family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

“(B) a police or court record; or

“(C) other corroborating evidence.

“(d) CONFIDENTIALITY.—All information provided to the employer pursuant to subsection (b) or (c), and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

“(1) requested or consented to by the employee in writing; or

“(2) otherwise required by applicable Federal or State law.

“(e) EMPLOYMENT AND BENEFITS.—

“(1) RESTORATION TO POSITION.—
“(A) IN GENERAL.—Except as provided in paragraph (2), any employee who takes leave under this section for the intended purpose of the leave shall be entitled, on return from such leave—

“(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

“(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

“(B) LOSS OF BENEFITS.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

“(C) LIMITATIONS.—Nothing in this subsection shall be construed to entitle any restored employee to—

“(i) the accrual of any seniority or employment benefits during any period of leave; or

“(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would
have been entitled had the employee not taken the leave.

“(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

“(2) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

“(A) Denial of restoration.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—

“(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

“(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

“(iii) in any case in which the leave has commenced, the employee elects not to
return to employment after receiving such notice.

“(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 25 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

“(3) MAINTENANCE OF HEALTH BENEFITS.—

“(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

“(B) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—
“(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled for the domestic or sexual violence involved has expired; and

“(ii) the employee fails to return to work for a reason other than the continuation or recurrence of domestic or sexual violence, that entitles the employee to leave pursuant to this section.

“(C) Certification.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

“(D) Confidentiality.—All information provided to the employer pursuant to subparagraph (C), and the fact that the employee is not returning to work because of a reason described in subparagraph (B)(ii), shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—
“(i) requested or consented to by the employee in writing; or
“(ii) otherwise required by applicable Federal or State law.

“(f) Prohibited Acts.—

“(1) Interference with rights.—

“(A) Exercise of rights.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

“(B) Employer discrimination.—It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual—

“(i) exercised any right provided under this section; or

“(ii) opposed any practice made unlawful by this section.

“(2) Interference with proceedings or inquiries.—It shall be unlawful for any person to discharge or in any other manner discriminate (as
described in paragraph (1)(B)) against any individual because such individual—

“(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;

“(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

“(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

“(g) ENFORCEMENT.—

“(1) CIVIL ACTION BY AFFECTED INDIVIDUALS.—

“(A) LIABILITY.—Any employer that violates subsection (f) shall be liable to any individual affected—

“(i) for damages equal to—

“(I) the amount of—

“(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or
“(bb) in a case in which wages, salary, employment benefits, public assistance, or other compensation has not been denied or lost to the individual, any actual monetary losses sustained by the individual as a direct result of the violation;

“(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

“(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II), except that if an employer that has violated subsection (f) proves to the satisfaction of the court that the act or omission that violated subsection (f) was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of subsection (f), such court may, in the discretion of the court, reduce the amount of the li-
ability to the amount and interest determined under subclauses (I) and (II), respectively; and “(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

“(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of— ““(i) the individuals; or ““(ii) the individuals and other individuals similarly situated.

“(C) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney’s fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

“(D) LIMITATIONS.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—
“(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer responsible under subparagraph (A) for the payment; or

“(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer liable under subparagraph (A),

unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.

“(2) ACTION BY THE SECRETARY.—

“(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair

“(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).

“(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

“(3) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

“(B) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event
constituting the alleged violation for which such action is brought.

“(C) Commencement.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

“(4) Action for injunction by secretary.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

“(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or

“(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

“(5) Solicitor of labor.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

“(6) Employer liability under other laws.—Nothing in this section shall be construed to
limit the liability of an employer to an individual, for
harm suffered relating to the individual’s experience
of domestic or sexual violence, pursuant to any other
Federal or State law, including a law providing for
a legal remedy.

“(7) LIBRARY OF CONGRESS.—Notwithstanding
any other provision of this subsection, in the case of
the Library of Congress, the authority of the Sec-
retary under this subsection shall be exercised by the
Librarian of Congress.

“(8) CERTAIN PUBLIC AGENCIES.—

“(A) AGENCIES.—Notwithstanding any
other provision of this subsection, in the case of
a public agency that employs individuals as de-
scribed in subparagraph (A) or (B) of section
3(c)(2) of the Fair Labor Standards Act of
1938 (29 U.S.C. 203(c)(2)) (other than an en-
tity of the legislative branch of the Federal
Government), subparagraph (B) shall apply.

