

Senate Judiciary
SECTION-BY-SECTION SUMMARY OF
S. 47: THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION 2013

Sec. 1. Short title.

This section provides that the Act may be cited as the “Violence Against Women Reauthorization Act of 2013.”

Sec. 2. Table of contents.

This section provides a table of contents for the bill.

Sec. 3. Universal definitions and grant conditions.

This section is comprised of updates to two major subsections that apply to all VAWA programs: universal definitions and universal grant conditions. The changes are both substantive and technical in nature.

The universal definition section clarifies key terms by incorporating references to existing statutory definitions or providing further description. For example, the definition of “community-based organization” is amended to clarify that it covers only nongovernmental, nonprofit organizations, except in tribal communities where the nonprofit sector is often underdeveloped and tribal government programs may fill a void. The definition of “legal assistance” is modified to clarify that intake or referral services on their own do not constitute legal assistance. “Rural area” is broadened to include Federally-recognized Indian tribes, some of which have been precluded from participating in programs such as the Rural grant program. The definition of “personally identifying information” is also updated by adding items such as a driver’s license number to the current list that includes name, address, and Social Security number. The definition also removes the provision that other information that could be personally identifying must be combined with one of the listed items.

This section also includes new definitions of “culturally specific services,” “population specific services,” and “underserved populations.” Together, these definitions, as applied through grant programs and set-asides throughout the bill, help to ensure that VAWA funded services effectively reach victims from communities with unique needs and characteristics, and communities whose members face barriers to access to traditional services. Other new definitions are added to improve clarity in programming, such as “Alaska Native village,” “homeless,” “rape crisis center” and “sex trafficking.” Other existing definitions including “sexual assault” are updated and the definition of “rural state” is modified to reflect overall population growth.

This section also includes technical updates to VAWA definitions, which are incorporated throughout the bill. For example, in several places the four crimes of domestic violence, dating violence, sexual assault and stalking are explicitly enumerated to ensure uniformity. The original VAWA legislation emphasized reducing violence and strengthening services to victims of domestic violence and sexual assault. In subsequent reauthorizations, VAWA also addressed the offenses of dating violence and stalking, but not all of the grant programs were updated to reflect this change. Additionally, VAWA currently defines both “victim services” and “victim service provider” in a single definition as the type of organization that provides assistance to victims but does not address the services provided. This section separates out the term “victim services” and includes in the definition activities such as social support systems, crisis intervention, referrals, and legal advocacy. Corresponding edits are made throughout the bill to reflect this change.

The second part of this section addresses changes to universal grant conditions, the conditions to which all VAWA programs must adhere. One modification is the requirement that any grantee or subgrantee that provides legal assistance with VAWA funds be sufficiently trained or experienced in providing such assistance to victims of domestic violence, dating violence, sexual assault, and stalking, consistent with the requirements in the Legal Assistance to Victims program. Another modification is more stringent constraints on grantees in disclosing confidential and personally identifying information. Grantees are now explicitly prohibited from conditioning services on whether a victim provides consent to release confidential information. Grantees must also document compliance with the confidentiality and privacy provisions of this section.

Additionally, this section provides grantees with the ability to advocate for State, local or tribal model codes or legislation to better respond to the needs of victims, which is a core aspect of a coordinated community response to the four crimes. At present, grantees may not use grant funds to advocate for these policies or legislative changes, even though some VAWA grant programs require grantees to adopt certain legislation or policies as a prerequisite for receiving funding (e.g., under the STOP and Arrest programs, grantees must certify that their laws or official policies are in compliance with certain requirements, including the payment of forensic medical exams and HIV testing of certain defendants indicted for sexual offenses). To ensure that grantees may engage in advocacy without running afoul of the Federal anti-lobbying statute, the bill proposes to authorize certain limited activities that are necessary to grantees' work but will not undermine the principle that Federal funding must not be used to lobby for more funding.

