

# **THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT OF 2013 (RULES COMMITTEE PRINT 113-2) SECTION-BY-SECTION ANALYSIS**

## *Section 1. Short Title.*

This section cites the short title of the bill at the `Violence Against Women Act Reauthorization Act of 2013.'

## *Section 2. Table of Contents.*

This section provides the table of contents for the bill.

## *Section 3. Universal Definitions and Grant Conditions.*

This section provides technical corrections to existing definitions and universal definitions for all VAWA programs, including: `Alaska native village,' `child,' `culturally specific services,' `culturally specific,' `homeless,' `legal assistance,' `personally identifying information or personal information,' `population specific organization,' `population specific services,' `rape crisis center,' `sex trafficking,' `sexual assault,' `tribal coalition,' `underserved populations,' `unit of local government,' `victim services,' `victim service provider,' and `youth.'

This section also revises the grant conditions that apply to all VAWA programs, including: providers of legal assistance must be sufficiently trained or experienced in providing such assistance to victims consistent with the requirements in the Legal Assistance to Victims program; restrictions on disclosure of victims' confidential and personally identifying information; provides grantees with the ability to advocate for state, local or tribal model codes or legislation to better respond to the needs of victims; and updates the anti-discrimination provision for VAWA grantees.

## *Section 4. Accountability Provisions.*

This section requires VAWA audits to be performed by the Office of Audit, Assessment, and Management (OAAM) in DOJ, requires grantees to identify other sources of Federal grant funding in their applications, and requires the Attorney General to improve the coordination between the grant-making offices to reduce duplication and overlap.

This section imposes new accountability requirements on DOJ, HHS and VAWA grantees, including: requires the DOJ and HHS IGs to conduct annual audits of VAWA grant recipients; excludes the award of funds for 2 fiscal years to grantees found to have an unresolved audit finding for 1 year; requires DOJ to deposit into the General Fund of the Treasury the equivalent of monies awarded to a grantee barred by an IG finding and seek to recoup the funds from the grantee; prohibits the use of grant funds to lobby DOJ, Congress or state or local governments regarding the award of grant funding, a grantee found to be in violation of this prohibition must

repay the grant in full and is prohibited from receiving another grant under this Act for 5 years; prohibits the award of grant funds to nonprofit organizations that hold money in offshore accounts for the purposes of avoiding Federal taxes; limits the use of funds for salaries and administrative expenses to 5 percent of funds authorized under the Act; and prohibits the use of funds to host or support any expenditure for conferences unless such conference receives prior written approval by the Deputy Attorney General, appropriate Assistant Attorney General or the Deputy Secretary of Health and Human Services.

#### *Section 5. Effective Date.*

This section provides an effective date for Titles I, II, III, IV, VII, and sections 3, 602, 901, and 902 of the first day of the fiscal year following date of enactment unless otherwise specified in the Act.

## **TITLE I--ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN**

#### *Section 101. STOP Grants.*

This section reauthorizes the STOP (Services -Training--Officers--Prosecutors) grant program for 5 years. The authorized funding for STOP is reduced from \$225 million to \$222 million. The STOP grant is the primary VAWA formula grant program to state and local governments to address the crimes of domestic violence, sexual assault, dating violence and stalking. Each state, U.S. territory, and the District of Columbia receives grants according to a statutory formula. Recipients can then subgrant these funds to state agencies, state and local courts, units of local government, tribal governments, and nonprofit, nongovernmental victim services providers. This section clarifies that the STOP grants may be used to address violent crimes “that predominantly affect women, including domestic violence, dating violence, sexual assault, and stalking”; increases the emphasis on training and enforcement of crimes of sexual violence; adds the offense of stalking to grant purpose areas; promotes efforts to reduce rape kit backlogs; and includes a 20 percent set-aside for sexual assault programs.

This section streamlines the application process for the STOP program, which currently requires states to provide extensive documentation that is of little use to OVW in monitoring the use of funds, and instead requires the state to develop a comprehensive implementation plan addressing how it will spend the funds received.

