

S 1197

Violence Against Women Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jun 8, 2005

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Sponsor

Name: Sen. Biden, Joseph R., Jr. [D-DE]

Party: Democratic • **State:** DE • **Chamber:** Senate

Cosponsors (58 total)

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| Sen. Baucus, Max [D-MT] | D · MT | | Oct 26, 2005 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | Senate | Reported By | Sep 12, 2005 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill | Relationship | Last Action |
|-------------|--------------|--|
| 109 HR 3402 | Related bill | Jan 5, 2006: Became Public Law No: 109-162. |
| 109 HR 3171 | Related bill | Sep 28, 2005: Sponsor introductory remarks on measure. (CR H8427) |
| 109 HR 2876 | Related bill | Aug 10, 2005: Referred to the Subcommittee on Select Education. |

Violence Against Women Act of 2005 - **Title I: Enhancing Judicial And Law Enforcement Tools To Combat Violence Against Women** - (Sec. 101) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to: (1) authorize increased appropriations for FY2006-FY2010 for grants to combat violent crimes against women (STOP grants); (2) revise provisions specifying purposes for grants to include use for underserved populations and for forensic medical exams of sex offense victims; (3) increase set aside amounts for grants to Indian tribal governments and U.S. territories and possessions; (4) allot 3% to 8% of grants for grantee training, technical assistance, and data collection; and (5) prohibit law enforcement officers, prosecutors, or other government officials from requiring sex offense victims to submit to a polygraph examination as a condition for proceeding with an investigation or prosecution of a sex offense.

(Sec. 102) Authorizes increased appropriations for FY2006-FY2010 for the grant program for encouraging arrests and enforcement of protection orders in domestic violence and stalking cases. Expands the scope of such grant program by: (1) including dating violence, sexual assault, and stalking as serious criminal offenses; (2) expanding victim services programs; (3) developing protection order registries; and (4) allocating grant funds specifically for training and technical assistance to grantees.

(Sec. 103) Authorizes appropriations for FY2006-FY2010 for the grant program for legal assistance for victims of domestic violence, dating violence, sexual assault, and stalking. Expands such assistance to include civil and criminal matters and both adult and youth victims.

(Sec. 104) Amends the Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1998 to provide access to legal services for certain aliens who are victims of sexual assault or trafficking in the United States or who qualify for immigration relief as crime victims or criminal informants.

(Sec. 105) Violence Against Women Act Court Training and Improvements Act of 2005 - Directs the Attorney General, through the Director of the Office on Violence Against Women (the Director), to develop a national and tribal educational curricula for training of court personnel in domestic violence issues. Authorizes appropriations for FY2006-FY2010.

(Sec. 106) Amends the federal criminal code to: (1) extend interstate enforcement of protection orders to Indian territories; (2) prohibit a state, Indian tribe, or territory from publishing on the Internet information in a domestic violence protection order which is likely to identify a domestic violence victim; and (3) expand the definition of protection order to include injunctions, restraining orders, and domestic relations orders.

(Sec. 107) Authorizes the Attorney General to award grants to ensure privacy protections for victims of domestic violence, sexual violence, stalking, and dating violence. Authorizes appropriations for FY2006-FY2010.

(Sec. 108) Authorizes appropriations for FY2006-FY2010 for the training of parole and probation officers in the management and supervision of released sex offenders.

(Sec. 109) Authorizes appropriations for FY2006-FY2010 for the grant program for stalker and domestic violence databases.

(Sec. 110) Authorizes appropriations for FY2006-FY2010 for victim assistants for the prosecution of sex and domestic violence crimes.

(Sec. 111) Authorizes the Attorney General to award grants to train state and local law enforcement personnel to identify

and protect victims of sex trafficking. Authorizes appropriations for FY2006-FY2010.

(Sec. 112) Extends until January 1, 2010, the date by which a court-appointed special advocate shall be available for every victim of child abuse and neglect in the United States. Authorizes background checks of program volunteers.

Increases and extends through FY2010 the authorization of appropriations for the court-appointed special advocate program.

(Sec. 113) Amends the Communications Act of 1934 to include within the prohibitions against certain communications in interstate or foreign commerce communications transmitted by the Internet (e.g., cyberstalking).