The bill also updates the anti-discrimination provision for VAWA grantees. Currently, there are significant differences in the level of anti-discrimination protections for VAWA programs due to the various statutes under which the grants were authorized. For example, some programs are authorized in the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), which contains its own anti-discrimination provision. Other VAWA programs are covered by Title VI of the Civil Rights Act of 1964, which is less expansive in terms of the classes of individuals who are protected from discrimination. This section creates uniformity so that a grantee may not discriminate on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation or disability.

This section also promotes improved communication between grantees and the Office on Violence Against Women ("OVW") by establishing a biennial conferral process to allow key stakeholders to share ideas and concerns affecting their programs. The areas of conferral include how grants are administered and promising practices in the field. After each conferral, OVW is required to prepare and publicize a report summarizing the issues presented and the steps it will take to address those issues.

Sec. 4. Effective Date.

This section adds an effective date for certain titles and provisions to be the beginning of the fiscal year following the enactment of the Act.

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

Sec. 101. STOP grant.

The STOP (Services -Training - Officers – Prosecutors) grant is the primary VAWA formula grant program for States, U.S. territories, and the District of Columbia that addresses the crimes of

domestic violence, sexual assault, dating violence and stalking. Upon application, each State, U.S. territory, and the District of Columbia receives grants according to a statutory formula. They can then subgrant these funds to State agencies, State and local courts, units of local government, tribal governments, and nonprofit, nongovernmental victim services providers.

Three significant changes are made to the STOP grant program. First, this section makes several changes to increase the attention given to crimes of sexual violence. Although sexual assault has been one of the core crimes addressed by VAWA since its passage in 1994, a smaller percentage of STOP grant funding goes to sexual violence programming than is proportional to victimization rates. For example, a recent CDC survey reports that 35 percent of women in the United States are victims of domestic violence and 18 percent experience sexual assault. In 2007 and 2008, however, STOP grantees reported that on average 85 percent of victims served were domestic violence victims, 13 percent were sexual assault victims, and 2 percent were stalking victims. Moreover, only 3 percent of the charges filed by STOP-funded prosecutors were for sexual assault, while 80 percent were for domestic violence.

In response, this section includes the addition of purpose areas that are more directly responsive to the needs of sexual assault victims, including an increased focus on training for law enforcement and prosecutors and efforts to reduce rape kit backlogs. These new purpose areas will encourage States to address the ongoing needs of sexual assault victims. This section also includes a 20 percent set-aside for sexual assault programming to ensure that more funding under the STOP program is used to address this serious crime. The set-aside is to be implemented over two years and builds in flexibility to ensure that States can effectively and efficiently address the needs of all victims.

Second, while VAWA's focus on violence against women appropriately reflects the disproportionate number of women who experience severe forms of domestic and sexual violence, men are also the victims of these crimes. This section adds purpose areas so States may target the needs of male victims. It also clarifies that funds may be used for programs aimed at supporting victims who have had difficulty accessing traditional services because of their sexual orientation or gender identity, a problem indicated in recent surveys.

Third, this section streamlines the application process for the STOP program, which currently requires States to provide extensive documentation that is of little use to OVW in monitoring the use of funds, and instead requires the State to develop a comprehensive implementation plan addressing how it will spend the funds received. A wide variety of key stakeholders must be involved in the planning process to ensure a coordinated effort to address victims' needs and strengthen enforcement efforts. To ensure the efficient use of funds, this proposal also requires that States coordinate their STOP implementation plans with plans they have developed under other Federal programs, such as the Family Violence Prevention and Services Act, the Public Health Services Act (which authorizes Rape Prevention and Education grants), and the Victims of Crime Act.

The authorized funding for STOP is reduced from \$225 million to \$222 million.

Sec. 102. Grants to Encourage Arrest Policies and Enforce Protection Orders ("Arrest" or "GTEAP").

The Arrest program is OVW's primary discretionary funding mechanism for encouraging criminal justice system reform and promoting coordinated community responses. It focuses on helping State, local, and tribal governments and agencies investigate and prosecute instances of domestic violence, dating violence, sexual assault, and stalking, and treat them as serious criminal violations. This section enhances that effort in several ways.