“(B) AUTHORITY.—In the case described
in subparagraph (A), the powers, remedies, and
procedures provided in title 5, United States
Code, to an employing agency, provided in
chapter 12 of that title to the Merit Systems
Protection Board, or provided in that title to
any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this chapter provides to that agency, that Board, or any person, respectively, alleging a violation of subsection (f) against an employee who is such an individual.

"SEC. 41505. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

"An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to Federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 41504.

"SEC. 41506. EMERGENCY BENEFITS.

"(a) IN GENERAL.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 41504.

"(b) ELIGIBILITY.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.
“(c) Timing.—

“(1) Applications.—An individual seeking emergency benefits under subsection (a) from a State shall submit an application to the State.

“(2) Benefits.—The State shall provide benefits to an eligible applicant under paragraph (1) on an expedited basis, and not later than 7 days after the applicant submits an application under paragraph (1).

“SEC. 41507. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

“(a) More Protective Laws, Agreements, Programs, and Plans.—Nothing in this chapter shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides—

“(1) greater leave benefits for victims of domestic or sexual violence than the rights established under this chapter; or

“(2) leave benefits for a larger population of victims of domestic or sexual violence (as defined in such law, agreement, program, or plan) than the victims of domestic or sexual violence covered under this chapter.
(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for victims of domestic or sexual violence under this chapter shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

(SEC. 41508. REGULATIONS AND NOTIFICATION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary shall issue regulations to carry out this chapter. The regulations shall include regulations requiring every employer to post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary, summarizing the provisions of this chapter and providing information on procedures for filing complaints of violations. The Secretary shall develop such a notice and provide copies of such notice to employers upon request without charge.

(b) LIBRARY OF CONGRESS.—The Librarian of Congress shall prescribe the regulations described in subsection (a) with respect to employees of the Library of Congress.

(c) CERTAIN PUBLIC AGENCIES.—The head of a public agency that employs individuals as described in sub-
paragraph (A) or (B) of section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than an entity of the legislative branch of the Federal Government) shall prescribe the regulations described in subsection (a) with respect to those individuals.”.

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY ACT.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

“(l) AUTHORITY TO PROVIDE EMERGENCY BENEFITS.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 41506 of the Violence Against Women Act of 1994, to individuals who take leave pursuant to section 40404 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.”.

(c) Effective Date.—The amendments made by this section take effect 180 days after the date of enactment of this Act.

SEC. 702. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle O of the Violence Against Women Act of 1994 (as added by section 701) is amended by adding at the end the following:

“CHAPTER 2—NATIONAL CLEARINGHOUSE AND RESOURCE CENTER

“SEC. 41511. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

“(a) Authority.—The Attorney General, acting through the Director of the Violence Against Women Office, may award a grant to an eligible nonprofit non-governmental entity or tribal organization, in order to provide for the establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The clearinghouse and resource center shall provide information and assistance to employers, labor organizations, and
advocates on behalf of victims of domestic or sexual violence, to aid in their efforts to develop and implement appropriate responses to such violence in order to assist those victims.

“(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

“(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence, and a record of commitment to reducing domestic or sexual violence;

“(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments), labor organizations, and advocates described in subsection (a) concerning developing and implementing appropriate workplace responses to assist victims of domestic or sexual violence; and

“(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence,
dating violence, sexual assault, and stalking impacting the workplace, including the needs of racial and ethnic and other underserved communities.

“(c) USE OF GRANT AMOUNT.—

“(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence.

“(2) RESPONSES.—Responses referred to in paragraph (1) may include—

“(A) providing training to promote a better understanding of appropriate workplace assistance to victims of domestic or sexual violence;

“(B) providing conferences and other educational opportunities;

“(C) developing protocols and model workplace policies;
“(D) providing employer-sponsored and labor organization-sponsored victim assistance and outreach counseling; and

“(E) conducting assessments of the workplace costs of domestic or sexual violence.

“(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

“(e) Availability of Grant Funds.—Funds appropriated under this section shall remain available until expended.”.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) Treatment of Spouse and Children of Victims of Trafficking.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and
(B) by amending subclause (III) to read as follows:

“(III)(aa) complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or crimes related to trafficking; or

“(bb) has provided credible evidence (as defined in section 204(a)(1)(J)) that physical or psychological abuse, injury, or trauma prohibits such alien from meeting the requirements of item (aa); or

“(cc) has not attained 18 years of age; and”; and

(2) by amending clause (ii) to read as follows:

“(ii) if accompanying, or following to join, the alien described in clause (i)—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and
“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;”.

