

# Proposed Revisions to the Violence Against Women Act

The following proposed changes to the Violence Against Women Act (VAWA) seek to:

1. Clarify definitions
2. Allow for the use of diversion programs and alternative dispute resolution
3. Allow for VAWA-funded programs to address the underlying causes of abuse, eg, alcohol abuse
4. Provide incentives for providing services to historically under-served male populations
5. Promote due process

These changes are based on:

1. Comments made by Congressional staffers during the VAWA Listening Tour<sup>\*</sup>
2. Twelve Principles for VAWA Reform, endorsed by over 75 professors and attorneys.<sup>†</sup> The principles that correspond to each proposed revision are displayed in the left-hand column of the table.
3. Provisions from previously proposed VAWA bills.

Notes:

- Instructions are indicated with ***bold italics***
- Current statutory language is indicated in plain (un-bolded, non-italics) text
- New proposed language appears in blue and is underlined
- Deletions are indicated in red with a ~~strikethrough~~

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<sup>\*</sup> <http://www.saveservices.org/dv/vawa-listening-tour/>

<sup>†</sup> <http://endtodv.org/statements/opinion-leaders/>

PRINCIPLE	PROPOSED LANGUAGE
	<b>FINDINGS</b>
	<p><i>Insert the following new language:</i></p> <ol style="list-style-type: none"> <li>1. <u>Whereas overly broad statutory definitions have exacerbated the problem of over-criminalization in the United States, stricter definitions are warranted to prevent minor incidents of partner conflict from being over-criminalized and increasing the record number of Americans under the supervision of the justice system.</u></li> <li>2. <u>Whereas proper training and education are vital elements of effective policies, the Violence Against Women Act should incorporate training and education for grantees, law enforcement, and the Courts that are based on sound science, not ideology.</u></li> <li>3. <u>Whereas domestic violence, dating violence, sexual assault, and stalking can affect persons regardless of sex, gender, age, race, or national origin, the Violence Against Women Act shall ensure that all victims are receive the help they need.</u></li> <li>4. <u>Whereas Violence Against Women Act grantees now receive approximately \$500 million annually, robust transparency and accountability measures are needed to curb waste and fraud.</u></li> <li>5. <u>Whereas substance abuse, mental illness, marital discord and other psychological and social factors have been documented to be contributors to partner aggression, domestic violence programs should include individual treatment and couples counseling programs.</u></li> <li>6. <u>Whereas diversion programs can assist low level offenders maintain the family unit and reduce recidivism, the Violence Against Women Act should incorporate provisions that allow for safe and effective means of resolving underlying causes of domestic violence in cases where the court deems it appropriate.</u></li> <li>7. <u>Whereas due process is a fundamental constitutional protection afforded to all Americans.</u></li> <li>8. <u>Whereas investigations into allegations of criminal conduct must be conducted in an objective, fair, and neutral manner, guilt-presuming trauma-informed investigations must be avoided in order to avoid wrongful convictions.</u></li> <li>9. <u>Whereas final or permanent orders of protection should only be issued when there is objective and verifiable</u></li> </ol>

	<p><a href="#">evidence of abuse, and both parties have had the opportunity to be heard on the issue, the Violence Against Women Act should allow for such fair and impartial proceedings.</a></p> <p>10. <a href="#">Whereas community trust in law enforcement and the criminal justice system are critical to addressing domestic violence, jurisdictions should avoid mandatory arrest and ‘no-drop’ prosecution policies that fail to take into account the victim’s wishes.</a></p> <p>11. <a href="#">Whereas false allegations cause grievous harm to the wrongfully accused, and dissipate scarce resources for victims, specific protections shall be included in the Violence Against Women Act to remedy such injustices.</a></p>
	<p><b>UNIVERSAL DEFINITIONS AND GRANT CONDITIONS</b></p>
<p><b>Definitions</b></p>	<p><b><i>Insert the following changes in the Universal Definitions, Section 3:</i></b></p> <p>Domestic Violence:  The term ‘domestic violence’ <del>includes</del> <a href="#">means</a> felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence <a href="#">criminal</a> laws of the jurisdiction.</p> <p>Dating Violence:  The term ‘dating violence’ means <a href="#">felony or misdemeanor crimes of</a> violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.</p> <p>Sexual Assault:  The term ‘sexual assault’ means any nonconsensual sexual act proscribed by Federal, tribal, or State <a href="#">misdemeanor or felony criminal</a> law, including when the victim lacks capacity to consent.</p> <p>Stalking:  The term ‘stalking’ means engaging in a course of conduct, <a href="#">as defined under state criminal law</a>, directed at a specific</p>

	<p>person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.</p>
<p><b>Non-discrimination</b></p>	<p><b><i>Insert new language in Section 3 (b)(13)(B) &amp; (a)(39):</i></b></p> <p>(13) CIVIL RIGHTS.—</p> <p>(A) NONDISCRIMINATION.—No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2013, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.</p> <p>(B) EXCEPTION.—If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual’s sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming. <a href="#">Any comparable sex-specific services must be published and made readily accessible on the grantee's webpage and any other publication where the grantee's available services are made known to victims.</a></p> <p>(39) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, <a href="#">sex</a>, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.</p>
<p><b>Accountability</b></p>	<p><b><i>Insert new language in Section 3 (b) (16):</i></b></p> <p><a href="#">(16) Accountability.--All grants awarded by the Attorney General that are authorized under this Act shall be subject to</a></p>

the following accountability provisions:

(A) Audit requirement.--Beginning in fiscal year 2019, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees.

(i) All grantees that fall in the 5% of highest awarded grant amounts shall be audited by the Office of the Inspector General at least once during the period while the grant receives federal funding.

(B) Mandatory exclusion. --A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the two fiscal years beginning after the 12-month period described in subparagraph (E).

A recipient of grant funds under this Act that is found to have a finding of “generally not compliant” shall not be eligible to receive grant funds under this Act during the two fiscal years beginning after the 12-month period described in subparagraph (E).

(i) A listing of all grantees that have been excluded based on a finding of ‘generally non-compliant’ or an unresolved audit finding shall be posted on the Office of the Inspector General's website.