The most significant change is the emphasis on sexual assault, similar to other programs in this bill. As with the changes made in STOP, the grant purpose areas in Arrest are updated to include

activities that are tailored to sexual assault issues, such as implementing Sexual Assault Nurse Examiner programs, Forensic Examiner programs, Sexual Assault Response Teams, and programs to reduce rape kit backlogs. Additionally, this section sets aside 25 percent of the available amounts to ensure that more funding under the Arrest program is used to address this serious crime.

Another important change is a modification of the requirement that State and local government recipients of Arrest program funds certify that they test sex offenders for HIV at the request of the victim within 48 hours of information or indictment and provide the results of the testing to the victim. Grantees that cannot certify in this manner lose five percent of the funding from their grant. Current law makes no allowance for jurisdictions that must exceed the 48-hour limit when offenders are not in custody or otherwise easily accessible (for example, there is no allowance for a case in which the defendant has been charged even though his or her whereabouts are unknown).

This section clarifies that grantees must also certify that they do not charge victims for costs associated with the modification, enforcement or dismissal of a protection order. Current law prohibits funds from going to States, tribes, and units of local government that impose fees for the filing, issuance, registration or servicing of protection orders.

This section also continues VAWA 2011's emphasis on reducing domestic and dating violence homicides through the use of evidence-based risk assessments.

The authorized funding for Arrest is reduced from \$75 million to \$73 million.

Sec. 103. Legal Assistance for Victims ("LAV").

The LAV program is a highly competitive grant program which has expanded the availability of legal assistance for many victims of domestic violence, dating violence, sexual assault, and stalking. This section seeks to build on that foundation by strengthening the training requirements for eligible entities to ensure that they have the relevant expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking. Those without such expertise may provide assistance only if they complete appropriate training in this area of law and also practice while partnered with a legal assistance provider with demonstrated expertise. Additionally, this section allows grantees to recruit, train, and mentor pro bono attorneys and law students to address the continuing difficulty of limited resources and capacity.

The authorized funding for LAV is reduced from \$65 million to \$57 million.

Sec. 104. Consolidated grants to support families in the justice system.

This section proposes to consolidate two programs that train judges and court personnel about the intersection of domestic violence and family court proceedings, and promote safe supervised visitation for families in cases involving domestic violence and sexual assault. Too often the steps victims are encouraged to take to escape violence – breaking the silence about abuse, seeking protection, limiting contact with the abusive partner – put them at a disadvantage in family court proceedings. This crisis in family courts is driven by a number of factors, including the prevalence of judges and court personnel who are not adequately trained to understand domestic violence. This consolidation conserves resources and creates a program that encourages States to focus on training and protocol development for family courts.

Authorized funding for this program is \$22 million, a \$3 million reduction from the aggregate total of the individual programs that were consolidated.

Sec. 105. Sex offender management.

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

Sec. 106. Court-Appointed Special Advocate program (“CASA”).

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

Sec. 107. Criminal provision relating to stalking, including cyberstalking.

This section updates the Federal anti-stalking statute to capture more modern forms of communication that perpetrators use to stalk their victims. It also makes technical changes to the Interstate Domestic Violence statute and the Interstate Violation of a Protection Order statute.

Sec. 108. Outreach and Services to Underserved Populations grant.

This section strikes the text of the exiting Outreach to Underserved Populations grant program, which focused exclusively on public information campaigns, and replaces it with a program offering services to adult and youth victims in underserved communities. Outreach, education, prevention, and intervention strategies remain an allowable purpose for the grant funding. However, a greater emphasis is placed on the planning and implementation of programs that directly meet the needs of victims. The current \$2,000,000 authorization levels for this program does not change, but is augmented with a two percent set-aside from funds appropriated to the STOP and Arrest programs.

Sec. 109. Culturally-Specific Services grant.

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

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

Sec. 201. Sexual Assault Services Program (“SASP”).

The Sexual Assault Services Program is the only VAWA program that is entirely dedicated to providing assistance to victims of sexual assault. It is similar to, though significantly smaller than, the Family Violence Prevention and Services Act,(42 U.S.C. 10401, *et seq.*), which addresses domestic violence and is administered through the Department of Health and Human Services. SASP provides grants to States and territories, tribes, State sexual assault coalitions, tribal coalitions, and culturally specific organizations. Currently, funding is distributed to States and territories pursuant to a formula which treats the District of Columbia and Puerto Rico as territories despite their significantly larger populations. This section changes the formula by treating the District of Columbia and Puerto Rico as States in calculating minimum state funding allocations.