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(B) in subclause (I), by inserting “or injury” after “physical or mental abuse”;

(2) by amending clause (ii) to read as follows:

“(ii) if accompanying, or following to join, the alien described in clause (i)—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and”;

and
(3) in clause (iii), by inserting “child abuse; stalking (including physical or electronic stalking);” after “false imprisonment;”.

(c) Definition of Aggravated Felony.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) in subparagraphs (F) and (G), by striking “at least one year” each place it appears and inserting “is more than 1 year”;

(B) in subparagraph (J), by striking “one year imprisonment or more” and inserting “more than 1 year imprisonment”;

(C) in subparagraph (P)(ii), by striking “at least 12 months” and inserting “more than 1 year”; and

(D) in subparagraphs (R) and (S), by striking “at least one year” each place it appears and inserting “more than 1 year”.

(d) Technical Amendments.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking “Attorney General” and inserting “Secretary of Homeland Security, the Attorney General,”; and
(2) in paragraph (2), by striking “Attorney General” and inserting “Secretary of Homeland Security”.

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

“(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that there was a connection between the alien being a victim of a severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) and the alien’s unlawful presence in the United States.”.

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

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SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(B) in subparagraph (A), by striking “for a continuous period of at least 3 years”;

(2) in paragraph (2), by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(3) in paragraph (5), by striking “Attorney General” and inserting “Secretary of Homeland Security”.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “Attorney General, that the person referred to in subparagraph (C)(ii)(II)—” and inserting “Attorney General or the Secretary of
Homeland Security, as appropriate, that the person referred to in subparagraph (C)(ii)(II) has not attained 18 years of age or—”;

(B) in subclause (I), by striking “investigation and prosecution” and inserting “investigation or prosecution, by the United States or a State or local government,”; and

(C) in subclause (II)(bb), by inserting “or the Secretary of Homeland Security” after “Attorney General”;

(2) in clause (ii), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(3) in clause (iii)—

(A) in subclause (II), by striking “and” at the end;

(B) in subclause (III), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(IV) responding to and cooperating with requests for evidence and information.; and

(4) by striking “investigation and prosecution” each place it appears and inserting “investigation or prosecution”.

(b) TRAFFICKING VICTIM REGULATIONS.—Section 107(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)) is amended—

(1) in the matter preceding paragraph (1), by inserting “, the Secretary of Homeland Security,“ after “Attorney General”; and

(2) in paragraph (3)—

(A) by striking “Federal law enforcement officials” and inserting “The Department of Homeland Security”; and

(B) by adding at the end the following:

“State or local law enforcement officials may petition the Department of Homeland Security for the continued presence for trafficking victims. If such a petition contains a certification that a trafficking victim is a victim of a severe form of trafficking, the presence of the trafficking victim may be permitted in accordance with this paragraph.”.

c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e)(5) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5)) is amended by striking “Attorney General” each place it occurs and inserting “Secretary of Homeland Security”.
(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting “or the Secretary of Homeland Security” after “Attorney General”.

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting “or section 204(a)(1)(B)(iii)” after “204(a)(1)(A)” each place it appears; and

(B) in subclause (III), by striking “a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,” and inserting “a VAWA self-petitioner”; and

(2) by adding at the end the following:

“(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).”.

(b) APPLICATION OF CSPA PROTECTIONS.—
(1) Immediate relative rules.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

“(4) Application to self-petitions.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.”.

(2) Children rules.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

“(4) Application to self-petitions.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.”.

(c) Late petition permitted for immigrant sons and daughters battered as children.—

(1) In general.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

“(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subpara-
graph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).”.

(d) Removing a 2-Year Custody and Residency Requirement for Battered Adopted Children.—

Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: “or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household”.

**Subtitle B—VAWA Self-Petitioners**

**SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.**

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(51) The term ‘VAWA self-petitioner’ means an alien, or a child of the alien, who qualifies for relief under—

“(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);
“(B) clause (ii) or (iii) of section 204(a)(1)(B);

“(C) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

“(D) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

“(E) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

“(F) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).”.

