

## HR 4970

Violence Against Women Reauthorization Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Apr 27, 2012

**Current Status:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Cale

**Latest Action:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders.

Calendar No. 406. (May 21, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/4970>

### Sponsor

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**Name:** Rep. Adams, Sandy [R-FL-24]

**Party:** Republican • **State:** FL • **Chamber:** House

**Cosponsors** (40 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Apr 27, 2012
Rep. Barletta, Lou [R-PA-11]	R · PA		Apr 27, 2012
Rep. Black, Diane [R-TN-6]	R · TN		Apr 27, 2012
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Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Apr 27, 2012
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Rep. Hartzler, Vicky [R-MO-4]	R · MO		Apr 27, 2012
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Apr 27, 2012
Rep. Johnson, Bill [R-OH-6]	R · OH		Apr 27, 2012
Rep. Kelly, Mike [R-PA-3]	R · PA		Apr 27, 2012
Rep. Latham, Tom [R-IA-4]	R · IA		Apr 27, 2012
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Apr 27, 2012
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Apr 27, 2012
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Rep. Miller, Candice S. [R-MI-10]	R · MI		Apr 27, 2012
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Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Apr 27, 2012
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Apr 27, 2012
Rep. Nugent, Richard B. [R-FL-5]	R · FL		Apr 27, 2012
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Rep. Ross, Dennis A. [R-FL-12]	R · FL		Apr 27, 2012
Rep. Schmidt, Jean [R-OH-2]	R · OH		Apr 27, 2012
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Rep. Smith, Lamar [R-TX-21]	R · TX		Apr 27, 2012
Rep. Stivers, Steve [R-OH-15]	R · OH		Apr 27, 2012
Rep. Webster, Daniel [R-FL-8]	R · FL		Apr 27, 2012
Rep. West, Allen B. [R-FL-22]	R · FL		Apr 27, 2012
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		May 7, 2012
Rep. Terry, Lee [R-NE-2]	R · NE		May 8, 2012
Rep. Tipton, Scott R. [R-CO-3]	R · CO		May 8, 2012
Rep. Heck, Joseph J. [R-NV-3]	R · NV		May 11, 2012
Rep. Pence, Mike [R-IN-6]	R · IN		May 15, 2012

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Discharged From	May 15, 2012
Energy and Commerce Committee	House	Referred to	Apr 27, 2012
Financial Services Committee	House	Discharged From	May 15, 2012
Judiciary Committee	House	Reported By	May 15, 2012

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
<a href="#">112 HR 4271</a>	Related bill	<b>Sep 26, 2012:</b> Referred to the Subcommittee on Higher Education and Workforce Training.
<a href="#">112 HR 4982</a>	Related bill	<b>Jun 1, 2012:</b> Referred to the Subcommittee on Insurance, Housing and Community Opportunity.
<a href="#">112 HRES 656</a>	Related bill	<b>May 16, 2012:</b> On agreeing to the resolution Agreed to by the Yeas and Nays: 235 - 186, 1 Present (Roll no. 255). (text: CR H2726)
<a href="#">112 S 1925</a>	Related bill	<b>Apr 26, 2012:</b> Passed Senate with an amendment by Yea-Nay Vote. 68 - 31. Record Vote Number: 87.
<a href="#">112 S 2338</a>	Related bill	<b>Apr 24, 2012:</b> Read the second time. Ordered Placed on Senate Legislative Calendar under General Orders. Calendar No. 364.
<a href="#">112 HR 3515</a>	Related bill	<b>Dec 5, 2011:</b> Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
<a href="#">112 S 1920</a>	Related bill	<b>Nov 29, 2011:</b> Read twice and referred to the Committee on the Judiciary.

Violence Against Women Reauthorization Act of 2012 - (Sec. 3) Amends the Violence Against Women Act of 1994 (VAWA) to add or expand definitions of several terms for purposes of such Act, including: (1) "underserved populations" to mean populations who face barriers to accessing and using sexual assault victim services due to geographic location or religious, racial, or ethnic identity or because of special needs; (2) "personally identifying information or personal information" with respect to a victim of domestic violence, dating violence, sexual assault, or stalking; (3) "youth" to mean a person who is 11 to 24 years old; and (4) "rape crisis center" to mean a governmental or nongovernmental entity that provides intervention and related assisted to victims of sexual assault without regard to the age of such victims.

Modifies or expands grant conditions under such Act, including requirements relating to: (1) nondisclosure of personally identifying information or other victim information, (2) information sharing between grantees and subgrantees, and (3) civil rights and nondiscrimination.