(Sec. 114) Revises the definition of "interstate stalking" to include surveillance or intimidation.

(Sec. 115) Amends the federal criminal code to double the applicable penalty for repeat domestic violence or stalking offenders.

(Sec. 116) Amends the federal criminal code to define "dating partner" for purposes of domestic violence and stalking crimes and to include a dating partner as a protected class in defining the crime of interstate domestic violence.

(Sec. 117) Includes the crimes of interstate domestic violence and violating protection orders within the special maritime and territorial jurisdiction of the United States.

(Sec. 118) Expands the definition of "protection order" to: (1) include restraining orders, support, child custody or visitation orders; and (2) protect victims of dating violence, sexual assault, or stalking.

Title II: Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking -

(Sec. 202) Amends the Violence Against Women Act, under the Omnibus Crime Control and Safe Streets Act of 1968, to establish a sexual assault services program. Directs the Attorney General to make grants to: (1) states, territories, and tribal entities for rape crisis centers or other programs and projects to assist those victimized by sexual assault; (2) culturally specific community-based organizations for various services on behalf of sexual assault victims; and (3) state, territorial, and tribal sexual assault coalitions. Authorizes appropriations for FY2006-FY2010 for such program.

(Sec. 203) Amends the Safe Homes for Women Act of 1994 to revise the rural domestic violence and child abuse enforcement assistance grants program.

Allots the following minimum portions of program funds: (1) 10% (currently 5%) for grants to Indian tribes or tribal organizations; and (2) 25% for grants that meaningfully address sexual assault in rural communities, with this minimum rising to 30%, 35%, and 40% as appropriations reach specified amounts.

Authorizes appropriations for FY2006-FY2010 for such program.

(Sec. 204) Amends the Violence Against Women Act of 2000 to authorize the Attorney General to award grants to eligible entities to: (1) provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities; and (2) enhance direct services to such individuals. Authorizes appropriations for FY2006-FY2010 for such program.

(Sec. 205) Amends the Violence Against Women Act of 1994 to authorize the Attorney General, through the Director, to award grants for training programs and services on behalf of victims of violence or abuse who are 50 years of age or older. Allows such grants to 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, dating violence, sexual assault, or stalking against such victims; (2) providing or enhancing services for such victims; (3) increasing the physical accessibility of buildings in which services are or will be rendered; (4) creating or supporting multidisciplinary collaborative community responses; and (5) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving such victims.

Authorizes appropriations for FY2006-FY2010 for programs under such Act relating to elder abuse, neglect, and exploitation, including domestic violence and sexual assault against older or disabled individuals.

(Sec. 206) Amends the Family Violence Prevention and Services Act to authorize appropriations for FY2006-FY2010 for the National Domestic Violence Hotline.

Requires the entity operating the hotline to provide technology and telecommunication training and assistance for advocates, volunteers, staff, and others affiliated with the hotline so that they are able to use effectively improved equipment made available through the Connections Campaign.

Title III: Services, Protection, and Justice for Young Victims of Violence - (Sec. 302) Amends the Public Health Service Act to authorize appropriations for FY2006-FY2010 for the program of grants to states for rape prevention and education programs. Requires a specified minimum amount of such funds to be reserved for the National Sexual Violence Resource Center. (Current law sets a maximum and lower amount on funds for the center.)

(Sec. 303) Amends the Violence Against Women Act of 1994 to establish the following programs of grants: (1) by the Attorney General, to serve youth between the ages of 12 and 24 who are victims of domestic violence, dating violence, sexual assault, and stalking; (2) by the Attorney General, through the Director, to support collaboration and cross-training among domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations, in developing responses and services for young victims, including community-based supports; and (3) by the Secretary of Health and Human Services (HHS), through the Family and Youth Services Bureau, to support collaboration and cross-training among those victim response and service entities to enhance community responses to families where there is both child maltreatment and domestic violence. Authorizes appropriations for FY2006-FY2010 for such grants programs.

(Sec. 304) Amends the Higher Education Amendments of 1998 to authorize appropriations for FY2006-FY2010 for the program of grants to combat violent crimes against women on campuses. Limits maximum amounts of such grants to individual institutions of higher education or to consortia of such institutions. Directs the Attorney General to 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. Revises authorized uses of grants and application requirements.