(C) Priority.--In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the three fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(D) Reimbursement. --If an entity is awarded grant funds under this Act during the two-fiscal-year period in which the entity is barred from receiving grants under subparagraph (B), the Attorney General shall—

(i) seek to recoup the costs of the repayment to the fund from the grant recipient that was awarded grant funds, and

(ii) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury.

(E) Unresolved audit finding defined.--In this paragraph, the term ‘unresolved audit finding’ means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date of an initial notification of the finding or recommendation.

	<p><u>(F) Reports - Grantees shall submit a report within six months after the end of each grant year. The report shall provide detailed information about how grant funds were expended. The report will be made publicly available on the grantee's website.</u></p>
<p><b>Accountability</b></p>	<p><b><i>Insert new subsection (G) Requirement for DOJ Grant Applicants to Include Certain Information About Federal Grants in DOJ Grant Applications:</i></b></p> <p><u>(G) Requirement for DOJ Grant Applicants to Include Certain Information About Federal Grants in DOJ Grant Applications. —Each applicant for a grant from the Department of Justice shall submit, as part of the application for the grant, the following information:</u></p> <p><u>(1) A list of each Federal grant the applicant applied for during the one-year period preceding the date of submission of the application.</u></p> <p><u>(2) A list of each Federal grant the applicant received during the five-year period preceding the date of submission of the application.</u></p>
<p><b>Accountability</b></p>	<p><b><i>Insert new subsection (B) before current subsection (B) Non-Profit Organization Requirements</i></b></p> <p><u>(B) Enhancing Grant Efficiency and Coordination —</u></p> <p><u>(1) In General. —The Attorney General, in consultation with the Secretary of Health and Human Services, shall, to the greatest extent practicable, take actions to further the coordination of the administration of grants within the Department of Justice to increase the efficiency of such administration.</u></p> <p><u>(2) Report.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Attorney General under paragraph (1) and the progress of such actions in achieving coordination described in such paragraph.</u></p>

<p><b>Accountability</b></p>	<p><b><i>Insert new subsection (C) after new subsection (B) Enhancing Grant Efficiency and Coordination</i></b></p> <p><u>(c) Requiring Office of Audit, Assessment, and Management Functions to Apply to VAWA Grants</u></p> <p><u>(1) In General. —Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—</u></p> <p><u>(A) by redesignating paragraph (3) as paragraph (4); and</u></p> <p><u>(B) by inserting after paragraph (2), the following new paragraph:</u></p> <p><u>“(3) Any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.”.</u></p> <p><u>(2) Effective Date. —The amendments made by subsection (a) shall apply with respect to grant periods beginning on or after the date of the enactment of this Act.</u></p>
<p><b>Accountability</b></p>	<p><b><i>Insert new subsection (E) after current subsection (D) Annual Certification</i></b></p> <p><u>(E) Administrative Expenses. —Unless otherwise explicitly provided in authorizing legislation, not more than 5.0 percent of the amounts authorized to be appropriated under this title may be used by the Attorney General for salaries and administrative expenses of the Office on Violence Against Women.</u></p>
<p><b>Accountability</b></p>	<p><b><i>Insert new language to subsection (C), Conference Expenditures:</i></b></p> <p>(C) Conference Expenditures. —</p> <p>(i) Limitation.—No amounts authorized to be appropriated to the Department of Justice <u>or Department of Health</u></p>

	<p><u>and Human Services</u> under this title may be used by the Attorney General, <u>the Secretary of Health and Human Services, or by any individual or organization awarded funds under this title</u>, to host or support any expenditure for conferences, unless in the case of the Department of Justice, the Deputy Attorney General or the appropriate Assistant Attorney General, or in the case of the Department of Health and Human Services the Deputy Secretary, provides prior written authorization that the funds may be expended to host or support any expenditure for such a conference.</p> <p>(iii) Report. —The Deputy Attorney General <u>and Deputy Secretary of Health and Human Services</u> shall submit an annual report to the Committee on the Judiciary <u>and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives</u> on all conference expenditures approved and denied during the fiscal year for which the report is submitted.</p>
<b>Accountability</b>	<p><b><i>Insert new subsection (F), Prohibition on Lobbying Activity:</i></b></p> <p><u>(F) Prohibition on Lobbying Activity</u></p> <p>(1) <u>In General.</u> —Amounts authorized to be appropriated under this title may not be utilized by any grantee or subgrantee to lobby any representative of the Federal Government (including the Department of Justice) or a State, local, or tribal government regarding the award of grant funding.</p> <p>(2) <u>Penalty.</u> —If the Attorney General or the Secretary of Health and Human Services, as applicable, determines that any grantee or subgrantee receiving funds under this title has violated subparagraph (A), the Attorney General or the Secretary of Health and Human Services, as applicable, shall—</p> <p><u>(i) require the grantee or subgrantee to repay such funds in full; and</u></p> <p><u>(ii) prohibit the grantee or subgrantee from receiving any funds under this title for not less than 5 years.</u></p>
<b>Accountability</b>	<p><b><i>Insert new language to subsection (D), Annual Certification:</i></b></p> <p>(D) Annual Certification.—Beginning in the first fiscal year beginning after the date of the enactment of</p>

	<p>the Violence Against Women Reauthorization Act of 2012, the <a href="#">Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Deputy Secretary for Health and Human Services</a> shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a certification for such year that—</p> <p>(A) all audits issued by the Office of the Inspector General under <a href="#">paragraph (1)</a> have been completed and reviewed by the <a href="#">Assistant Attorney General for the Office of Justice Programs</a>;</p> <p>(B) all mandatory exclusions required under <a href="#">paragraph (2)</a> have been issued;</p> <p>(C) all reimbursements required under <a href="#">paragraph (3)</a> have been made; and</p> <p>(D) includes a list of any grantees and subgrantees excluded during the previous year under <a href="#">paragraph (2)</a>.</p>
<p><b>Accountability</b></p>	<p><b><i>Insert new language at Section 40002:</i></b></p> <p><a href="#">(e) TRAINING AND RESOURCES FOR VAWA GRANTEES.—Section 40002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925) is further amended—</a></p> <p><a href="#">(1) in the heading, by striking “AND GRANT PROVISIONS” and inserting “, GRANT PROVISIONS, AND TRAINING AND RESOURCES FOR VAWA GRANTEES”; and</a></p> <p><a href="#">(2) by adding at the end the following new subsection:</a></p> <p><a href="#">(d) TRAINING AND RESOURCES FOR VAWA GRANTEES.—</a></p> <p><a href="#">(1) IN GENERAL.—The Attorney General and Secretary of Health and Human Services, as applicable, shall—</a></p> <p><a href="#">(A) develop standards, protocols, and sample tools and forms to provide guidance to grantees and subgrantees under any program or activity described in paragraph (2) regarding financial record-keeping and</a></p>