(Sec. 4) Requires each applicant for a grant from the Department of Justice (DOJ) to submit a list of each federal grant applied for within one year of the date of a grant application and a list of each federal grant received within five years of such date.

Imposes enhanced audit requirements of VAWA grant recipients, including requiring the Inspectors General of the Department of Defense (DOD) and the Department of Health and Human Services (HHS), beginning in FY2013, to audit not fewer than 10% of all VAWA grant recipients to prevent waste, fraud, and abuse of funds.

Imposes new requirements for funding DOD and HHS conferences.

Prohibits VAWA grantees or subgrantees from lobbying any federal or state representative regarding the award of a VAWA grant.

Requires the Attorney General and the HHS Secretary to develop standards, protocols, and sample tools to provide guidance and training to VAWA grantees and subgrantees regarding financial record-keeping and accounting practices to prevent misuse of grant funds.

(Sec. 5) Makes specified provisions of this Act effective at the beginning of the fiscal year following the enactment of this Act.

**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 authorize appropriations through FY2017 for grants to combat violent crime against women (STOP grants). Expands the scope of such grant program to include dating violence and stalking. Expands the purposes for which STOP grants may be used to include: (1) training of law enforcement personnel and prosecutors in the appropriate treatment of sexual assault victims, (2) addressing backlogs of sexual assault evidence collection kits, and (3) funding of prevention and educational programming to address sexual assault crimes. Revises the application process for STOP grants.

Requires states receiving funds under the STOP grant program to develop and submit to the Attorney General implementation plans for using grant funds.

(Sec. 102) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to expand the grant program to encourage governmental entities to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of

criminal law. Requires such entities to use grant funds for: (1) training programs with respect to domestic violence and sexual assaults against women; (2) developing best practices for responding to domestic violence and sexual assault crimes; (3) developing, implementing, or enhancing sexual assault nurse examiner programs and Sexual Assault Response Teams; (4) providing human immunodeficiency virus testing programs; and (5) identifying and inventorying backlogs of sexual assault evidence collection kits. Requires not less than 25% of grant funding to be used for projects that address sexual assault. Authorizes appropriations through FY2017.

(Sec. 103) Amends the Violence Against Women Act of 2000 to expand the availability of competent pro bono legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking and to authorize appropriations for such assistance through FY2017.

(Sec. 104) Revises the grant programs for supporting families with a history of domestic violence, dating violence, sexual assault, or stalking to authorize the Attorney General to make grants to improve the response of the civil and criminal justice system to such families and to train court personnel in assisting such families.

(Sec. 105) Extends through FY2017 the Court-Appointed Special Advocate program.

(Sec. 106) Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to revise and reauthorize through FY2017 the grant program for outreach and services to adult or youth victims of domestic violence, dating violence, sexual assault, or stalking in underserved populations.

(Sec. 107) Eliminates the requirement that recipients of grants to combat violent sex crimes against women include linguistically specific services in administering such grants.

(Sec. 108) Amends the DNA Analysis Backlog Elimination Act of 2000 to increase the amount of grant funding in FY2013-FY2014 for DNA analyses of samples from crime scenes.

(Sec. 109) Amends VAWA to authorize appropriations for FY2013-FY2017 for training programs to assist probation and parole officers and other personnel who work with released sex offenders.

(Sec. 110) Amends the Victims of Child Abuse Act of 1990 to authorize appropriations for FY2013-FY2017 for child abuse and neglect training programs for personnel and practitioners in juvenile and family courts.

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

(Sec. 201) Amends VAWA to extend through FY2017 grant programs to: (1) assist states, Indian tribes, and U.S. territories to establish, maintain, and expand rape crisis centers and other programs to assist victims of sexual assault; and (2) assist victims of domestic violence and other sexual assault crimes in rural areas.

(Sec. 203) Amends the Victims of Trafficking and Violence Protection Act of 2000 to extend through FY2017 the authorization of appropriations for grants to end violence against women with disabilities.

(Sec. 204) Amends VAWA to authorize appropriations through FY2017 for the grant program to end elder abuse, including domestic violence, dating violence, sexual assault, and stalking and to provide training for law enforcement agencies and other officials to better serve victims of abuse in later life. Directs the Attorney General, in awarding grants to end elder abuse, to give priority to proposals providing culturally specific or population specific services.