SEC. 812. APPLICATION TO FIANCÉES WHO DO NOT MARRY WITHIN 90 DAY PERIOD.

(a) In general.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: “, unless the alien is eligible for status as a VAWA self-petitioner, for relief under section 240A(b)(2), or for relief under section 244(a)(3) (as in effect prior to March 31,
1997), and the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i)”.

(b) Exception for Battered Immigrant Women

Who Entered the United States on Finance Visas From Conditional Residency Status Requirement.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by adding at the end the following:

“(2) The failure of a nonimmigrant described in section 101(a)(15)(K) to marry within 3 months of being admitted in such status does not restrict the Secretary of Homeland Security’s or the Attorney General’s authority to adjust the status of the nonimmigrant, or grant relief under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), provided that—

“(A) the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i); and

“(B) the United States citizen petitioner subjected a VAWA self-petitioner to battery or extreme cruelty.”.
SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

“(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

“(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

“(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

“(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

“(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battering occurred before the alien overstayed the grant of voluntary departure.
“(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.”.

SEC. 814. REMOVAL PROCEEDINGS.

(a) EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking “serious illness of the alien” and inserting “battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) NONAPPLICATION OF REINSTATEMENT OF REMOVAL.—

(1) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended—

(A) by striking “If the Attorney General” and inserting the following:

“(A) IN GENERAL.—If the Secretary of Homeland Security”; and

(B) by adding at the end the following:
“(B) Exemption.—The provisions of subparagraph (A) shall not apply to an alien who has been battered or subjected to extreme cruelty or who is a crime victim whom the Attorney General or Secretary of Homeland Security determines may be statutorily eligible for classification under subparagraph (T) or (U) of section 101(a)(15), for classification under subparagraph (A)(1)(iii), (A)(1)(iv), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), for classification as a VAWA self-petitioner, or for relief under section 240A(b)(2) or section 244(a)(3) (as in effect prior to March 31, 1997).”.

(2) Effective Date.—The amendments made by paragraph (1) and the exemption in paragraph (2) shall apply to those eligible relief before, on, or after the date of enactment of this Act.

(c) Restriction on Removal While VAWA Petition Pending.—

(1) In General.—Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended by adding at the end the following:

“(f) Restriction on Removal While Petition Pending.—An alien who is a VAWA self-petitioner, the
beneficiary under subparagraph (T) or (U) of section 101(a)(15) who meets the requirement of section 240A(b)(2) or subparagraphs (A) through (C) of section 216(c)(4), or who qualifies for relief under section 244(a)(3) (as in effect on March 31, 1997)—

“(1) shall not be removed or deported unless the petition is denied and all opportunities for appeal of the denial have been exhausted; and

“(2) shall not be detained while in removal proceedings, unless mandatory detention is required under section 236A or 236(c).”.

(2) WAIVERS AND EXCEPTIONS.—Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) in paragraph (2) by inserting “(A)” before “The Attorney General may release an alien described in paragraph (1) only”; and

(B) adding at the end the following:

“(B) The Secretary of Homeland Security or the Attorney General may release on their own recognizance an alien described in paragraph (1) if the Secretary or the Attorney General determines that the alien may qualify for—
“(i) a waiver under section 212(d)(13), 212(d)(14), 212(h), 237(a)(2)(A)(v), or 237(a)(7); or
“(ii) an exception under section 204(a)(1)(C); or
“(iii) relief under section 240A(a).”.

(d) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” and inserting “, subject to paragraph (5)”;

(B) in paragraph (2)(A)(iv), by striking “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” and inserting “, subject to paragraph (5)”;

(C) by adding at the end the following:

“(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under
section 237(a)(7) shall apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.”

SEC. 815. ELIMINATING ABUSERS’ CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) Application of VAWA Deportation Protections to Aliens Eligible for Relief Under Cuban Adjustment and Haitian Refugee Immigration Fairness Act.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

“(i) if the basis of the motion is to apply for relief under—

“(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

“(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

“(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));
“(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

“(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and”;

(B) in clause (ii), by inserting “or adjustment of status” after “suspension of deportation”; and

(2) in subparagraph (B)(ii), by striking “for relief” and all that follows through “1101 note))” and inserting “for relief described in subparagraph (A)(i)”.