	<p><u>accounting practices required of such grantees and subgrantees as recipients of funds from the disbursing agency;</u></p> <p><u>(B) provide training to such grantees and subgrantees regarding such standards, protocols, and sample tools and forms; and</u></p> <p><u>(C) publish on the public Internet website of the Office of Violence Against Women information to assist such grantees and subgrantees with compliance with such standards, protocols, and sample tools and forms.</u></p> <p><u>(2) VAWA PROGRAMS AND ACTIVITIES.—For purposes of paragraph (1), a program or activity described in this paragraph is any program or activity funded in whole or in part with funds made available under this title, the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2012, or any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.”.</u></p>
<p><b>Accountability</b></p>	<p><i>Insert new language in Section 101, STOP Grants:</i></p> <p><u>(i) IMPLEMENTATION PLANS.—A State applying for a grant under this part shall—</u></p> <p><u>(1) develop an implementation plan in consultation with representatives of the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this part; and</u></p> <p><u>(2) submit to the Attorney General as part of the application submitted in accordance with subsection (d)—</u></p> <p><u>(A) the implementation plan developed under paragraph (1);</u></p> <p><u>(B) documentation from each member of the planning committee with respect to the member’s</u></p>

participation in the planning process;

(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing—

(i) the need for the grant funds;

(ii) the intended use of the grant funds;

(iii) the expected result of the grant funds; and

(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

(D) a description of how the State will ensure that any sub-grantees will consult with victim service providers during the course of developing their grant applications to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;

(E) demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

(F) a description of how the State plans to meet the requirements pursuant to regulations issued under subsection (e)(2);

(G) goals and objectives for reducing domestic and dating violence-related homicides within the State; and

(H) any other information requested by the Attorney General.

<p><b>Training and education</b></p>	<p><b><i>Insert in Grant Conditions, Section 3:</i></b></p> <p>(b) VAWA Grant Requirements.--Section 40002(b) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)) is amended by adding at the end the following:</p> <p><u>(16) Requirement for scientifically valid programs.--All grant funds made available by this Act shall be used to provide scientifically valid educational programming, training, and public awareness communications regarding domestic violence, dating violence, sexual assault, and stalking that is produced by accredited entities, as appropriate.</u></p> <p><u>(i) The above referenced entities will be accredited by a ‘National Accrediting Body.’ Said National Accrediting Body shall be a national non-profit organization that reviews and approves the curricular materials, training programs, and websites of organizations that provide domestic violence, dating violence, sexual assault, or sexual harassment programs or services. The Accrediting Body will evaluate curricular materials, training programs, and websites for scientific accuracy, legal validity, and avoidance of stereotypical representations.</u></p>
<p><b>False Allegations</b></p>	<p><b><i>insert in the Grant Conditions, Section 3:</i></b></p> <p><u>Accountability for Theft of Victim Services and False Accusations.</u></p> <p><u>Any individual who knowingly gives false information to any law enforcement officer with the intent to implicate another, and that individual subsequently receives services from a VAWA grantee based on that false report, shall be subject to criminal penalty:</u></p> <p><u>a. If the police investigation is of a potential misdemeanor or regular felony charge, then the false report is classified as a misdemeanor.</u></p> <p><u>b. If the police investigation is of a potential capital felony, then the false report is classified as a felony.</u></p> <p><u>c. Upon conviction, the individual shall be required to refund the VAWA grantee the lesser of: (1) the value of the services rendered or (2) a \$10,000.00 fine.</u></p>
<p><b>Compliance with Congressional intent</b></p>	<p><b><i>Insert in Grant Provisions:</i></b></p> <p><u>Conformity with Congressional Intent -</u>  <u>OVW shall revise its mission statement, web pages, and names of grant programs to make them sex inclusive, thereby</u></p>

	<p><u>allowing all victims of domestic violence, sexual assault, dating violence, and stalking to receive services.</u></p> <p><u>Grant Program names shall be amended as follows:</u></p> <p><u>(a) Formula Grant Programs –</u></p> <p><u>(1) “STOP Violence Against Women Formula Grant Program” shall be renamed "STOP Violence Formula Grant Program"</u></p> <p><u>(b) Discretionary Grant Programs</u></p> <p><u>(1) "Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies" shall be renamed "Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Violence, and Engage Persons as Allies"</u></p> <p><u>(2) "Training and Services to End Violence Against Women with Disabilities Grant Program" shall be renamed "Training and Services to End Violence Against Persons with Disabilities Grant Program"</u></p> <p><u>Grant Review Panels</u></p> <p><u>(a) Delete the following language from the website of the Office of Violence Against Women: "OVW does not use professional peer reviewers because it is our goal to have applications reviewed by individuals with up-to-date, and on-the-ground knowledge of violence against women issues." (See <a href="https://www.justice.gov/ovw/peer-review">https://www.justice.gov/ovw/peer-review</a>)</u></p> <p><u>(b) In order assure the scientific validity of grant programs, OVW shall ensure that VAWA grant review panels consist of at least one-third independent researchers and/or academics with appropriate scientific credentials to ensure a balance of consultants, practitioners, and independent researchers.</u></p>
	<b>TITLE I -- ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST PERSONS</b>
<b>Arrest</b>	<p><b><i>Change title of Section 102 to:</i></b></p> <p><b><i><u>Grants to Ensure Effective Policies for Arrest and Issuance of Protective Orders.</u></i></b></p>
<b>Arrest</b>	<p><b><i>Insert new provisions in Section 102:</i></b></p> <p><u>(1) To implement programs and policies in police departments that provide alternatives to arrest when appropriate to address apparent low level partner conflict. The policy shall include a risk assessment prior to a domestic violence arrest; which should include, but is not limited to, (a) provision of information regarding treatment services for substance abuse, anger management, conflict resolution (b) verbal or written warnings (c) filing of an incident report to guide future responses, and/or (d) issuance of a summary citation requiring an appearance before a judicial officer. Grantees shall</u></p>