#### *Section 102. Grants to Encourage Arrest Policies and Enforce Protection Orders.*

This section reauthorizes the Arrest program for 5 years. The authorized funding for Arrest is reduced from \$75 million to \$73 million. The Arrest program is the primary discretionary grant to help state, local, and tribal governments and agencies investigate and prosecute instances of domestic violence, dating violence, sexual assault, and stalking. This section increases the emphasis on sexual assault offenses by promoting the implementation of Sexual Assault Nurse Examiner programs, Forensic Examiner programs, Sexual Assault Response Teams, and

programs to reduce rape kit backlogs. This section sets aside 25 percent of the available amounts for sexual assault offenses.

This section modifies the requirement that state and local government grant recipients certify that they test sex offenders for HIV at the request of the victim within 48 hours of information or indictment and provide the results of the testing to the victim. Grantees that cannot certify in this manner lose 5 percent of the funding from their grant. Current law makes no allowance for jurisdictions that must exceed the 48-hour limit when offenders are not in custody or otherwise easily accessible. This section clarifies that the test be performed within 48 hours of the offender being in custody or served with the information or indictment.

This section clarifies the provision that requires grantees to certify that they do not charge victims for costs associated with the modification, enforcement or dismissal of a protection order.

#### *Section 103. Legal Assistance for Victims.*

This section reauthorizes the Legal Assistance for Victims program for 5 years. The authorized funding for LAV is reduced from \$65 million to \$57 million. This section expands the training requirements for eligible entities to ensure that they have the relevant expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking. Those without such expertise may provide assistance only if they complete appropriate training in this area of law and also practice while partnered with a legal assistance provider with demonstrated expertise. This section allows grantees to recruit, train, and mentor pro bono attorneys and law students.

#### *Section 104. Consolidated Grants to Support Families in the Justice System.*

This section consolidates two programs that train judges and court personnel regarding the intersection between domestic violence and family court proceedings and promotes safe supervised visitation for families in cases involving domestic violence and sexual assault. The single grant program created by this consolidation is authorized for 5 years. The authorization is reduced from \$25 million to \$22 million.

#### *Section 105. Court-Appointed Special Advocate Program.*

This section reauthorizes the Court-Appointed Special Advocate program for 5 years. The program provides assistance to child victims of abuse or neglect. A new annual reporting requirement is added. Authorized funding for this program remains at \$12 million.

#### *Section 106. Outreach and Services to Underserved Populations Grant.*

This section removes the existing Outreach to Underserved Populations grant program, which focused exclusively on public information campaigns, and replaces it with a program offering services to adult and youth victims in underserved communities. Outreach, education, prevention, and intervention strategies remain an allowable purpose for the grant funding. The

current \$2,000,000 authorization levels for this program does not change, but is augmented with a 2-percent set-aside from funds appropriated to the STOP and Arrest programs.

*Section 107. Culturally-Specific Services Grant.*

This section removes the term 'linguistically' which has caused confusion about the purpose of the program. Many entities that provide culturally specific programming but not linguistically specific programming mistakenly believed they would not be eligible. This change clarifies that the program is not limited to linguistically specific services. Funding for this program does not change and continues to be drawn from set-asides from the Arrest, LAV, Rural, Elder, and Disabilities programs.

*Section 108. Reduction in Rape Kit Backlog.*

This section amends the DNA Analysis Backlog Elimination Act of 2000 to require that beginning in Fiscal Year 2014 not less than 75 percent of the grant amounts awarded be spent on analyzing untested DNA evidence from crime scenes, or enhancing the capacity of labs to do so.

*Section 109. Assistance to Victims of Sexual Assault.*

This section reauthorizes grants to assist probation and parole officers and other personnel who work with released sex offenders. Authorized funding for this program remains at \$5 million.

*Section 110. Child Abuse Training Programs for Judicial Personnel and Practitioners.*

This section reauthorizes grants to provide judicial and legal professionals with training and technical assistance to address the unique challenges facing juvenile and family courts. Authorized funding for this program remains at \$2.3 million.