(Sec. 305) Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to require state plans to include: (1) 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; and (2) provision for use of certain funds to develop and adopt policies to prohibit disparate treatment of female juveniles in placement and treatment, and to establish 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) Amends the Victims of Trafficking and Violence Protection Act of 2000 to revise requirements for safe havens for children. Authorizes appropriations for FY2006-FY2010 for such program.

Title IV: Strengthening America's Families by Preventing Violence - (Sec. 401) Amends the Violence Against Women Act of 1994 to authorize the Attorney General, acting through the Director, to make grants to eligible entities to mitigate 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 such violence.

Directs the Attorney General, acting through the Director, to make grants to home visitation programs, in collaboration with law enforcement and victim service providers, to develop and implement model policies and procedures to train home visitation service providers on addressing domestic 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.

Directs the Attorney General, acting through the Director, to make grants to eligible entities for 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.

Requires the Director, in awarding grants under this title, to consider the needs of underserved populations and to reserve portions of funds for specified programs, tribal entities, and certain purposes.

Authorizes appropriations for FY2006-FY2010 for grants programs under this section.

(Sec. 402) Directs the Secretary of HHS, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention, to make grants to eligible entities for research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children. Authorizes appropriations for FY2006-FY2010 for such program.

Title V: Strengthening the Healthcare System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking - (Sec. 503) - Amends the Public Health Service Act to require the Secretary of Health and Human Services, acting through the Director of the Health Resources and Services Administration (HRSA), to award grants to accredited schools of medicine to develop interdisciplinary training and education programs that provide health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, and dating violence.

(Sec. 504) Requires the Secretary, acting through the Director of the Centers for Disease Control and Prevention (CDC), to award grants to eligible entities to strengthen the response of state, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

(Sec. 505) Amends the Violence Against Women Act of 1994 to require the Secretary, acting through the Directors of CDC and HRSA, to 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.

Authorizes appropriations.

Title VI: Housing Opportunities and Safety for Battered Women and Children - (Sec. 601) Amends the Violence Against Women Act of 1994 (VAWA) to establish a new subtitle, Subtitle N: Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

Directs the Secretary of HHS, acting through the Administration of Children and Families, to: (1) award grants, contracts, or cooperative agreements for a period of at least two years to eligible 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 (but prohibits the use of funds for construction, modernization, or renovation); and (2) give priority to linguistically and culturally specific services, and to applications from entities that include a sexual assault service provider; and (3) obligate at least 15% of fiscal year appropriations to tribal organizations. Authorizes FY2006-FY2010 appropriations.

Directs The Attorney General, through the Violence Against Women Office of the Department of Justice, and the Secretary, through the Administration for Children, Youth and Families, to award competitive grants and contracts for not less than two years to eligible grantees to promote the full and equal access to, and use of, public housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking. Obligates at least 15% of appropriations for grants to tribally designated housing entities. Sets forth certification and confidentiality provisions. Authorizes FY2006-FY2010 appropriations.

(Sec. 602) Amends VAWA respecting transitional housing assistance grants to: (1) make grants available to victims of dating violence, sexual assault, or stalking; (2) make specified organizations serving such clients eligible grantees; (3) authorize grant use to acquire land or buildings, or to rehabilitate or construct buildings; (4) extend maximum grant assistance to an individual to 24 months; (5) obligate at least 7% of fiscal year appropriations to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents; (6) give priority to projects that primarily serve racial, ethnic, or other underserved populations; and (7) increase and authorize appropriations through FY2010.

(Sec. 603) Amends the United States Housing Act of 1937 to require that public housing agency (PHA) five-year plans include a statement of goals, policies, or programs for child and adult victims of domestic violence, dating violence, sexual assault, or stalking.

(Sec. 604) Amends the Cranston-Gonzalez National Affordable Housing Act to require that state and local housing strategies include housing and assistance needs for victims of domestic violence, dating violence, sexual assault, and stalking.

(Sec. 605) Amends the Stewart B. McKinney Homeless Assistance Act to provide for confidentiality with respect to any client whom the Secretary of Housing and Urban Development (HUD), recipient, or subgrantee believes is either a victim of, or parent or guardian of a victim of, domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns.