	<p><u>implement training methodology to train officers on risk assessments for domestic violence cases to help determine when an arrest should be made. When a risk assessment determines there should be an arrest made, such arrest must be based on probable cause.</u></p> <p><u>(2) To implement programs and policies in police departments that provide investigators with training on how to properly assess and respond to incidents of mutual abuse, then conduct a risk assessment to determine if alternatives to arrest can resolve the incident and make an arrest if probable cause exists and alternatives are not appropriate.</u></p> <p><u>(3) To implement programs and policies in police departments that provide law enforcement officers with training on how to properly determine the primary aggressor. In this section, ‘primary aggressor’ shall be defined as the person initiated the criminal conduct. Factors that may be considered are: (a) offensive and defensive injuries, (b) the seriousness of injuries received by each party (c) threats made by a party against the other or a family member, (d) whether a party acted in self-defense or in the defense of another, (e) any history of domestic violence between the parties, and (f) witness statements. Factors which lead investigators to principally identify one sex over the other, such as consideration of the height and weight of the parties, should not be used in determining the primary aggressor.</u></p>
<p><b>Investigations</b></p>	<p><b><i>Insert the following changes at Section 101, STOP grants:</i></b></p> <p>Grants may be awarded to:</p> <p>(16) developing and <del>strengthening</del> <u>updating</u> policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of domestic violence and sexual assault cases and the appropriate treatment of <del>victims</del> <u>the parties</u>. <u>Said investigations shall be:</u></p> <p><u>(a) balanced, objective, and neutral,</u></p> <p><u>(b) treat both parties in a respectful manner, and</u></p> <p><u>(c) not presuppose the innocence or guilt of the accused party.</u></p>
<p><b>Investigations</b></p>	<p><b><i>Insert the following changes at Section 102, Grants to Encourage Arrest Policies and Enforcement of Protection Orders:</i></b></p> <p>(19) To develop and strengthen policies, protocols, and training for law enforcement officers and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims. <u>Any training and education on the use of ‘trauma-informed’ practices shall be limited to a treatment or health-care context. To prevent confirmation bias and violations of due process, law enforcement officers and prosecutors shall not utilize a ‘trauma-informed’ approach during any investigation or adjudication phases.</u></p>

<p><b>Investigations</b></p>	<p><b><i>Insert a new sub-section at Section 101, STOP grants:</i></b></p> <p><u>Report on Trauma Informed Investigations</u></p> <p><u>(a) REPORT - Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Committees on the Judiciary of the Senate and House a report on the medical and psychological basis of ‘trauma informed investigations’ and on the extent to which evidence of this approach has been considered in criminal trials.</u></p> <p><u>(b) COMPONENTS - The report under section (a) shall include -</u></p> <p><u>(1) medical and psychological research on the validity of trauma informed investigations;</u></p> <p><u>(2) a compilation and summary of civil lawsuits that resulted from the use of or lack of use of ‘trauma informed investigations;’ and</u></p> <p><u>(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that testimony or evidence based on trauma informed investigations may have in criminal trials.</u></p>
<p><b>Prosecution</b></p>	<p><b><i>Add new sub-section in Section 101, STOP Grants:</i></b></p> <p><u>Domestic Violence Diversion Programs</u></p> <p><u>(21) developing, enhancing, strengthening domestic violence diversion programs for misdemeanor offenses using diversion approaches. All grants awarded under this subsection shall be subject to the following condition requirements.</u></p> <p><u>a) The domestic violence program shall aim to reverse the cycle of violence and prioritize keeping the family unit intact when safe to do so.</u></p> <p><u>b) The domestic violence program shall offer and or provide referrals to substance abuse treatment, counseling, mental health treatment, as well as other treatment and or counseling services that seek to address factors that affect the demographic population.</u></p> <p><u>c) Upon successful completion of domestic violence diversion, the domestic violence charges shall be expunged from the offender’s record.</u></p>
<p><b>Arrest and Restraining orders</b></p>	<p><b><i>Insert new language in Section 102:</i></b></p> <p>Omnibus Crime Control and Safe Streets Act of 1968</p> <p>PART U—Sec. 102 - GRANTS TO ENCOURAGE ARREST POLICIES</p> <p>SEC. 2101. 34 U.S.C. 10461 GRANTS.</p> <p>(a) PURPOSE.—The purpose of this part is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual</p>