## **TITLE II--IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

*Section 201. Sexual Assault Services Program.*

The Sexual Assault Services Program provides assistance to victims of sexual assault. SASP provides grants to states and territories, tribes, state sexual assault coalitions, tribal coalitions, and culturally specific organizations, without regard to the age of the victim. This section implements a new funding formula whereby each State, territory and the District of Columbia receive a minimum allocation of .75% of funds appropriated. The authorized funding for SASP is reduced from \$50 million to \$40 million for each of the fiscal years 2014 through 2018.

*Section 202. Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance.*

The Rural Grant Program addresses the unique challenges faced by victims of domestic violence and dating violence in rural jurisdictions. It encourages cooperation among law enforcement and

victim service providers, among others, to investigate criminal incidents and provide treatment, education, and prevention strategies. This section strengthens responses to sexual assault through the inclusion of additional purpose areas. It also incorporates the use of multidisciplinary teams to address and prevent domestic and dating violence homicide. This section also provides for legal assistance and other victim services as well as programs to address rape kit backlogs. The authorized funding for the Rural Grant Program is reduced from \$55 million to \$50 million for each of the fiscal years 2014 through 2018.

*Section 203. Training and Services to End Violence Against Women with Disabilities Grant.*

The Disability grant program addresses the gaps in abuse suffered by domestic violence, dating violence, sexual assault, and stalking victims with disabilities. This section reauthorizes the program and adds the use of evidence-based indicators to assess the risk of domestic and dating violence homicide. The authorized funding for the Disability grant program is reduced from \$10 million to \$9 million.

*Section 204. Training and Services to End Violence Against Women in Later Life Grant.*

This section strikes the existing Elder Abuse grant program and replaces it with a more comprehensive response to this problem. The program funds grantees to train law enforcement and prosecutors in recognizing and responding to elder abuse and provide services for victims of elder abuse. This section adds that entities may also educate and train health care providers, faith-based leaders, and conduct outreach activities to ensure that victims of elder abuse receive appropriate assistance. This section instructs the Attorney General to consult the Secretary of HHS to ensure that the Elder Abuse grants administered by DOJ do not duplicate those administered by HHS. The authorized funding for the Elder Abuse grant program is reduced from \$10 million to \$9 million.

### **TITLE III--SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE**

*Section 301. Rape Prevention Education Grant.*

The RPE grant program supports the efforts of rape crisis centers, sexual assault coalitions, and other nonprofit organizations to educate and increase awareness on how to prevent sexual assaults. Funding is distributed to states based on population. The authorized funding for RPE is reduced from \$80 million to \$50 million for each of the fiscal years 2014 through 2018.

*Section 302. Creating Hope through Outreach, Options, Services, and Education for Children and Youth.*

This section, along with section 402, consolidates eight existing grants to provide services for children and youth victims, such as counseling, mentoring, and legal assistance, as well as training and assistance to personnel at middle and high schools who can help victims. Grantees may be victim service providers and community-based organizations that are encouraged to partner with state, tribal, and local governments, and other agencies that work with children and

youth. This section also requires the grant funds made available be used to provide evidence-based programs and training. The authorized funding for this consolidated grant program is \$15 million, a \$15 million reduction from the \$30 million authorized by the individual programs.

*Section 303. Grants to Combat Violent Crimes on Campuses.*

The Campus program encourages institutions of higher education to partner with community-based organizations to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking. This section clarifies that a grantee must address the following four components to meet minimum requirements during the grant period: (1) implementing a coordinated community response both internal to and external to the campus; (2) providing prevention education for all incoming students; (3) providing training on domestic violence, dating violence, sexual assault and stalking for campus law enforcement; and (4) providing training on such crimes to members of the campus judicial board. The authorized funding for the Campus program is reduced from \$15 million to \$12 million.