**Title III: Services, Protection, and Justice for Young Victims of Violence -** (Sec. 301) Amends the Public Health Service Act to: (1) include tribal or territorial sexual assault coalitions in the grant program for rape prevention and

education, and (2) extend through FY2017 the authorization of appropriations for grants for rape prevention and education programs conducted by rape crisis centers. Establishes a minimum allocation of grant funding for each state and U.S. territory and the District of Columbia.

(Sec. 302) Amends VAWA to replace certain grant programs for the protection of young victims of violent crimes with a program requiring the Attorney General, in collaboration with the HHS Secretary and the Secretary of Education, to award grants to enhance the safety of youth and children who are victims of, or exposed to, domestic violence, dating violence, sexual assault, or stalking and to prevent future violence. Authorizes appropriations for FY2013-FY2017.

(Sec. 303) Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to revise, expand, and reauthorize through FY2017 the grant program for combatting violent crimes on college campuses.

(Sec. 304) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a National Center for Campus Public Safety to provide training and information to promote campus safety at institutions of higher education.

**Title IV: Violence Reduction Practices** - (Sec. 401) Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to authorize appropriations for FY2013-FY2017 for grants from the Centers for Disease Control and Prevention (CDC) to academic institutions and organizations to conduct research that examines best practices for reducing and preventing violence against women and children. Reduces the amount of such funding by 50% of the level for FY2007-FY2011.

(Sec. 402) Amends VAWA to authorize the Attorney General to award grants to prevent domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms (SMART Prevention grants). Authorizes appropriations through FY2017.

**Title V: Strengthening the Health Care System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking** - (Sec. 501) Amends the Public Health Service Act to reauthorize, revise, and consolidate grant programs that address domestic violence, dating violence, sexual assault, and stalking by developing or enhancing and implementing: (1) interdisciplinary training for health professionals, public health staff, and allied health professionals; (2) education programs for health profession students to prevent and respond to domestic violence, dating violence, sexual assault, and stalking; and (3) comprehensive statewide strategies to improve the response of clinics, public health facilities, hospitals, and other health settings to domestic violence, dating violence, sexual assault, and stalking.

Permits grant funds to be used for the development, expansion, and implementation of sexual assault forensic medical examination or sexual assault nurse examiner programs.

Requires grantees to: (1) provide patients with advance notice about any circumstances under which information may be disclosed, such as mandatory reporting laws; and (2) give patients the option to receive information and referrals without affirmatively disclosing abuse.

Requires the HHS Secretary to give preference to grant applicants based on the strength of their evaluation strategies, with priority given to outcome-based evaluations.

Revises requirements for training and education grants to require that grantees be: (1) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic violence, dating violence, sexual assault, or stalking and lifetime exposure to violence and abuse; (2) an

accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or allied health; (3) a health care provider membership or professional organization or a health care system; or (4) a state, tribal, territorial, or local entity (currently, grantees must be a school of allopathic or osteopathic medicine). Requires grantees to represent a team of entities that include at least one of each of: (1) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or other health field; (2) a health care facility or system; and (3) a government or nonprofit entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking.

Revises the training and education grant program to remove the matching requirement. Revises the public health response grant program to remove requirements that: (1) a grant award cannot exceed two years, and (2) funds must be distributed equally between state and local programs.

Authorizes the Secretary to make grants or enter into contracts to provide technical assistance with respect to the planning, development, and operation of any program, activity, or service carried out under this title.

Requires the Secretary to: (1) make publicly available materials developed by grantees under this title, including materials on training, best practices, and research and evaluation; and (2) publish a biennial report on the distribution of funds under this title and the programs and activities supported by such funds.

Makes the grant program on research of effective interventions in the health care setting permissible, rather than required. Authorizes the Secretary to use not more than 20% of funds available under this title for research and evaluation of: (1) grants awarded under this title; and (2) other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

Allows research grant funds to be used to research the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking, and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting. Removes provisions permitting research grant funds to be used for: (1) 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; or (2) measuring the comparative effectiveness and outcomes of efforts to reduce violence and increase women's safety.

#### **Title VI: Safe Homes for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking - (Sec. 601)**

Amends VAWA with respect to housing rights of victims of domestic violence, dating violence, sexual assault, and stalking.

Prohibits denial or termination of housing assistance on the basis of being such a victim under specified federal housing programs (covered programs), including the low-income housing tax credit program, if the applicant or tenant otherwise qualifies for such admission, assistance, participation, or occupancy.

Prohibits denial of assistance, tenancy, or occupancy rights to assisted housing based solely on certain criminal activity directly related to domestic violence engaged in by a member of the individual's household or by any guest or other person under the individual's control, if the tenant or an affiliated individual is the victim or threatened victim.