	<p>assault, and stalking as serious violations of criminal law.</p> <p>(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible grantees for the following purposes:</p> <p>(c) ELIGIBILITY.—Eligible grantees are—</p> <p>(1) States, Indian tribal governments State and local courts (including juvenile courts), or units of local government that—</p> <p>(A) except for a court, certify that their laws or official policies—</p> <p>(i) encourage <del>or mandate</del> arrests of domestic violence offenders based on probable cause that an offense has been committed <u>and based on consideration of the expressed wishes of the alleged victim</u>; and</p> <p>(ii) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order <u>and based on consideration of the expressed wishes of the alleged victim</u>; <u>and</u></p> <p><u>(iii) encourage or mandate arrest of individuals who intentionally defraud Law Enforcement or the Court to obtain an Order of Protection for the sole purpose of harming the accused, gaining leverage in a custody or divorce proceeding, or to improving standing in an immigration proceeding.</u></p>														
	<p><b><i>Insert new language in Section 102:</i></b></p> <p><u>(23) To ensure final or permanent orders of protection only be issued when there is objective and verifiable evidence of abuse, and both parties have had the opportunity to be heard on the issue.</u></p>														
<p><b>Non-discrimination</b></p>	<p><b><i>Insert new language in Section 103, Legal Assistance for Victims:</i></b></p> <p><u>Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:</u></p> <table border="1" data-bbox="436 997 1386 1088"> <thead> <tr> <th><u>Program</u></th> <th><u>Current</u></th> <th><u>2019</u></th> <th><u>2020</u></th> <th><u>2021</u></th> <th><u>2022</u></th> <th><u>2023</u></th> </tr> </thead> <tbody> <tr> <td><u>Legal Assistance for Victims</u></td> <td><u>6%</u></td> <td><u>10%</u></td> <td><u>15%</u></td> <td><u>20%</u></td> <td><u>25%</u></td> <td><u>30%</u></td> </tr> </tbody> </table>	<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Legal Assistance for Victims</u>	<u>6%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>	<u>30%</u>
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<p><b>Non-discrimination and Couples counseling</b></p>	<p><b><i>Insert new language in Section 104, Families in the Justice System:</i></b></p> <p>(5) Enable courts or court-based or court-related programs to develop or enhance...</p> <p>(F) other projects likely to improve court responses to domestic violence, and <u>dating violence, sexual assault, and stalking; including, but not limited to:</u></p> <p><u>(1) Diversion programs which target underlying causes of domestic violence and dating violence to prevent</u></p>														

recidivism, and

(2) Couples Counseling programs in cases which the parties wish to preserve the family unit, the victim voluntarily agrees, and the counselor believes it safe for the parties to do so.

Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:

<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
<u>Courts Program</u>	<u>12%</u>	<u>20%</u>	<u>25%</u>	<u>30%</u>	<u>35%</u>	<u>40%</u>
<u>Justice for Families</u>	<u>14%</u>	<u>20%</u>	<u>25%</u>	<u>30%</u>	<u>35%</u>	<u>40%</u>

'Couples Counseling Program'-

(a) Grantees may offer couples counseling for misdemeanor offenses to couples who wish to maintain their family unit by creating and maintaining a Qualified Couples Counseling Program.

(b) Qualified Couples Counseling Program shall be defined as "a program that offers counseling to both partners, both separately and together, that is provided by a qualified mental health professional. The program shall be offered only when a) the qualified mental health professional believes the situation is safe for both parties, b) the counseling does not violate an active protection order, and c) both partners express a willingness to participate in the program."

(c) Each grantee that meets or exceeds the following utilization numbers will receive a 10% incentive payment, in addition to its previously approved budget. The grantee will qualify for the incentive payment if out of the total number of persons served in that year, the following percentages are reached:

<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
<u>Courts Program</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>
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**Non-discrimination and Couples**

***Insert new language in Section 108, Underserved Populations:***

Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:

<p><b>counseling</b></p>	<table border="1"> <thead> <tr> <th>Program</th> <th>Current</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>2023</th> </tr> </thead> <tbody> <tr> <td>Disability Program</td> <td>0%</td> <td>5%</td> <td>10%</td> <td>15%</td> <td>20%</td> <td>25%</td> </tr> <tr> <td>Underserved</td> <td>6%</td> <td>10%</td> <td>15%</td> <td>20%</td> <td>25%</td> <td>30%</td> </tr> </tbody> </table> <p><u>'Couples Counseling Program'</u>-</p> <p><u>(a) Grantees may offer couples counseling for misdemeanor offenses to couples who wish to maintain their family unit by creating and maintaining a Qualified Couples Counseling Program.</u></p> <p><u>(b) Qualified Couples Counseling Program shall be defined as "a program that offers counseling to both partners, both separately and together, that is provided by a qualified mental health professional. The program shall be offered only when a) the qualified mental health professional believes the situation is safe for both parties, b) the counseling does not violate an active protection order, and c) both partners express a willingness to participate in the program."</u></p> <p><u>(c) Each grantee that meets or exceeds the following utilization numbers will receive a 10% incentive payment, in addition to its previously approved budget. The grantee will qualify for the incentive payment if out of the total number of persons served in that year, the following percentages are reached:</u></p> <table border="1"> <thead> <tr> <th>Program</th> <th>Current</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>2023</th> </tr> </thead> <tbody> <tr> <td>Disability Program</td> <td>0%</td> <td>5%</td> <td>10%</td> <td>15%</td> <td>20%</td> <td>25%</td> </tr> <tr> <td>Underserved</td> <td>0%</td> <td>5%</td> <td>10%</td> <td>15%</td> <td>20%</td> <td>25%</td> </tr> </tbody> </table>	Program	Current	2019	2020	2021	2022	2023	Disability Program	0%	5%	10%	15%	20%	25%	Underserved	6%	10%	15%	20%	25%	30%	Program	Current	2019	2020	2021	2022	2023	Disability Program	0%	5%	10%	15%	20%	25%	Underserved	0%	5%	10%	15%	20%	25%
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<p><b>Non-discrimination and Couples counseling</b></p>	<p><b><i>Insert new language in Section 109, Culturally Specific Services Program:</i></b></p> <p><u>Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:</u></p> <table border="1"> <thead> <tr> <th>Program</th> <th>Current</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>2023</th> </tr> </thead> <tbody> <tr> <td>Culturally Specific Services</td> <td>6%</td> <td>10%</td> <td>15%</td> <td>20%</td> <td>25%</td> <td>30%</td> </tr> </tbody> </table> <p><u>'Couples Counseling Program'</u>-</p> <p><u>(a) Grantees may offer couples counseling for misdemeanor offenses to couples who wish to maintain their family unit by creating and maintaining a Qualified Couples Counseling Program.</u></p> <p><u>(b) Qualified Couples Counseling Program shall be defined as "a program that offers counseling to both partners, both separately and together, that is provided by a qualified mental health professional. The program shall be offered only</u></p>	Program	Current	2019	2020	2021	2022	2023	Culturally Specific Services	6%	10%	15%	20%	25%	30%																												
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<p><b>Individual Treatment Programs</b></p>	<p><b><i>Insert new Section 205, Individual Treatment Programs:</i></b></p> <p><u>'Individual Treatment Programs'</u>-  <u>An individual treatment program can be mandated as condition of a sentence, fine, suspended sentence or probation, or can be an appropriate adjunct to criminal prosecution via diversion programs. Grantees shall ensure that individual treatment programs take into consideration social and psychological factors that contribute to domestic violence, such as mental illness, exposure to domestic violence during childhood, and substance abuse.</u></p>														
<p><b>TITLE III – YOUNG VICTIMS</b></p>															
<p><b>Non-discrimination</b></p>	<p><b><i>Insert new language in Section 302, Services and Education for Children and Youth:</i></b></p> <p><u>Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:</u></p> <table border="1" data-bbox="436 764 1386 873" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Program</u></th> <th style="text-align: center;"><u>Current</u></th> <th style="text-align: center;"><u>2019</u></th> <th style="text-align: center;"><u>2020</u></th> <th style="text-align: center;"><u>2021</u></th> <th style="text-align: center;"><u>2022</u></th> <th style="text-align: center;"><u>2023</u></th> </tr> </thead> <tbody> <tr> <td><u>Youth</u></td> <td style="text-align: center;"><u>12%</u></td> <td style="text-align: center;"><u>15%</u></td> <td style="text-align: center;"><u>20%</u></td> <td style="text-align: center;"><u>25%</u></td> <td style="text-align: center;"><u>30%</u></td> <td style="text-align: center;"><u>35%</u></td> </tr> </tbody> </table>	<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Youth</u>	<u>12%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>	<u>30%</u>	<u>35%</u>
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<p><b>Due process</b></p>	<p><b><i>Insert the following changes at Section 303, Combatting Violent Crimes on Campus, (a)(8)(B)(iv):</i></b></p> <p>(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a statement that -</p> <p>(I) Such proceedings shall at a minimum -</p> <p>(aa) provide a prompt, fair, and impartial investigation and resolution;</p> <p>(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims, <u>ensures fairness for all parties</u>, and promotes accountability;</p> <p>(II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.</p>														