*Section 304. Campus Safety.*

The Campus Safety provision requires the Secretary of Education to take immediate action to provide annual guidance and technical assistance to colleges and universities on the requirements for campus safety currently authorized under the *Higher Education Act*, including reporting crime statistics and prevention programs for domestic violence, dating violence, and stalking. Further, the provision requires the Government Accountability Office to conduct study of campus safety measures to examine a variety of issues, such as the number of incidents of domestic violence, sexual assault, and stalking taking place on campus; the response by campus security or local police to these crimes; and the coordination of programs and policies focused on campus safety. The Departments of Education, Justice, and Health and Human Services are required to implement the recommendations in the report administratively, and report to Congress on recommendations for legislative changes to higher education policy.

## **TITLE IV--VIOLENCE REDUCTION PRACTICES**

*Section 401. Study Conducted by the Centers for Disease Control and Prevention.*

This section reauthorizes funding to the Centers for Disease Control and Prevention (CDC) to provide grants to academic institutions and organizations to conduct research that examine best practices for reducing and preventing domestic violence, dating violence, sexual assault, and stalking. The authorized funding for this research is reduced from \$2 million to \$1 million.

*Section 402. Saving Money and Reducing Tragedies through Prevention Grant.*

This section consolidates four programs into one grant aimed at prevention. The new SMART grant provides funds for three primary purposes: (1) raising awareness and changing attitudes about teen dating violence; (2) preventing, reducing, and responding to children's exposure to violence at home; and (3) helping men to serve as role models in preventing domestic violence,

dating violence, sexual assault, and stalking. This section reduces the authorization from \$37 million to \$15 million.

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

*Section 501. Consolidated Grants to Strengthen the Healthcare System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking.*

This section consolidates three existing VAWA programs related to the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking and creates a comprehensive updated program that focuses on grants for developing interdisciplinary training for health professionals and education programs for health students. It also encourages the development of comprehensive strategies to improve the response of hospitals, clinics, and other public health facilities to domestic violence, dating violence, sexual assault, and stalking. A grantee may be a nonprofit organization, a healthcare provider, an accredited healthcare school, or a state, local, or tribal governmental entity. Grantees are also required to comply with relevant confidentiality and nondisclosure requirements. The authorized funding for this consolidated program is \$10 million, a \$3 million reduction from the \$13 million authorized for the individual programs.

## **TITLE VI--SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

*Section 601. Housing protections of victims of domestic violence, dating violence, sexual assault, and stalking.*

The 2005 reauthorization of VAWA added protections that prevented applicants from being evicted from or denied admission to certain housing programs because they were victims. This section modifies these protections to extend the housing protections to victims of sexual assault. The VAWA housing protections are extended to nine Federal programs that are not covered currently, including the McKinney-Vento Act, which provides housing for the homeless, the HOME Improvement Partnership Program, the Low Income Housing Tax Credit, and the Rural Housing Services program. There are no funds authorized for this section.

*Section 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.*

This section reauthorizes the Transitional Housing Assistance program for 5 years. The authorized funding for Transitional Housing is lowered from \$40 million to \$35 million. The program provides transitional housing services that move individuals into permanent housing and for victims for whom emergency shelter services are unavailable or insufficient. This section clarifies that a qualified applicant is one whose policies protect victim safety, reflect an understanding of the dynamics of the four covered crimes, and do not include prohibited activities such as background checks or clinical evaluations to determine eligibility for services.

*Section 603. Addressing the Housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.*

This section reauthorizes two VAWA housing programs for 5 years. The authorized funding for each program is reduced from \$10 million to \$4 million. The first program awards grant funds to entities that assist victims who are currently homeless or at risk of becoming homeless by designing and implementing new activities, services, and programs to increase their stability and self-sufficiency. The second program provides grants to promote full and equal access to housing by adult and youth victims.

## **TITLE VII--ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE**

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

This section reauthorizes funding for the operation of the National Resource Center on Workplace Responses, which provides information and assistance to employers to aid in efforts to develop and implement responses to domestic and sexual violence. The authorized funding for the National Resource Center is maintained at \$1 million.