(Sec. 606) Amends the United States Housing Act of 1937, with respect to the low-income housing assistance program (Section 8), to provide eligibility, tenancy/eviction, and lease protections for victims of domestic violence, dating violence, or stalking.

States, with respect to the Section 8 voucher program, that: (1) a PHA may not terminate assistance to a participant because of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against such participant; (2) criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a

serious or repeated lease violation justifying termination of assistance to the victim or threatened victim; and (3) criminal activity, with exceptions, directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of such domestic violence, dating violence, or stalking.

Authorizes an owner, manager, PHA, or assisted housing provider to: (1) request that an individual certify (via a HUD-approved certification form) that he or she is a victim of domestic violence, dating violence, or stalking; and (2) evict an individual for failure to provide such certification. Provides for information confidentiality.

(Sec. 607) Amends the United States Housing Act of 1937 to prohibit a PHA to deny public housing admission to an applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Sets forth tenant, certification, and confidentiality provisions.

Title VII: Providing Economic Security for Victims of Violence - (Sec. 701) Amends VAWA to authorize the Attorney General, acting through the Director, to award a grant to an eligible nonprofit nongovernmental entity or tribal organization to establish and operate a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. Authorizes appropriations for FY2006-FY2010 for this title.

Title VIII: Protection of Battered and Trafficked Immigrants - Subtitle A: Victims of Crime - (Sec. 801) Amends the Immigration and Nationality Act (INA) respecting T-visa (victims of trafficking) nonimmigrant aliens to: (1) replace references to the Attorney General with references to the Secretary of Homeland Security (Secretary); (2) eliminate language requiring "extreme hardship" for the admission of specified family members accompanying or following to join such an alien; and (3) exempt an alien from the requirement to cooperate with a reasonable request to assist in a trafficking investigation if the person is unable to do so because of psychological or physical trauma.

Amends provisions respecting U-visa (victims of certain abuse from criminal activity) nonimmigrant aliens to: (1) replace references to the Attorney General with references to the Secretary; (2) make aliens who have suffered injury from such criminal activity eligible entrants; (3) make specified family members accompanying or following to join such an alien eligible for admission on the same basis as their T-visa counterparts; and (4) include child abuse and stalking among the criminal activities under such provision.

(Sec. 802) Exempts, for purposes of readmission ineligibility, the period of illegal U.S. presence with respect to an alien who demonstrates a substantial connection between such presence and the alien being a victim of trafficking. Replaces specified references to the Attorney General with references to the Secretary.

(Sec. 803) Makes alien victims of trafficking eligible for status adjustment to permanent resident after two (currently, three) year's presence in the United States.

(Sec. 804) Amends the Trafficking Victims Protection Act of 2000 and INA to replace specified references to the Attorney General with references to the Secretary.

(Sec. 805) Amends INA to extend aging out protection to children who are victims of domestic abuse by a permanent resident parent who have petitioned for permanent resident status prior to becoming 21 years old.

Applies specified age-related immigrant allocation children and immediate relative rules to self-petitioners and derivatives of self-petitioners.

Permits an immigrant son or daughter who qualified to file a petition for immigrant status before reaching 21 years of age

but did not do so to petition for such status before reaching 25 years of age if the person can show a connection between such delay and having been battered.

Eliminates from the definition of "child" the two-year custody and residency requirement for adopted children who have been battered or subject to extreme cruelty.

Subtitle B: VAWA Self-Petitioners - (Sec. 811) Amends INA to define "VAWA self-petitioner" as an alien, or a child of an alien, who qualifies for relief under specified provisions of INA, the Cuban Adjustment Act, the Haitian Refugee Immigration Fairness Act of 1998, the Nicaraguan Adjustment and Central American Relief Act, or the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(Sec. 812) Authorizes an alien who is a VAWA self-petitioner or eligible for certain relief as a battered spouse to remain in the United States as a fiance/fiancee (K-visa) nonimmigrant alien despite not marrying within the required three-month period if such marriage takes place at a later date.

Exempts a K-visa alien who did not marry within such three-month period from the conditional residency requirement if: (1) the alien married the U.S. citizen petitioner; (2) such petitioner subjected a VAWA self-petitioner to battery or extreme cruelty; and (3) the alien shows a substantial connection between the battery or extreme cruelty and the failure to marry within the three-month period.