The authorized funding for SASP is reduced from \$50 million to \$40 million.

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

The Rural grant program was established by the first VAWA to address the unique challenges faced by victims of domestic violence and dating violence in rural jurisdictions. It encourages cooperation among law enforcement and victim service providers, among others, to investigate criminal incidents and provide treatment, education, and prevention strategies. This section, similar to the changes in other parts of VAWA 2013, strengthens responses to sexual assault through the inclusion of additional purpose areas. It also incorporates the use of multidisciplinary teams to address and prevent domestic and dating violence homicide. This section also adds a purpose area to provide resources for victims in remote and geographically isolated areas who face barriers to accessing services.

The authorized funding for the Rural grant program is reduced from \$55 million to \$50 million.

Sec. 203. Training and Services to End Violence Against Women with Disabilities grant.

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

Sec. 204. Enhanced Training and Services to End Abuse in Later Life grant.

This section strikes the existing Elder Abuse grant program and replaces it with a more comprehensive response to this increasing problem. Currently, grantees are funded to train law enforcement and prosecutors in recognizing and responding to elder abuse, and to provide services for victims of elder abuse. Under this new section, entities may also educate and train health care providers, faith-based leaders, and conduct outreach activities to ensure that victims of elder abuse receive appropriate assistance.

The authorized funding for the Elder Abuse grant program is reduced from \$10 million to \$9 million.

TITLE III

SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 301. Rape Prevention and Education grant (“RPE”).

The RPE grant program supports the efforts of rape crisis centers, sexual assault coalitions, and other nonprofit organizations to educate and increase awareness on how to prevent sexual assaults. Funding is distributed to States based on population. This section ensures that every State, and the District of Columbia and Puerto Rico, receives a minimum allocation of \$150,000 for prevention and education activities. Each U.S. Territory would receive \$35,000. Any unused or remaining funds are to be distributed to the States, the District of Columbia, and Puerto Rico on the basis of population.

The authorized funding for RPE is reduced from \$80 million to \$50 million.

Sec. 302. Creating Hope through Outreach, Options, Services, and Education for Youth (“CHOOSE Youth”).

A critical aspect of combating domestic violence, dating violence, sexual assault, and stalking is the impact these crimes have on youth, who may have been either directly victimized or traumatized by being exposed to such violence. VAWA addressed this issue by creating several different programs throughout the years that were aimed at providing education, prevention strategies, and services to children and youth.

Consistent with the overall goal of VAWA 2013, this section, along with section 402, consolidates eight current grants into two more streamlined programs. This section focuses on grants to provide services for children and youth victims, such as counseling, mentoring, and legal assistance, as well as training and assistance to personnel at middle and high schools who can help victims. Grantees may be victim service providers and community-based organizations that are encouraged to partner with State, tribal, and local governments, and other agencies that work with children and youth.

The authorized funding for this consolidated grant program is \$15 million, a \$15 million reduction from the \$30 million authorized by the individual programs.

Sec. 303. Grants to Combat Violent Crimes on Campuses (“Campus Program”).

The Campus program encourages institutions of higher education to partner with community-based organizations to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking. The Department of Justice, in awarding these grants, has determined that a successful response to victims of the four crimes in colleges and universities must include the following components: (1) implementing a coordinated community response both internal to and external to the campus; (2) providing prevention education for all incoming students; (3) providing training on domestic violence, dating violence, sexual assault and stalking for campus law enforcement; and (4) providing training on such crimes to members of the campus judicial board. This section clarifies that these four components are minimum requirements that each grantee is expected to fulfill during the grant period.

The authorized funding for the Campus program is reduced from \$15 million to \$12 million.

Sec. 304. Campus Sexual Violence, Domestic Violence, Dating Violence, and Stalking Education and Prevention.