	<b>TITLE VI – SAFE HOMES</b>														
<b>Non-discrimination</b>	<p><b><i>Insert new language at Section 602, Transitional Housing:</i></b></p> <p><u>Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Program</u></th> <th style="text-align: center;"><u>Current</u></th> <th style="text-align: center;"><u>2019</u></th> <th style="text-align: center;"><u>2020</u></th> <th style="text-align: center;"><u>2021</u></th> <th style="text-align: center;"><u>2022</u></th> <th style="text-align: center;"><u>2023</u></th> </tr> </thead> <tbody> <tr> <td><u>Transitional Housing</u></td> <td style="text-align: center;">1%</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">10%</td> <td style="text-align: center;">15%</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">25%</td> </tr> </tbody> </table>	<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Transitional Housing</u>	1%	5%	10%	15%	20%	25%
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	<b>TITLE IX – IMMIGRATION PROVISIONS</b>														
<b>False Allegations and Due Process</b>	<p><b><i>Insert new Section 811, Fraud Prevention Initiatives:</i></b></p> <p><b>811. Fraud Prevention Initiatives</b></p> <p style="padding-left: 40px;"><u>(a) Credible Evidence Considered.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended by striking subparagraph (D) and inserting the following:</u></p> <p style="padding-left: 80px;"><u>(D) Credible Evidence Considered.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application, including credible evidence submitted by a national of the United States or an alien lawfully admitted for permanent residence accused of the conduct described in subparagraph (A)(i) so long as this evidence is not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.</u></p> <p style="padding-left: 40px;"><u>(b) Application of Special Rule for Battered Spouse, Parent, or Child.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—</u></p> <p style="padding-left: 80px;"><u>(1) in subparagraph (A)(iii), by inserting after subclause (II) the following:</u></p> <p style="padding-left: 120px;"><u>(III) (aa) Upon filing, each petition under this clause shall be assigned to an investigative officer for adjudication and final determination of eligibility.</u></p> <p style="padding-left: 40px;"><u>(bb) During the adjudication of each petition under this paragraph, an investigative officer from a local office of</u></p>														

United States Citizenship and Immigration Services shall conduct an in-person interview of the alien who filed the petition. The investigative officer may also gather other evidence so long as this evidence is not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The investigative officer who conducted the in-person interview shall provide to the investigative officer who is responsible for the adjudication and final determination of eligibility a summary of the interview and any other evidence gathered and a determination of the credibility of the interviewee and other evidence gathered.

(cc) All interviews under this clause shall be conducted under oath and subject to applicable penalties for perjury.

(dd) The investigative officer who is responsible for the adjudication and final determination of eligibility shall determine whether the petitioner had filed previous applications or petitions for immigration benefits that had been denied and whether the petitioner had been the beneficiary of a previous petition filed pursuant to this section that had been denied. If either was the case, the investigative officer shall consider the denials and the reasons for the denials as part of the adjudication of the petition.

(ee) The investigative officer who is responsible for the adjudication and final determination of eligibility shall as part of the adjudication of the petition consult with the investigative officer at the local office of United States Citizenship and Immigration Services who had conducted the in-person interview of the alien who filed the petition.

(ff) Upon the conclusion of the adjudication process under this subparagraph, the investigative officer who is responsible for the adjudication and final determination of eligibility shall issue a final written determination to approve or deny the petition. The investigative officer shall not approve the petition unless the officer finds, in writing and with particularity, that all requirements under this paragraph, including proof that the alien is a victim of the conduct described in clause (iii)(I) (bb), have been proven by a preponderance of the evidence.

(IV) During the adjudication of a petition under this clause—

(aa) the petition shall not be granted unless the petition is supported by a preponderance of the evidence; and

(bb) all credible evidence submitted by an accused national of the United States or alien lawfully admitted for permanent residence shall be considered so long as this evidence was not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(V) (aa) During the adjudication of a petition under this paragraph, the investigative officer who is responsible for

the adjudication and final determination of eligibility 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 petitioning alien.

(bb) If an investigation or prosecution was commenced, the investigative officer shall—

(AA) obtain as much information as possible about the investigation or prosecution; and

(BB) consider that information as part of the adjudication of the petition.