(Sec. 813) Makes restrictions for relief under cancellation of removal and under adjustment of status to permanent resident provisions for failure to depart voluntarily from the United States inapplicable to aliens who filed petitions as VAWA self-petitioners or as battered (or subjected to extreme cruelty) spouses or children if such battering or extreme cruelty is substantially connected to the alien's overstaying of the grant of voluntary departure.

Requires that a voluntary departure order include the penalties for noncompliance.

(Sec. 814) Amends removal provisions to include within the definition of "exceptional circumstances" battery or extreme cruelty to the alien or any child or parent of the alien.

States that the Secretary, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion. Expresses the sense of Congress that the Secretaries and the Attorney General should particularly consider exercising such authority in VAWA cases involving T- or U-visa nonimmigrants, and cases involving cancellation of removal and status adjustment for battered spouses and children.

States that waiver of deportation authority for victims of domestic violence, stalking, or extreme violence may be applied in cancellation of removal proceedings.

(Sec. 815) Amends VAWA to extend VAWA deportation protections to aliens eligible for relief under the Cuban Adjustment Act and the Haitian Refugee Immigration Fairness Act of 1998.

Amends INA to authorize employment for VAWA self-petitioners.

(Sec. 816) Amends the Nicaraguan Adjustment and Central American Relief Act to extend the application period for adjustment of status to permanent resident (through the 18-month period beginning on the date of enactment of this Act) for the spouse or child victim of extreme cruelty or battering by an alien whose status was so adjusted or was eligible for such adjustment.

(Sec. 817) Amends INA to permit self-petitions for permanent resident status by an alien who: (1) is the parent of a U.S. citizen or was a parent of a U.S. citizen who, within the past two years, lost or renounced citizenship status related to an incident of domestic violence or died; (2) is of good moral character; (3) is eligible for immediate relative classification; (4) resides, or has resided, with the citizen daughter or son; and (5) was battered or subject to extreme cruelty by the citizen daughter or son.

(Sec. 818) Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to prohibit the the Department of Justice, DHS, or the Department of State from making an adverse determination of admissibility or deportability based solely on information furnished by a trafficker or perpetrator of a crime with respect to an alien applying for T-visa status, a VAWA self-petitioner, or a battered alien.

Subtitle C: Miscellaneous Amendments - (Sec. 821) Amends INA to make T- and U-visas available for four years with an extension if a federal, state, or local law enforcement official, prosecutor, or judge investigating or prosecuting human trafficking or criminal activity certifies that the alien's presence is necessary to assist in such activity's investigation or prosecution.

Authorizes a nonimmigrant classification change to T- or U-visa classification.

Replaces references to the Attorney General with references to the Secretary.

(Sec. 822) Makes specified amendments to physical presence and moral character provisions.

(Sec. 823) Amends the Cuban Adjustment Act to extend for two years (after the death of the Cuban alien or termination of the marriage) the period for a battered alien spouse of such alien to petition for permanent resident status if there is demonstrated a connection between the marriage termination and the battering or extreme cruelty by the Cuban alien.

(Sec. 824) Amends the Haitian Refugee Immigration Fairness Act of 1998 to permit the alien spouse or child of a Haitian alien who is or was eligible for permanent resident status (currently, who was so adjusted) to self-petition for permanent resident status.

(Sec. 825) Exempts battered spouses and children from specified deadlines and limits on the number of motions that may be filed respecting motions to reopen removal or deportation proceedings. States that filing such motion shall stay an alien's removal under either of such proceedings pending final disposition of the motion, including appeals.

(Sec. 826) States that a "special immigrant" juvenile 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 such status.

(Sec. 827) Amends the Real ID Act of 2005 to permit a state driver's license or identity card to use an alternative address for a qualifying person who has been subjected to battery, extreme cruelty, domestic violence, dating violence, sexual assault, or stalking.

(Sec. 828) Directs the Attorney General, the Secretary, and the Secretary of State to promulgate implementing regulations for this Act and the Battered Immigrant Women Protection Act of 2000.

Subtitle D: International Marriage Broker Regulation - International Marriage Broker Regulation Act of 2005 - (Sec. 832) Defines specified terms.