This section updates the Clery Act, which requires colleges and universities to provide information about campus security policies and crime statistics to students and staff. Under this section, colleges and universities must inform their community of the school’s policies and procedures related to domestic violence, dating violence, sexual assault, and stalking. This includes disclosures regarding the disciplinary proceedings when alleged offenses are reported, the policies and procedures in place to protect and maintain the confidentiality of the victim, and the resources available to victims of these offenses.

There are no funds authorized for this section.

**TITLE IV
VIOLENCE REDUCTION PRACTICES**

Sec. 401. Study conducted by the Centers for Disease Control and Prevention.

This section continues to authorize funding to the Centers for Disease Control and Prevention (“CDC”) to provide grants to academic institutions and organizations to conduct research that

examine best practices for reducing and preventing domestic violence, dating violence, sexual assault, and stalking. The authorized funding for this research is reduced from \$2 million to \$1 million.

Sec. 402. Saving Money and Reducing Tragedies through Prevention Grants (“SMART”).

As discussed in section 302 (above), VAWA and its subsequent reauthorizations created several programs that address child and youth victims of domestic violence, dating violence, sexual assault, and stalking. While section 302 combined four related programs into one that addresses victim services and education, this section consolidates an additional four programs into one grant aimed at prevention. The new “SMART” grant provides funds for three primary purposes: (1) raising awareness and changing attitudes about teen dating violence; (2) preventing, reducing, and responding to children’s exposure to violence at home; and (3) helping men to serve as role models in preventing domestic violence, dating violence, sexual assault, and stalking.

The authorized funding for this consolidated program is \$15 million, a \$22 million reduction from the \$37 million authorized for the individual programs.

TITLE V

STRENGTHENING THE HEALTHCARE SYSTEM’S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 501. Consolidated grants to strengthen the healthcare system's response to domestic violence, dating violence, sexual assault, and stalking.

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

TITLE VI

SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

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

One of the continuing obstacles faced by victims of domestic violence, dating violence, sexual assault, and stalking is the availability of temporary or permanent housing. The 2005 reauthorization of VAWA added crucial protections that prevented applicants from being evicted from or denied admission to certain housing programs because they were victims. This section modifies the substance and the scope of those housing protections in three significant ways. First, it extends the housing protections to victims of sexual assault. Second, it replaces the term “immediate

family member” with “affiliated individual” in referring to other victims associated with the tenant that are protected under this provision. The change was made to better reflect the terminology used by the housing industry. Third, the VAWA housing protections are extended to nine Federal programs that are not covered currently, including the McKinney-Vento Act, which provides housing for the homeless, the HOME Improvement Partnership Program, the Low Income Housing Tax Credit, and the Rural Housing Services program.

There are no funds authorized for this section.

Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, and stalking.

The Transitional Housing Assistance program focuses on a comprehensive victim-centered approach to provide transitional housing services that move individuals into permanent housing and for victims for whom emergency shelter services are unavailable or insufficient. This highly successful program is reauthorized at a slightly lower funding level and also clarifies that a qualified applicant is one whose policies protect victim safety, reflect an understanding of the dynamics of the four covered crimes, and do not include prohibited activities such as background checks or clinical evaluations to determine eligibility for services. The section also enhances a victim’s ability to become independent from the abuser by allowing grant funds to be used for job training and employment counseling.

The authorized funding for Transitional Housing is reduced from \$40 million to \$35 million.

Sec. 603. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.

This section reauthorizes two VAWA housing programs. The first awards grant funds to entities that assist victims who are currently homeless or at risk of becoming homeless by designing and implementing new activities, services, and programs to increase their stability and self-sufficiency. The second program provides grants to promote full and equal access to housing by adult and youth victims.

The authorized funding for each program is reduced from \$10 million to \$4 million.

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

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

This section reauthorizes funding for the operation of the National Resource Center on Workplace Responses, which provides information and assistance to employers to aid in efforts to develop and implement responses to domestic and sexual violence.

The authorized funding for the National Resource Center is maintained at \$1 million.

**TITLE VIII
PROTECTION FOR BATTERED IMMIGRANTS**

Sec. 801. U nonimmigrant definition.