## **TITLE VIII--IMMIGRATION PROVISIONS**

*Section 801. Clarification of the Requirements Applicable to U Visas.*

U visas are visas available to illegal immigrants who are victims of certain specified criminal activity in the U.S. This provision clarifies current law so to be eligible, a Federal, State, or local law enforcement official, prosecutor, judge or other official investigating the crime, or certain Department of Homeland Security officials, must certify that the alien has been or is helpful in the investigation or prosecution of the criminal activity.

*Section 802. Protections for a Fiancée or Fiancé of a Citizen.*

Section 214(d) of the INA provides that before the State Department can issue a temporary visa to the fiancé ('K-1') or spouse ('K-2') of a U.S. citizen, the petition filed by the citizen must include information on any specified crimes for which the citizen has been convicted. Section 802 of the bill provides that the petition also must contain information on convictions for attempts to commit these crimes and on any permanent protection or restraining orders issued against the citizen.

*Section 803. Regulation of International Marriage Brokers.*

Section 1375a of title 8 of the U.S. Code, the 'International Marriage Broker Act of 2005 ('IMBA'),' prohibits international marriage brokers from providing anyone with the personal contact information, photographs, or general information about the background or interests of



any persons under the age of 18 and more generally requires that certain information be provided to alien applicants for K-1 or K-2 visas.

Subsection (a) of section 803 of the bill requires the Attorney General to report to the House and Senate Judiciary Committees the number of prosecutions brought under section 833 of IMBA since its enactment in 2005.

Subsection (b) of section 803 amends IMBA to require that an international marriage broker obtain, retain for a specified period, and produce upon the request of the Department of Justice the birth certificate or other proof of age document of each foreign national client.

Under IMBA, international marriage brokers must collect certifications by their U.S. clients including information on any arrests or conviction in the U.S. for certain specified crimes. Section 803(b) also requires the provision of information on arrests or convictions for attempts to commit such crimes.

#### *Section 804. GAO Report.*

The Government Accountability Office shall prepare a report to Congress on the approval processes for U visa petitions and self-petitions for permanent residence filed by battered aliens in order to assess safeguards against fraud and abuse.

#### *Section 805. Annual Report on Immigration Applications Made by Victims of Abuse.*

The Department of Homeland Security shall report to Congress each year on the U visa program, the T visa program (for victims of trafficking) and the self-petition process for battered aliens, including information on processing times and efforts to reduce processing times while ensuring safe and competent processing and while combating fraud and ensuring program integrity, and information on each type of criminal activity by reason of which aliens received U visas.

#### *Section 806. Protection for Children of VAWA Self-Petitioners.*

Section 806 of the bill provides that if a self-petitioner dies, the minor children of the alien can still have their derivative petitions for permanent residence adjudicated.

#### *Section 807. Public Charge.*

Section 807 of the bill provides that the public charge ground of inadmissibility (section 212(a)(4) of the INA) shall not apply to self-petitioners, aliens who have applied for or been granted U visas, and certain other battered aliens.

#### *Section 808. Age-Out Protection for U Visa Applicants.*

The minor sons and daughters of U visa recipients are eligible for U visas on a derivative basis. Section 808 provides that if they turn 21 while their U visa petitions are being adjudicated shall retain their status as minors for purpose of eligibility.

### *Section 809. Hardship Waivers.*

Pursuant to section 216 of the INA, 2 years after an alien spouse of a U.S. citizen or permanent resident receives conditional permanent residence, USCIS determines whether the marriage is ongoing and was not entered into fraudulently and if so removes the conditional status of the permanent residence. The two spouses must jointly file a petition to seek removal of the conditional status and appear for an interview. USCIS has the discretion to remove the conditional status without the necessity for a joint petition and interview if extreme hardship would result should the alien be removed, the marriage ended in divorce or the alien was battered or subjected to extreme cruelty. Section 809 of the bill extends USCIS's discretion to cases of aliens who were battered or subject to extreme cruelty after unknowingly entering into bigamous marriages.