(cc) If an investigation or prosecution is pending, the adjudication of the petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation has been undertaken or if a prosecutor’s office has not commenced a prosecution after the matter was referred to it, that fact shall be considered by the investigative officer as part of the adjudication of the petition.

(VI) If a petition filed under this paragraph is denied, any obligations under an underlying affidavit of support previously filed by the accused national of the United States or alien lawfully admitted for permanent residence shall be terminated.”;

(2) in subparagraph (A)(iv), by adding at the end the following: “The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).”;

(3) in subparagraph (A)(vii), by adding at the end the following continuation text:

The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (iii).

(4) in subparagraph (B)(ii), by inserting after subclause (II) the following:

(III) (aa) Upon filing, each petition under this clause shall be assigned to an investigative officer for adjudication and final determination of eligibility.

(bb) During the adjudication of each petition under this paragraph, an investigative officer from a local office of United States Citizenship and Immigration Services shall conduct an in-person interview of the alien who filed the petition. The investigative officer may also gather other evidence so long as this evidence is not gathered in violation of

section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The investigative officer who conducted the in-person interview shall provide to the investigative officer who is responsible for the adjudication and final determination of eligibility a summary of the interview and any other evidence gathered and a determination of the credibility of the interviewee and other evidence gathered.

(cc) All interviews under this clause shall be conducted under oath and subject to applicable penalties for perjury.

(dd) The investigative officer who is responsible for the adjudication and final determination of eligibility shall determine whether the petitioner had filed previous applications or petitions for immigration benefits that had been denied and whether the petitioner had been the beneficiary of a previous petition filed pursuant to this section that had been denied. If either was the case, the investigative officer shall consider the denials and the reasons for the denials as part of the adjudication of the petition.

(ee) The investigative officer who is responsible for the adjudication and final determination of eligibility shall as part of the adjudication of the petition consult with the investigative officer at the local office of United States Citizenship and Immigration Services who had conducted the in-person interview of the alien who filed the petition.

(ff) Upon the conclusion of the adjudication process under this subparagraph, the investigative officer who is responsible for the adjudication and final determination of eligibility shall issue a final written determination to approve or deny the petition. The investigative officer shall not approve the petition unless the officer finds, in writing and with particularity, that all requirements under this paragraph, including proof that the alien is a victim of the conduct described in clause (ii)(I) (bb), have been proven by a preponderance of the evidence.

(IV) During the adjudication of a petition under this clause—

(aa) the petition shall not be granted unless the petition is supported by a preponderance of the evidence; and

(bb) all credible evidence submitted by an accused national of the United States or alien lawfully admitted for permanent residence shall be considered so long as this evidence was not gathered in violation of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(V) (aa) During the adjudication of a petition under this clause, the investigative officer who is responsible for the adjudication and final determination of eligibility 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

	<p><u>petitioning alien.</u></p> <p><u>(bb) If an investigation or prosecution was commenced, the investigative officer shall—</u></p> <p><u>(AA) obtain as much information as possible about the investigation or prosecution; and</u></p> <p><u>(BB) consider that information as part of the adjudication of the petition.</u></p> <p><u>(cc) If an investigation or prosecution is pending, the adjudication of the petition shall be stayed pending the conclusion of the investigation or prosecution. If no investigation has been undertaken or if a prosecutor’s office has not commenced a prosecution after the matter was referred to it, that fact shall be considered by the investigative officer as part of the adjudication of the petition.</u></p> <p><u>(VI) If a petition filed under this clause is denied, any obligations under an underlying affidavit of support previously filed by the accused national of the United States or alien lawfully admitted for permanent residence shall be terminated; and</u></p> <p><u>(5) in subparagraph (B)(iii), by adding at the end the following: The petition shall be adjudicated according to the procedures that apply to self-petitioners under clause (ii).</u></p>
<p><b>False Allegations and Due Process</b></p>	<p><b><i>Insert new language at Section 805, Requirements Applicable to U-visas:</i></b></p> <p><b>805. Clarification of the Requirements applicable to U-VISAS</b></p> <p><u>Section 214(p)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(1)) is amended as follows:</u></p> <p><u>(1) By striking “The petition” and inserting the following:</u></p> <p><u>“(A) In General.—The petition”.</u></p> <p><u>(2) By adding at the end, the following:</u></p> <p><u>(B) Certification Requirements.—Each certification submitted under subparagraph (A) shall confirm under</u></p>

	<p><u>oath that—</u></p> <p><u>(i) the criminal activity is actively under investigation or a prosecution has been commenced; and</u></p> <p><u>(ii) the petitioner has provided to law enforcement information that will assist in identifying the perpetrator of the criminal activity or the perpetrator’s identity is known.</u></p> <p><u>(C) Requirement for Certification. —No application for a visa under section 101(a)(15)(U) may be granted unless accompanied by the certification as described in this paragraph.</u></p>
<p><b>False Allegations and Due Process</b></p>	<p><b><i>Insert new Section 812, GAO Report:</i></b></p> <p><b>812. GAO Report.</b></p> <p><u>(a)Requirement for report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the adjudication of petitions and applications under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) and the self-petitioning process for VAWA self-petitioners (as that term is defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)).</u></p> <p><u>(b) Contents. —The report required by subsection (a) shall—</u></p> <p><u>(1) assess the efficiency and reliability of the process for reviewing such petitions and applications, including whether the process includes adequate safeguards against fraud and abuse; and</u></p> <p><u>(2) identify possible improvements to the adjudications of petitions and applications in order to reduce fraud and abuse.</u></p>