The U visa is a valuable law enforcement tool that is available to non-citizen victims of certain enumerated crimes, listed at section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 USC 1101(a)(15)(U)(iii)), who have been or are likely to be helpful to the investigation or

prosecution of the crime. Current law includes domestic violence and sexual assault in the list of enumerated crimes, and this section adds stalking.

Sec. 802. Annual report on immigration applications made by victims of abuse.

This section requires the Secretary of Homeland Security to report annually on the number of persons who have applied for and been granted or denied a petition for a T or U visa or a VAWA self-petition; the mean and median time it takes DHS to adjudicate such petitions; the mean and median time between receipt of an application for work authorization related to such petitions and the issuance of authorization to eligible applicants; the number of victims of trafficking granted continued presence; and any efforts being taken to reduce processing and adjudication time for the above.

Sec. 803. Protections for children of VAWA Self-Petitioners.

In 2009, Congress enacted the so-called “widow’s and widower’s fix” to enable a spousal-based petition for lawful permanent residence (LPR) to survive when a U.S. citizen spouse died after filing the petition for their non-citizen spouse. Prior to this change in the law, the non-citizen spouse could not be granted LPR status based on the spousal petition, because the basis of the petition had ceased to exist when the U.S. citizen spouse died. This section of the bill will add the minor children of VAWA self-petitioners to the immigration statute’s “widow’s and widower’s fix,” but in this case the beneficiaries will *not* be surviving spouses, but rather the surviving minor children of VAWA self-petitioners. Spouses, parents, and extended family members would not be eligible.

Sec. 804. Public Charge.

Typically a non-citizen who is likely to become a public charge is considered to be inadmissible to the United States. Inadmissibility is reviewed when the applicant seeks relief -- such as VAWA protection, a T visa for trafficking victims, or a U visa for victims of certain crimes -- and again when that same person later seeks to adjust their status to lawful permanent resident. Congress has previously enacted laws recognizing that such individuals are deserving of protection and/or immigration status in the United States. This section makes explicit that such persons should, therefore, not be barred from admission on public charge grounds. Specifically, this section amends the INA to clarify that the following persons are exempt from the public charge inadmissibility ground: an individual who is a VAWA self-petitioner, a U visa petitioner or holder, and a T visa holder. (A T visa petitioner is currently eligible for a waiver from public charge inadmissibility, and these waivers are regularly granted.)

Recipients of U visas are not entitled to any benefits other than a work permit, and this section would not make them eligible for any new benefits.

Sec. 805. Requirements applicable to U visas.

This section makes a technical fix requested by DHS. A U visa holder may petition for his or her child to obtain a derivative U visa. However, in some cases, because the agency takes time to adjudicate the petition, the child may “age out” of eligibility if he or she reaches the age of 21 before the adjudication is completed. This section clarifies that, if the principal U visa applicant files a petition while the derivative child is under 21 years of age, the child will be treated as under 21 for the purposes of adjudication as a derivative.

Sec. 806 Hardship Waivers.

Typically, immigration law requires a non-citizen spouse of a U.S. citizen or lawful permanent resident (LPR) who has applied for lawful permanent residence to wait two years before seeking to remove his or her conditional status and apply for lawful permanent resident status. Waivers of the two-year period of conditional status are available at the discretion of the Secretary of Homeland Security under certain circumstances where the non-citizen spouse suffers a hardship, such as where the non-citizen spouse was a victim of abuse at the hands of the U.S. citizen spouse. This section would extend the discretion of the Secretary to grant a waiver in a situation where the abuse occurred at the hands of a U.S. citizen or LPR spouse, but the underlying marriage was invalid because the U.S. citizen or LPR committed bigamy unbeknownst to the non-citizen victim spouse.

Sec. 807. Protections for a fiancée or fiancé of a citizen.