### *Section 810. Information Sharing for National Security Purpose.*

Section 1367(a)(2) of title 8 of the U.S. Code provides that officials of the Departments of Justice, State and Homeland Security may not permit use by or disclosure to anyone (other than officials of these agencies for legitimate agency purposes) of any information which relates to aliens who are the beneficiaries of applications for U and T visas, self-petitions for permanent residence, applicants for cancellation of removal as battered aliens, and for certain other immigration benefits. Section 1367(b) of title 8 of the U.S. Code provides for certain exceptions to this prohibition, including for the provision of information to law enforcement officials for law enforcement purposes.

Subsection (a) of section 810 of the bill adds to the waivers in section 1367(b) by providing a waiver for the Departments of Justice, State and Homeland Security, allowing them to provide for the disclosure of information to national security officials to be used solely for a national security purpose in a manner that protects the confidentiality of such information.

Subsection (b) of section 810 requires that within 180 days of enactment, the Departments of Justice and Homeland Security to provide guidance to employees who have access to the information protected by section 1367(a) of title regarding the requirements of the section, including provisions to protect victims of domestic violence from harm that could result from inappropriate disclosure. Section 810(b) clarifies that guidance should also be provided regarding protecting victims of trafficking in persons and specified criminal activity from the harms of inappropriate disclosure.

### *Section 811. Consideration of other Evidence*

Section 237(a)(2)(E) of the Immigration and Nationality Act provides a ground of deportation for any alien who has been convicted of a crime of domestic violence. A crime of domestic means any crime of violence as defined in section 16 of title 8 of the U.S. Code committed against certain family members.

Section 811 of the bill provides that in determining whether the domestic abuse an alien has been convicted of meets the definition of crime of violence in circumstances where the conviction records do not conclusively answer the question, the Department of Justice may consider evidence related to the conviction to determine that the conduct for which the alien was engaged constitutes a crime of violence.

## **TITLE IX--SAFETY FOR INDIAN WOMEN**

### *Section 901. Grants to Indian Tribal Governments.*

This section improves an existing grant program targeted at curbing domestic violence, sexual assault, dating violence, and stalking in Indian country, by extending its coverage to sex trafficking crimes. It also adds two purpose areas to the program. The first allows grant money to go toward developing and promoting best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking in Indian country. The second allows grant money to go toward providing services to address the needs of youth in Indian country who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of children exposed to domestic violence, dating violence, sexual assault, or stalking.

### *Section 902. Grants to Indian Tribal Coalitions.*

This section improves the existing tribal coalition grant program, by incorporating a purpose area that would allow grant money to go toward developing and promoting policies that promote best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

### *Section 903. Tribal Jurisdiction over Crimes of Domestic Violence.*

This section authorizes Indian tribes to exercise special domestic violence jurisdiction over certain non-Indian offenders who commit domestic violence offenses against an Indian in Indian country. A tribe may exercise this jurisdiction over only non-Indians who reside or are employed in Indian country or are a spouse, intimate partner or dating partner of a tribal member or a non-tribal member Indian who resides in Indian country.

A participating tribe may exercise this special domestic violence jurisdiction over only domestic or dating violence offenses punishable by up to one year committed in Indian country against a tribal member or non-tribal member Indian who resides in Indian country. A participating tribe is also authorized to issue a protection order against a non-Indian for the protection of a tribal member.

To be eligible to exercise the special domestic violence jurisdiction, an Indian tribe must first be certified by the Attorney General as having met the requirements of this section, including the tribe's ability to provide non-Indian defendants all rights secured by the U.S. Constitution, the Indian Civil Rights Act and this section. The Attorney General must certify or decline to certify a tribe within 120 days of the request and provide reasons for any such denial and guidance on how the tribe may obtain certification.