(b) Employment Authorization for VAWA Self-Petitioners.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

“(l) An alien who is in the United States and has a petition, pending or approved as a VAWA self-petitioner, that sets forth a prima facie case for status or classifica-
tion under such clause shall be eligible for employment au-

thorization.”.

SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.

(a) In General.—Section 202(d)(1) of the Nica-
raguan Adjustment and Central American Relief Act (8
U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting “, or
was eligible for adjustment,” after “whose status is
adjusted”; and

(2) in subparagraph (E), by inserting “, or, in
the case of an alien who qualifies under subpara-
graph (B)(ii), applies for such adjustment during
the 18-month period beginning on the date of enact-
ment of the Violence Against Women Act of 2005”
after “April 1, 2000”.

(b) Technical Amendment.—Section 202(d)(3) of
such Act (8 U.S.C. 1255 note; Public Law 105–100) is
amended by striking “204(a)(1)(H)” and inserting
“204(a)(1)(J)”.

(c) Effective Date.—The amendment made by
subsection (b) shall take effect as if included in the enact-
ment of the Violence Against Women Act of 2000 (division
SEC. 817. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

“(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

“(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

“(II) is a person of good moral character;

“(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

“(IV) resides, or has resided, with the citizen daughter or son; and

“(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.”.

SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)) is amended—

(1) in subsection (a)—
(A) in the matter preceding paragraph (1), by striking “(including any bureau or agency of such Department)” and inserting “, the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)”;

(B) in paragraph (1)—

(i) in subparagraph (D), by striking “or” at the end;

(ii) in subparagraph (E), by adding “or” at the end; and

(iii) by inserting after subparagraph (E) the following:

of the Immigration and Nationality Act (8
U.S.C. 1101(a)(51)), the trafficker or perpe-
trator,”.

(2) in subsection (b)(2), by inserting “or his
other designee” after “the discretion of the Attorney
General.”.

Subitle C—Miscellaneous
Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and
Nationality Act (8 U.S.C. 1184(o)) is amended by adding
at the end the following:

“(7)(A) Except as provided in subparagraph (B), an
alien who is issued a visa or otherwise provided non-
immigrant status under section 101(a)(15)(T) may be
granted such status for a period of not more than 4 years.

“(B) An alien who is issued a visa or otherwise pro-
vided nonimmigrant status under section 101(a)(15)(T)
may extend the period of such status beyond the period
described in subparagraph (A) if a Federal, State, or local
law enforcement official, prosecutor, judge, or other au-
thority investigating or prosecuting activity relating to
human trafficking or certifies that the presence of the
alien in the United States is necessary to assist in the
investigation or prosecution of such activity.”.
(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

“(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien’s continued presence in the United States is required to assist in the investigation or prosecution of such criminal activity.”.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking “The Attorney General” and inserting “(a) The Secretary of Homeland Security”; and

(B) by inserting “(subject to subsection (b))” after “except”; and

(C) by adding at the end the following:
“(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).”.


SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking “(A)(i)(II)” and inserting “(A)(ii)”; and

(2) in the fourth sentence, by striking “subsection (b)(2)(B) of this section” and inserting “this subparagraph, subparagraph (A)(ii),”.

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking “(A)(i)(III)” and inserting “(A)(iii)”.

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—
(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ``(9)(A)'' and inserting ``(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking ``204(a)(1)(H)'' and inserting ``204(a)(1)(J)''; and

(2) by adding at the end the following: ``An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if there is
demonstrated a connection between the termination
of the marriage and the battering or extreme cruelty
by the Cuban alien.”.

(b) EFFECTIVE DATE.—The amendment made by
subsection (a)(1) shall take effect as if included in the en-
actment of the Violence Against Women Act of 2000 (divi-

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLI-
CANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Hai-
1255 note) is amended—

(1) in clause (i), by striking “whose status is
adjusted to that of an alien lawfully admitted for
permanent residence” and inserting “who is or was
eligible for classification”;

(2) in clause (ii), by striking “whose status is
adjusted to that of an alien lawfully admitted for
permanent residence” and inserting “who is or was
eligible for classification”; and

(3) in clause (iii), by striking “204(a)(1)(H)”
and inserting “204(a)(1)(J)”.