This section strengthens the existing International Marriage Broker Regulation Act (IMBRA) in several ways to protect foreign fiancés and fiancées of U.S. citizens from entering abusive or violent marriages. First, it requires that a petition filed by a U.S. citizen for a K visa (for a foreign fiancé or fiancée) include information about any permanent protection orders or restraining orders that have been issued against the U.S. citizen petitioner. Such information will be seen in advance by the potential K visa recipient, enabling that individual to make an informed decision about whether to proceed with the marriage.

Second, this section expands the list of specific criminal convictions that must be disclosed in a petition for a K visa. Current law requires disclosure of the crimes of domestic violence, sexual assault, child abuse and neglect, and stalking. This section adds convictions for the attempt to commit any of those crimes to the list that must be disclosed.

Third, this section requires the Secretary to notify the State Department if a U.S. citizen petitioner has had two K visa petitions approved in the prior ten-year period, and requires the State Department to make such information available to the potential K visa recipient.

Fourth, this section requires the Secretary of Homeland Security to run an NCIC background check on K visa petitioners and to turn over any background information to the State Department, which is then required to turn it over to the potential K visa recipient.

Fifth, this section requires the Secretary to produce a cover sheet to accompany negative information (including any criminal convictions or protection orders, and whether the U.S. citizen petitioner accurately disclosed the number of prior K visa petitions). The cover sheet is designed to ensure that the potential K visa recipient is aware of any negative information about the U.S. citizen petitioner.

Sec. 808 Regulation of International Marriage Brokers.

This section requires an International Marriage Broker to collect proof of age from the potential K visa recipient in order to ensure that the foreign fiancé or fiancée is of the age of consent, and amends federal criminal penalties for non-compliance. This section also requires the GAO to report on implementation of IMBRA.

Sec. 809. Eligibility of crime and trafficking victims in the Commonwealth of the Northern Mariana Islands to adjust status.

The Secretary of Homeland Security asked Congress to make the following technical fix to the immigration law. The Consolidated Natural Resources Act of 2008 (the CNRA) made the U.S. territory of the Commonwealth of the Northern Marianas (CNMI) a part of the United States for purposes of U.S. immigration law as of November 28, 2009. Prior to that date, victims of trafficking

or certain other crimes who were physically present in the CNMI were able to apply for T or U visas, but a grant of such status did not actually confer upon the victim a “nonimmigrant” status unless the visa holder was admitted to the United States in Guam or elsewhere. As a result, such visa holders could not begin to accrue time toward the three-year continuous presence requirement for adjusting their status to lawful permanent resident. To conform with the CNRA, this section allows T and U visa holders who are physically present in the CNMI to count their time toward the three-year requirement of continuous presence.

Sec. 810. Disclosure of Information for National Security Purposes.

In addition to making a number of technical changes, this section provides the DHS and DOJ with another exception to the non-disclosure provisions at 8 U.S.C. 1367(b)(2). Specifically, the section allows for the sharing of certain information for national security purposes, in a manner that protects confidentiality. This section also requires the Department of State, DOJ, and DHS to issue guidance 180 days from passage aimed at protecting victims of domestic violence and trafficking from harm that could result from inappropriate information disclosures.

**TITLE IX
SAFETY FOR INDIAN WOMEN**

Sec. 901. Grants to Indian tribal governments.

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

Sec. 902. Grants to Indian tribal coalitions.

This section improves the existing tribal coalition grant program, by incorporating a purpose area that would allow grant money to go toward developing and promoting policies that promote best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking. A new funding formula is added to ensure that established and emerging coalitions receive adequate resources. To this end, a 5 percent set-aside is included in the GTEAP program (sec. 102).

Sec. 903. Consultation.

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

Sec. 904. Tribal jurisdiction over crimes of domestic violence.

This section would recognize certain tribes’ concurrent jurisdiction to investigate, prosecute, convict, and sentence persons who assault Indian spouses, intimate partners, or dating partners, or who violate protection orders, in Indian country. This provision recognizes that tribal nations may be

best able to address violence in their own communities. Neither the United States nor any State would lose any criminal jurisdiction as a result. This section effectively guarantees that defendants will have the same rights in tribal court as in State court, including due-process rights and an indigent defendant's right to free appointed counsel meeting Federal constitutional standards. It also authorizes grants to assist tribes with carrying out this section.