This section affords a series of procedural rights to a non-Indian defendant including: (1) the right to remove the case to federal district court for a violation of a constitutional or federal statutory right or a violation of this section; (2) the right to seek interlocutory appeal to federal district court of an order of the tribal court; (3) the right to direct appeal of a final judgment of the tribal court to federal district court; (4) the right to seek release from custody pending appeal; and (5) the right to seek habeas relief in federal district court.

This section requires the participating tribe to provide notice to the non-Indian defendant of the right to remove and the right to appeal. The U.S. Attorney's Office may also remove a case brought against a non-Indian to federal court and a participating tribe is required to notice the relevant U.S. Attorney's Office when it commences a criminal action against a non-Indian defendant.

This section gives non-Indian defendants a private right of action in conjunction with granting Indian tribes special domestic violence jurisdiction. This private right of action, which is modeled after 42 U.S.C. § 1983, is intended to help ensure that tribal law enforcement officials provide non-Indian special domestic violence defendants with the rights they are entitled to under the Constitution.

This section authorizes \$5 million a year over 5 years to assist participating tribes in exercising the special domestic violence jurisdiction and strengthen their criminal justice systems.

#### *Section 904. Consultation.*

Current law requires the Attorney General to consult annually with Indian tribal governments on the Federal administration of programs funded by VAWA. This section requires the Attorney General to report to Congress on the annual consultations, and on the administration's recommendations for administering tribal funds and programs, enhancing the safety of Indian women, and strengthening the Federal response to such violent crimes.

This section reiterates a previous reporting requirement to the Justice Department from the Tribal Law and Order Act of 2010, which has yet to be complied with, seeking data on declinations of prosecutions by the U.S. Attorneys' Offices of crimes occurring in Indian country.

#### *Section 905. Analysis and Research on Violence Against Indian Women.*

This section expands a study of violence committed against Indian women to include women in Alaska Native Villages and sex trafficking crimes. Authorized funding for the study is maintained at \$1 million. This section also maintains the \$1 million authorization for tribal sex offender registries.

#### *Section 906. Assistant United States Attorney Domestic Violence Tribal Liaisons.*

This section authorizes the Attorney General to expand the duties of existing Assistant U.S. Attorney Tribal Liaisons to afford greater focus to domestic violence in Indian country.

*Section 907. Special Attorneys.*

This section requires the Attorney General to cross-designate tribal prosecutors as federal prosecutors in no fewer than 10 federally recognized Indian tribes, with a preference for those tribes that do not exercise the special domestic violence jurisdiction authorized under Section 903.

*Section 908. GAO Study.*

This section directs the Government Accountability Office to submit a report to Congress on the prevalence of domestic violence and sexual assault in Indian country, the efforts by Federal law enforcement agencies to investigate these crimes, and federal initiatives to address and prevent such violence.

## **TITLE X--CRIMINAL PROVISIONS**

*Section 1001. Sexual Abuse in Custodial Settings.*

The Prison Rape Elimination Act of 2003 (PREA) required the Attorney General to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in Federal facilities. When PREA was introduced, all immigration detention facilities were under the authority of the Department of Justice. When the Homeland Security Act of 2002 was enacted, adult immigration authority was transferred to the Department of Homeland Security (DHS), and the authority for detaining unaccompanied minors was transferred to the Department of Health and Human Services (HHS). This section fulfills the congressional intent of PREA by extending its requirements for national standards to DHS and HHS.

*Section 1002. Criminal Provision Relating to Stalking, including Cyberstalking.*

This section updates the Federal anti-stalking statute to capture more modern forms of communication that perpetrators use to stalk their victims.

*Section 1003. Amendments to the Federal Assault Statute.*

This section amends the Federal Criminal Code to provide a 10-year offense for assaulting a spouse, intimate partner, or dating partner by strangling or suffocating; a 5-year offense for assaulting a spouse, intimate partner, or dating partner resulting in substantial bodily injury; and a 1-year offense for assaulting a person by striking, beating or wounding. These changes will enable Federal prosecutors to more effectively combat three types of assault frequently committed against women in Indian country and to appropriately address the gradual escalation of seriousness often associated with domestic violence offenses.