(Sec. 833) Prohibits an international marriage broker (marriage broker) from providing any U.S. client with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

Prohibits a marriage broker from providing any U.S. client with the personal contact information of any foreign national client 18 years of age or older until the marriage broker has: (1) collected certain background information from the U.S. client to whom the personal contact information would be provided; (2) provided a copy of such background information to the foreign national client in his or her primary language; (3) provided to the foreign national client in his or her primary language information about legal rights and resources available to immigrant victims of domestic violence and other crimes in the United States; (4) received from the foreign national client in his or her primary language a signed, written consent to release such personal contact information to the specific U.S. client to whom the personal contact information would be provided; and (5) informed the U.S. client from whom background information has been collected that after filing a K-visa petition the U.S. client will be subject to a criminal background check.

Prohibits a marriage broker from disclosing information regarding an individual who obtained a protection order or who was a crime victim. Requires that a marriage broker disclose the relationship of the U.S. client to such individual or crime victim.

Requires that: (1) a marriage broker collect certain background information from each U.S. client to whom the personal contact information of a foreign national client or any other individual would be provided; and (2) such background information be in writing and signed by the U.S. client to whom the personal contact information of a foreign national client or any other individual would be provided.

Sets forth required background information respecting: (1) prostitution- or controlled substance- related arrest or conviction history; (2) marital history; (3) restraining order or protection order history; (4) children under the age of 18; (5) states of residency since the age of 18; and (6) whether the client has previously sponsored an immigrant to whom he or she was married.

Sets forth federal civil and criminal penalties for marriage broker violations. Permits state civil enforcement to enjoin such practice, enforce compliance, or obtain damages. States that such penalties and remedies are in addition to any other penalties or remedies available under law.

Amends INA to repeal the mail-order bride provision.

(Sec. 834) Directs the Secretary, in consultation with the Secretary of State and nonprofit immigrant victim advocacy organizations, to develop and distribute an information pamphlet to ensure the accuracy of information disseminated to: (1) foreign national clients by marriage brokers; and (2) beneficiaries of K-visa petitions.

Sets forth required pamphlet contents respecting: (1) the K-visa and marriage-based immigration process; (2) marriage broker-provided information requirements; (3) illegality of domestic violence, sexual assault, and child abuse in the United States; (4) domestic violence and sexual assault services in the United States; (5) relief available to immigrant victims of crimes under VAWA and INA; (6) legal rights of immigrant victims of crimes in immigration, criminal justice, family law, and other matters; (7) child support obligations; and (8) illegality of knowingly entering into false immigration marriages.

(Sec. 835) Amends INA to set forth new K-visa processing provisions. Provides that: (1) a U.S. citizen may not file a K-visa petition while a petition for another alien fiancée or fiancé is pending or has been approved and is still valid; (2) the Secretary shall provide the Secretary of State with any criminal background information on a petitioner; (3) the petitioner

shall provide as part of the petition specified background information; (4) the Secretary of State shall ensure that a visa applicant be provided a copy of the petition and specified background information; and (5) the applicant shall be asked in his or her primary language whether an international marriage broker has facilitated the relationship and whether that international marriage broker complied with specified requirements under this Act.

(Sec. 836) Directs the Secretary, through the Bureau of Citizenship and Immigration Services, to report to the appropriate congressional committees respecting the international marriage broker industry in the United States.

Title IX: Safety for Indian Women - (Sec. 903) Directs the Attorney General to conduct annual consultations with Indian tribal governments concerning the federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994, and the Violence Against Women Act of 2000.

Requires the Secretary of HHS and the Attorney General, during such consultations, to solicit recommendations from the 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) Directs the National Institute of Justice to conduct a national baseline study to: (1) examine violence against Indian women in Indian country; and (2) make recommendations to improve the effectiveness of federal, state, tribal, and local responses to violations involving such violence. Directs the Attorney General to establish a task force to assist with the study and guide implementation of such recommendations. Authorizes appropriations.

Directs the Secretary of HHS to conduct a study to obtain a national projection of: (1) 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 (2) the cost of providing health care for the injuries so described. Authorizes appropriations.

(Sec. 905) Requires the Attorney General to: (1) permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information in federal criminal information databases and to obtain information from them; and (2) contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop a national tribal sex offender registry and a tribal protection order registry. Authorizes appropriations.