(b) EFFECTIVE DATE.—The amendment made by
subsection (a)(3) shall take effect as if included in the en-
actment of the Violence Against Women Act of 2000 (divi-

SEC. 825. DEPORTATION PROCEEDINGS.

(a) Deportation or Removal Proceedings.—

(1) IN GENERAL.—Section 240(c)(6)(C) of the
Immigration and Nationality Act (8 U.S.C.
1229a(c)(6)(C)) is amended—

(A) in clause (iv), by striking “The dead-
line specified in subsection (b)(5)(C) for filing
a motion to reopen does not apply—” and in-
serting “No limitation on number of motions or
on deadlines for filing motions under other pro-
visions of this section shall apply—”; and

(B) by adding at the end the following:

“(v) Stay of Removal.—The filing
of the motion described in clause (iv) shall
stay the removal of the alien pending a
final disposition of the motion, including
the exhaustion of all appeals. Only 1 spe-
cial motion under clause (iv) is per-
mitted.”.

(2) EFFECTIVE DATE.—The amendments made
by paragraph (1) shall take effect as if included in
the enactment of section 442(a) of the Antiterrorism

(b) MOTIONS TO REOPEN DEPORTATION PROCEEDINGS.—Section 1506(c)(2)(A) of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 8 U.S.C. 1229a note) is amended—

(1) by inserting “on number of motions or deadlines for filing motions” after “Notwithstanding any limitation”;  

(2) by inserting “, deadline, or limit on number of motions” after “there is no time limit”; and  

(3) by striking “, and the” and inserting “. The filing of a motion described in clauses (i) and (ii) shall stay the removal of the aliens pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 motion under clauses (i) and (ii) is permitted. The”.

(c) CONFORMING AMENDMENTS.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (6)(A)(ii)(III), by striking “substantial”; and  

(2) in paragraph (9)(B)(iii)(IV), by striking “who would be described in paragraph (6)(A)(ii)” and inserting “who demonstrates that the alien is
253 described in subclauses (I) and (II) of paragraph (b)(A)(ii)’’.

SEC. 826. LIMITATIONS ON ENFORCEMENT.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

“(h) Immigration officers and employees shall not undertake any civil immigration enforcement action—

“(1) at a domestic violence shelter, a victims services organization or program, a rape crisis center, a family justice center, or a supervised visitation center; or

“(2) at, or in connection with the appearance at, a courthouse of an alien who is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or who is described in subparagraph (T) or (U) of section 101(a)(15).”.

SEC. 827. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following—
“(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.”.

SEC. 828. RULEMAKING.
Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title v of Public Law 106–386), this Act, and the amendments made by this Act.

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.
Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per
1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and
(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.


(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—
(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;
(ii) dating violence;
(iii) sexual assault;
(iv) stalking; and
(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—
(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) representatives from the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.
(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Injury Control Division of the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends for health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out
this section $500,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) Access to Federal Criminal Information Databases.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) Indian Law Enforcement Agencies.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.”.

(b) Tribal Registry.—

(1) Establishment.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and
(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 906. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

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

``SEC. 2007. TRIBAL DEPUTY.

“(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

“(b) DUTIES.—

“(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

“(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;
“(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

“(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

“(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

“(E) represent the Office on Violence Against Women in the annual consultations under section 903;

“(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;
“(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

“(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

“(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

“(c) AUTHORITY.—

“(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

“(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside
funds from any grant made under this part is used to hold offenders accountable through—

“(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

“(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

“(C) development of tribal educational awareness programs and materials;

“(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

“(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.”.

SEC. 907. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended
to read: “(i) is a misdemeanor under Federal, State, or
Tribal law; and”.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3)
of the Indian Law Enforcement Reform Act (25 U.S.C.
2803(3) is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the semi-
colon and inserting “, or”; and

(3) by adding at the end the following:

“(C) the offense is a misdemeanor crime of
domestic violence and has, as an element, the
use or attempted use of physical force, or the
threatened use of a deadly weapon, committed
by a current or former spouse, parent, or
guardian of the victim, by a person with whom
the victim shares a child in common, by a per-
son who is cohabitating with or has cohabited
with the victim as a spouse, parent, or guard-
ian, or by a person similarly situated to a
spouse, parent or guardian of the victim, and
the employee has reasonable grounds to believe
that the person to be arrested has committed,
or is committing the crime;”.

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SEC. 908. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

"Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

"(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

"(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.".