Defines "affiliated individual" as: (1) a spouse, parent, brother, sister, or child of that individual, or someone to whom such individual stands in loco parentis; or (2) any other individual, tenant, or lawful occupant living in the individual's household.

Allows a public housing agency (PHA) or an owner or manager of assisted housing to bifurcate a housing lease in order to evict, remove, or terminate assistance to any tenant or lawful occupant who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant. Requires specified accommodation of any tenants remaining after the eviction of the sole tenant eligible to receive assistance under a covered housing program.

Authorizes a PHA or an owner or manager of assisted housing to: (1) require certified documentation from any applicant claiming protection under this Act, or (2) deny or terminate any assistance if such documentation is not produced.

Requires each appropriate agency to adopt a model emergency relocation and transfer plan, meeting specified criteria, for PHAs and owners or managers of assisted housing to use voluntarily in allowing tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to relocate or transfer to another available and safe dwelling unit of assisted housing.

Requires the Secretary of Housing and Urban Development (HUD) to establish policies and procedures under which a victim requesting such a transfer may receive section 8 (voucher program) assistance under the United States Housing Act of 1937.

Makes conforming amendments to the United States Housing Act of 1937.

(Sec. 602) Revises eligibility requirements for transitional housing assistance grants for child victims of domestic violence, dating violence, sexual assault, or stalking to specify that any victims are eligible. Extends the authorization of appropriations for such grants, but at decreased levels, for FY2013-FY2017.

(Sec. 603) Extends the authorization of appropriations, but also at decreased levels, for FY2013-FY2017 for: (1) collaborative grants to increase the long-term stability of victims, and (2) grants to combat violence against women in public and assisted housing.

**Title VII: Economic Security for Victims of Violence** - (Sec. 701) Amends VAWA to extend through FY2017 the authorization of appropriations for the grant program to establish and operate a national resource center on workplace responses to assist victims of domestic and sexual violence.

**Title VIII: Immigration Provisions** - (Sec. 801) Amends the Immigration and Nationality Act to direct the the Secretary of Homeland Security (DHS) to consider any credible relevant evidence, including evidence submitted by an accused U.S. national or permanent resident, in adjudicating an application for cancellation of removal by an alien who has been battered or subjected to extreme cruelty.

Provides that: (1) permanent resident self-petitions for a battered spouse, child, or parent shall be adjudicated at local U.S. Citizenship and Immigration Services offices and shall include an in-person interview with the petitioning alien; (2) a petition shall not be granted unless it is supported by a preponderance of the evidence; (3) a local office shall determine whether any federal, state, territorial, tribal, or local law enforcement agency has undertaken an investigation or prosecution of the abusive conduct alleged by the self-petitioning alien, and if so, shall obtain and use appropriate information in adjudicating the self-petition; and (4) adjudication of the self-petition shall be stayed pending the conclusion of such an investigation or prosecution.

(Sec. 802) Requires that a certification for a nonimmigrant U-visa (victims of certain crimes) confirm under oath that the



criminal activity is under investigation or a prosecution has commenced and that the alien seeking a U-visa has provided law enforcement with information that will assist in identifying the responsible criminals (unless their identity is already known).

(Sec. 803) Requires a petition filed by a U.S. citizen for a nonimmigrant K-visa (fiancee/fiance) to contain information on whether the petitioner has been convicted of attempting to commit abuse or stalking and whether any permanent protection or restraining orders have been issued against such petitioner.

(Sec. 804) Directs the Attorney General to report to Congress regarding the (DOJ component responsible for prosecuting violations of the International Marriage Broker Regulation Act of 2005.

Amends the International Marriage Broker Regulation Act of 2005 to prohibit an international marriage broker from providing any individual or entity with personal contact information about an individual under the age of 18. Requires a broker to obtain, and keep for five years, a valid copy of each foreign national client's birth certificate or other official proof of age documented by the appropriate government entity.

(Sec. 805) Requires the Government Accountability Office (GAO) to 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 fraud and abuse safeguards.

(Sec. 806) Limits authority to adjust U-visa recipients to permanent resident status to circumstances where the criminal perpetrator was an alien, was convicted of the crime that was the basis for the U-visa's issuance, and was removed to the same home country as the victim.

(Sec. 807) Requires DHS to report to Congress each year regarding: (1) the U-visa program, the T-visa program (victims of trafficking) and the self-petition process for battered aliens; and (2) each type of criminal activity by reason of which aliens received U-visas.