(Sec. 906) Directs the Attorney General to take certain set asides under this Act and combine them to establish the Safety for Indian Women Formula Grants Program. Requires the Director to combine the monies appropriated under various programs, including the Safe Haven for Children Pilot Program, to create a single formula grant program to enhance the response of Indian tribal governments to address the safety of American Indian and Alaska Native Women.

(Sec. 907) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the establishment in the Office on Violence Against Women a Deputy Director for Tribal Affairs. Directs the Deputy Director to: (1) ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994, or the Violence Against Women Act of 2000 is used to enhance the capacity of Indian tribes to address the safety of Indian women; and (2) ensure that another portion is used to hold offenders accountable.

(Sec. 908) Amends the federal criminal code to include under the term "misdemeanor crime of domestic violence" any offense that is a misdemeanor under Tribal law.

Amends the Indian Law Enforcement Reform Act to authorize employees of the Bureau of Indian Affairs to make an

arrest without a warrant for an offense committed in Indian country, if the offense: (1) is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order; (2) has specified elements of physical force and family relationships; and (3) the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the crime.

Amends the federal criminal code to impose criminal penalties upon any person who: (1) commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country; and (2) has a final conviction on at least two separate prior occasions in federal, state, or Indian court for offenses that would be, if subject to federal jurisdiction, an assault, sexual abuse, or serious violent felony against a spouse or intimate partner, or a domestic violence offense.

Title X: DNA Fingerprinting - DNA Fingerprint Act of 2005 - (Sec. 1002) Amends the DNA Identification Act of 1994 to repeal a provision prohibiting the DNA (deoxyribonucleic acid) profiles from arrestees who have not been charged in an indictment or information with a crime from being included in the National DNA Index System.

Requires the Director of the Federal Bureau of Investigation (FBI) to promptly expunge the DNA analysis of a person included in the Index, on the basis of an arrest under U.S. authority if the Attorney General receives, for each charge against the person on the basis of which the analysis was included in the Index, a certified copy of a final court order establishing that such charge has been dismissed, has resulted in an acquittal, or that no charge was filed within the applicable time period. Requires, for expungement by a state of the DNA analysis of a person who has not been convicted of an offense, that the responsible state agency or official receive a certified copy of such a final court order.

Repeals a provision granting authority for a one-time keyboard search of such System by any person authorized to access it.

(Sec. 1003) Permits states or local governments to use grant funds to include within such System DNA samples collected under applicable legal authority (currently, samples taken from individuals convicted of a qualifying state offense).

(Sec. 1004) Amends the DNA Analysis Background Elimination Act of 2000 to authorize the Attorney General to: (1) collect DNA samples from individuals who are arrested or from non-U.S. persons who are detained under U.S. authority; and (2) authorize any other federal agency that arrests or detains individuals or supervises individuals facing charges to so collect DNA samples.

(Sec. 1005) Eliminates the exception for sexual abuse offenses to the tolling of the statute of limitations in cases where DNA testing implicates a person in the commission of a felony.

Actions Timeline

- **Oct 6, 2005:** Received in the House.
- **Oct 6, 2005:** Message on Senate action sent to the House.
- **Oct 6, 2005:** Held at the desk.
- **Oct 4, 2005:** Measure laid before Senate by unanimous consent. (consideration: CR S10998-11055; text of measure as reported in Senate: CR S10998-11054)
- **Oct 4, 2005:** The committee substitute as amended agreed to by Unanimous Consent.
- **Oct 4, 2005:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Oct 4, 2005:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 12, 2005:** Committee on the Judiciary. Reported by Senator Specter with an amendment in the nature of a substitute. Without written report.
- **Sep 12, 2005:** Committee on the Judiciary. Reported by Senator Specter with an amendment in the nature of a substitute. Without written report.
- **Sep 12, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 205.
- **Sep 8, 2005:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 19, 2005:** Committee on the Judiciary. Hearings held.
- **Jun 8, 2005:** Introduced in Senate
- **Jun 8, 2005:** Sponsor introductory remarks on measure. (CR S6229-6231)
- **Jun 8, 2005:** Read twice and referred to the Committee on the Judiciary.