<p><b>False Allegations and Due Process</b></p>	<p><b><i>Insert new Section 813, Temporary Nature of U VISA Status:</i></b></p> <p><b>813. TEMPORARY NATURE OF U VISA STATUS.</b></p> <p><u>(a) In General.—Section 245(m) of the Immigration and Nationality Act (8 U.S.C. 1255(m)) is amended by striking ‘the alien is not described’ and inserting ‘the individual who was convicted of the criminal activity referred to in section 101(a)(15)(U)(i)(I) that was the basis for the alien being admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) was himself or herself an alien and has been physically removed to the foreign state of which the alien with nonimmigrant status under section 101(a)(15)(U) is a national, and if the alien with nonimmigrant status under section 101(a)(15)(U) is not described.’</u></p> <p><u>(b) Duration of Nonimmigration Status Section 214(p)(6) of such Act (8 U.S.C. 1184(p)(6)) is amended by striking ‘if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended.’</u></p> <p><u>(c) Effective Date. —The amendments made by this section shall apply to applications for adjustment of status submitted on or after the date of the enactment of this Act, and to previously filed applications that are pending on the date of enactment of this Act.</u></p>
<p><b>False Allegations and Due Process</b></p>	<p><b><i>Insert new Section 814, Annual Report on Immigration Applications Made by Victims of Abuse:</i></b></p> <p><b>814. Annual Report on Immigration Applications Made by Victims of Abuse</b></p> <p><u>Not later than December 1, 2012, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:</u></p> <p><u>(1) The number of aliens who—</u></p> <p><u>(A) submitted an application for nonimmigrant status under paragraph (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year;</u></p>

	<p><u>(B) were granted such nonimmigrant status during such fiscal year; or</u></p> <p><u>(C) were denied such nonimmigrant status during such fiscal year.</u></p> <p><u>(2) The mean amount of time and median amount of time to adjudicate an application for such nonimmigrant status during such fiscal year.</u></p> <p><u>(3) The mean amount of time and median amount of time between the receipt of an application for such nonimmigrant status and the issuance of work authorization to an eligible applicant during the preceding fiscal year.</u></p> <p><u>(4) The number of aliens granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) during the preceding fiscal year.</u></p> <p><u>(5) A description of any actions being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing, of an application described in paragraph (1) or a request for continued presence referred to in paragraph (4).</u></p> <p><u>(6) The actions being taken to combat fraud and to ensure program integrity.</u></p> <p><u>(7) Each type of criminal activity by reason of which an alien received nonimmigrant status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) during the preceding fiscal year and the number of occurrences of that criminal activity that resulted in such aliens receiving such status.</u></p>
<p><b>False Allegations and Due Process</b></p>	<p><i>rt new Section 815, Age-out Protection for U VISA Applicants:</i></p> <p><b>815. Age-out Protection for U Visa Applicants</b></p> <p><u>Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:</u></p> <p><u>(7) Age Determinations. —</u></p>

	<p><u>(A) Children.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent’s petition was filed but while it was pending.</u></p> <p><u>(B) Principal Aliens. —An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(1) of such section if the alien attains 21 years of age after the alien’s application for status under such clause (i) is filed but while it is pending.</u></p>
<p><b>False Allegations and Due Process</b></p>	<p><i>Insert new Section 816, GAO Report on Requirements to Cooperate with Law Enforcement Officials:</i></p> <p><b>816. GAO Report on Requirements to Cooperate with Law Enforcement Officials</b></p> <p><u>(a) Requirement for Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the adjudication of petitions and applications under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).</u></p> <p><u>(b) Contents. —The report required by subsection (a) shall—</u></p> <p><u>(1) assess the effectiveness of the requirements set out in Section 802 of this Act in ensuring that potential U visa recipients aid in the investigation, apprehension, and prosecution of criminals;</u></p> <p><u>(2) determine the effect of the requirements set out in Section 802 of this Act, on the number of U visas issued annually; and</u></p> <p><u>(3) determine the effect of the requirements set out in Section 802 of this Act, on the number of individuals seeking U visas.</u></p>
<p><b>False Allegations and Due Process</b></p>	<p><i>Insert new Section 817, Consideration of Other Evidence:</i></p>

	<p><b>817. Consideration of Other Evidence</b></p> <p><u>Section 237(a)(2)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)) is amended by adding at the end the following: "If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider any other evidence that the Attorney General determines to be reliable in making this determination, including sentencing reports and police reports."</u></p>														
	<p><b>TITLE IX – INDIAN POPULATIONS</b></p>														
<p><b>Non-discrimination</b></p>	<p><i>Throughout Title IX, the term "Indian Women" shall be stricken and replaced with the words, "Indian populations."</i></p>														
<p><b>Non-discrimination and Couples counseling</b></p>	<p><b><i>Insert new language at Section 901, Grants to Tribal Governments:</i></b></p> <p><u>Incentive for inclusion of male victims -- Each program that meets or exceeds the following utilization numbers in the designated years will receive a 10% incentive payment, in addition to its previously approved budget:</u></p> <table border="1" data-bbox="436 878 1383 948"> <thead> <tr> <th><u>Program</u></th> <th><u>Current</u></th> <th><u>2019</u></th> <th><u>2020</u></th> <th><u>2021</u></th> <th><u>2022</u></th> <th><u>2023</u></th> </tr> </thead> <tbody> <tr> <td><u>Indian Tribal Governments</u></td> <td><u>6%</u></td> <td><u>10%</u></td> <td><u>15%</u></td> <td><u>20%</u></td> <td><u>25%</u></td> <td><u>30%</u></td> </tr> </tbody> </table> <p><u>'Couples Counseling Program'-</u></p> <p><u>(a) Grantees may offer couples counseling for misdemeanor offenses to couples who wish to maintain their family unit by creating and maintaining a Qualified Couples Counseling Program.</u></p> <p><u>(b) Qualified Couples Counseling Program shall be defined as "a program that offers counseling to both partners, both separately and together, that is provided by a qualified mental health professional. The program shall be offered only when a) the qualified mental health professional believes the situation is safe for both parties, b) the counseling does not violate an active protection order, and c) both partners express a willingness to participate in the program."</u></p> <p><u>(c) Each grantee that meets or exceeds the following utilization numbers will receive a 10% incentive payment, in addition to its previously approved budget. The grantee will qualify for the incentive payment if out of the total number</u></p>	<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>Indian Tribal Governments</u>	<u>6%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>	<u>30%</u>
<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>									
<u>Indian Tribal Governments</u>	<u>6%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>	<u>30%</u>									

of persons served in that year, the following percentages are reached:

<u>Program</u>	<u>Current</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
<u>Indian Tribal Governments</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>	<u>25%</u>

Updated: February 8, 2019