(Sec. 808) Makes the surviving child of an alien who was a VAWA self-petitioner who filed a pending or approved petition for classification or application for status adjustment or other benefit eligible for lawful permanent resident status under such alien's petition.

(Sec. 809) Excludes from the public charge bar to admission an alien who is: (1) a VAWA self-petitioner, (2) a U-visa applicant, or (3) a battered spouse or child.

(Sec. 810) States that an unmarried alien who seeks to accompany, or follow to join, a parent granted U-visa status who was under 21 years of age on the date on which the parent petitioned for such status shall continue to be classified as a child if the alien attains 21 years of age after the parent's petition was filed but while it was pending.

(Sec. 811) Extends the conditions under which the waiver of the two-year waiting period for permanent resident status application may be granted to a battered alien spouse.

(Sec. 812) Authorizes DOJ, the Department of State, and DHS to disclose information to national security officials solely for national security use in a manner that protects the confidentiality of such information.

(Sec. 813) Requires GAO to report to Congress on the adjudication of U-visa petitions.

(Sec. 814) Authorizes DOJ, in determining whether the conviction of an alien on grounds of domestic violence meets the

deportation requirement, to consider other evidence such as sentencing reports and police reports in circumstances where the conviction records do not conclusively answer whether such requirement has been met.

**Title IX: Safety for Indian Women** - (Sec. 901) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include sex trafficking as a target of the grants to Indian tribal governments to combat violent crime against Indian women.

Allows those grants to be used to: (1) address the needs of youth who are victims of, or exposed to, domestic violence, dating violence, sexual assault, sex trafficking, or stalking; and (2) develop and promote best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(Sec. 902) Allows tribal coalition grants to be used to develop and promote state, local, or tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women.

(Sec. 903) Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to include the Secretary of the Interior, in addition to the HHS Secretary and the Attorney General, as a participant in consultations with Indian tribes regarding the administration of tribal funds and programs, enhancement of Indian women's safety, and federal response to violent crimes against Indian women.

Directs the Attorney General to report annually to Congress on the recommendations made by Indians on those subjects during consultations.

(Sec. 904) Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to require the National Institute of Justice to include women in Alaska Native Villages and sex trafficking in its study of violence against Indian women.

Reauthorizes appropriations for the study for FY2013-FY2014.

Reauthorizes appropriations for the national tribal sex offender registry and the tribal protection order registry for FY2013-FY2017.

(Sec. 905) Authorizes and encourages the Attorney General to appoint the Assistant United States Attorney Tribal Liaison in each judicial district that includes Indian country to also serve as a domestic violence tribal liaison.

Requires domestic violence tribal liaisons to: (1) facilitate arrests and federal prosecution for domestic violence, dating violence, sexual assault, and stalking crimes that occur in Indian country; (2) ensure that law enforcement personnel in Indian country understand their arrest authority over non-Indian offenders; (3) develop multi-disciplinary teams to combat domestic and sexual violence offenses against Indians by non-Indians; and (4) develop a working relationship with tribal officials and victims' advocates to share information and address any backlog in the prosecution of crimes.

**Title X: Criminal Provisions** - (Sec. 1001) Amends the federal criminal code to expand sexual abuse provisions involving a ward in official detention and any person who has supervisory or custodial authority over such ward and who knowingly engages or attempts to engage in a sexual act with such ward. Extends the period during which the prohibition against sexual abuse applies to include the period: (1) during arrest; (2) during pretrial release; (3) while in official detention or custody; or (4) while on probation, supervised release, or parole. Allows prosecutions for sexual abuse of a ward if it occurs in the special maritime and territorial jurisdiction of the United States or if the ward was under the professional custodial, supervisory, or disciplinary control or authority of the person engaging or attempting to engage in a sexual act.

Increases penalties for criminal civil rights violations involving sexual abuse.

(Sec. 1002) Amends the Civil Rights of Institutionalized Persons Act to allow a prisoner in federal custody to bring a suit against the United States for a mental or emotional injury if such injury resulted from the commission of a sexual act (currently, requires a prior showing of a physical injury). Amends the Prison Rape Elimination Act of 2003 to direct the DHS Secretary to publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rapes and sexual assaults in detention facilities against aliens detained for a violation of U.S. immigration laws. Requires the HHS Secretary to publish a similar final rule for the protection of unaccompanied alien children in custodial facilities.

(Sec. 1003) Amends the federal criminal code to revise provisions relating to the crime of stalking to impose additional penalties for violating a protective order or for stalking a person under the age of 18 years or over the age of 65 years.

(Sec. 1004) Amends the federal criminal code to: (1) include sexual abuse crimes in provisions prohibiting assault with intent to commit murder or other felonies in a federal jurisdiction, and (2) increase penalties for other assault crimes.

Subjects individuals who: (1) commit an assault resulting in substantial bodily injury to a spouse, intimate partner, or dating partner to a fine, imprisonment for up to 5 years, or both; and (2) assault a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate to a fine, imprisonment for up to 10 years, or both.

Makes federal felony assault penalties applicable to Indians.

(Sec. 1005) Amends the federal criminal code to impose a mandatory minimum prison term of 10 years for aggravated sexual abuse by force or threat and 5 years for such abuse by other means, including the use of drugs or intoxicants.

(Sec. 1006) Allows the victim of an act of domestic violence, or an Indian tribe acting on behalf of such victim, to petition a U.S. district court for a protection order if: (1) the victim is an Indian or a minor who resides with or is in the care and custody of an Indian, (2) the victim resides or is employed in Indian country, and (3) the person against whom a protection order is sought is alleged to have committed the act of domestic violence in Indian country. Sets forth provisions relating to the content and scope of such protection orders, emergency ex parte orders, and penalties for violating a protection order.

## Actions Timeline

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- **May 21, 2012:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 406.
- **May 16, 2012:** Considered under the provisions of rule H. Res. 656. (consideration: CR H2745-2781)
- **May 16, 2012:** Rule provides for consideration of H.R. 4970 and H.R. 4310. Resolution provides for 1 hour of general debate on H.R. 4970. The amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in the report of the Committee on Rules, shall be considered as adopted. Previous question shall be considered as ordered on H.R. 4970, as amended, without intervening motions except one motion to recommit. Resolution provides for 1 hour of general debate on H.R. 4310. No further consideration of H.R. 4310 shall be in order except pursuant to a subsequent order of the House.
- **May 16, 2012:** DEBATE - The House proceeded with one hour of debate on H.R. 4970.
- **May 16, 2012:** The previous question was ordered pursuant to the rule. (consideration: CR H2779)
- **May 16, 2012:** Ms. Moore moved to recommit with instructions to Judiciary. (consideration: CR H2779; text: CR H2779)
- **May 16, 2012:** DEBATE - The House proceeded with 10 minutes of debate on the Moore motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to ensure that nothing in the underlying bill will eliminate, reduce, or limit any protection currently available that provides confidentiality to victims of domestic violence. This protection includes the prevention of notifying a suspected batterer of a victim's efforts to seek assistance from law enforcement.
- **May 16, 2012:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H2780)
- **May 16, 2012:** On motion to recommit with instructions Failed by the Yeas and Nays: 187 - 236 (Roll no. 257). (consideration: CR H2781)
- **May 16, 2012:** Passed/agreed to in House: On passage Passed by recorded vote: 222 - 205 (Roll no. 258).(text: CR H2745-2763)
- **May 16, 2012:** On passage Passed by recorded vote: 222 - 205 (Roll no. 258). (text: CR H2745-2763)
- **May 16, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **May 15, 2012:** Reported (Amended) by the Committee on Judiciary. H. Rept. 112-480, Part I.
- **May 15, 2012:** Committee on Energy and Commerce discharged.
- **May 15, 2012:** Committee on Education and the Workforce discharged.
- **May 15, 2012:** Committee on Financial Services discharged.
- **May 15, 2012:** Placed on the Union Calendar, Calendar No. 336.
- **May 15, 2012:** Rules Committee Resolution H. Res. 656 Reported to House. Rule provides for consideration of H.R. 4970 and H.R. 4310. Resolution provides for 1 hour of general debate on H.R. 4970. The amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in the report of the Committee on Rules, shall be considered as adopted. Previous question shall be considered as ordered on H.R. 4970, as amended, without intervening motions except one motion to recommit. Resolution provides for 1 hour of general debate on H.R. 4310. No further consideration of H.R. 4310 shall be in order except pursuant to a subsequent order of the House.
- **May 8, 2012:** Committee Consideration and Mark-up Session Held.
- **May 8, 2012:** Ordered to be Reported (Amended) by the Yeas and Nays: 17 - 15.
- **Apr 27, 2012:** Introduced in House
- **Apr 27, 2012:** Referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Apr 27, 2012:** Referred to the Subcommittee on Health.