The authorized funding for this section is \$5 million.

Sec. 905. Tribal protection orders.

At least one Federal court has misinterpreted 18 U.S.C. 2265 to hold that tribes lack civil jurisdiction to issue and enforce protection orders against certain non-Indians who reside on reservation lands. This undermines the ability of tribal courts to protect victims and maintain public safety. This section clarifies the intent of current law, namely that tribal courts have full civil jurisdiction to issue and enforce certain protection orders involving any persons, Indian or non-Indian. The language of this section does not in any way alter, diminish, or expand tribal criminal jurisdiction or existing tribal authority to exclude individuals from Indian land.

Sec. 906. Amendments to the Federal assault statute.

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

Sec. 907. Analysis and research on violence against Indian women.

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

Sec. 908. Effective dates; pilot project.

This section sets the effective date for this title as the date of enactment for the bill with the exception of section 904 which would go into effect two years after the date of enactment. This delay is intended to give tribes time to amend their codes and procedures as necessary to exercise the jurisdiction established by section 904. For tribes wishing to implement the changes in section 904 on an accelerated basis, this provision gives them a mechanism to do so through a pilot project.

Sec. 909. Indian Law and Order Commission.

This section extends the Indian Law and Order Commission reporting deadline from two years to three years. It also directs the Attorney General to report to Congress within one year after enactment whether the Alaska Rural Justice Law Enforcement Commission should be continued.

Sec. 910. Alaska-Specific Limitations.

This section clarifies that Title IX does not change the current civil or criminal jurisdiction of the State of Alaska, or any Indian tribes in Alaska, with the exception of one tribe.

**TITLE X
SAFER ACT**

Sec. 1001. Short Title.

This section clarifies that this title will be referred to as the Sexual Assault Forensic Evidence Reporting Act of 2013.

Sec. 1002. Debbie Smith Grants for Auditing Sexual Assault Evidence Backlogs.

This section expands the Debbie Smith grant program by authorizing two new types of grants for State and local governments: one to conduct audits of their rape kit backlogs; and one to ensure that DNA evidence is processed appropriately and timely. It also develops detailed protocols and practices for grantees conducting backlog audits and analyzing DNA evidence. This section authorizes between 5-7% of the grant funds to be used for rape kit backlog audit grants from FY2014-2017. It sets eligibility requirements and grant conditions for grantees, and requires grantees to develop and submit detailed progress reports to DOJ. This section also requires the FBI to develop and publish a description of protocols and practices for the accurate, timely, and effective collection and processing of DNA evidence for use in connection with the second type of new grant.

Sec. 1003. Report to Congress.

This section requires the Attorney General to submit a report to Congress within 90 days of the end of any fiscal year in which a rape kit backlog audit grant is made. The report must detail the recipients of the rape kit backlog audit grants, the grant amounts, any time extensions granted to the grantee to process certain samples, and the testing status of the grantees' DNA evidence.

Sec. 1004. Reducing the Rape Kit Backlog.

This section changes the formula for distribution of grants to ensure that at least 75% of all Debbie Smith grants awarded are directed to three types of grants aimed at reducing the rape kit backlog: 1) including DNA samples in the Combined DNA Index System (CODIS); 2) carrying out DNA analysis of samples for inclusion in CODIS; and 3) increasing the capacity of State and local labs to conduct DNA analysis.

Sec. 1005. Oversight and Accountability.

This section establishes accountability provisions for recipients of grants under this title. The Attorney General must conduct audits of an unspecified number of grant recipients under this title to prevent fraud and waste. The new accountability provisions also exclude grant recipients with unresolved audit findings from receiving future grants for a period, and calls on DOJ to prioritize grant applications of recipients who were audited and had no unresolved audit findings. The accountability provisions also proscribe certain activities by recipients such as lobbying federal agencies regarding the award of grant funding.

Sec. 1006. Sunset.

This section places a December 31, 2018 sunset on the rape kit backlog audit grant provision, and the related requirements for recipients.

TITLE XI OTHER MATTERS

Sec. 1101. Sexual abuse in custodial settings.

This section reflects the congressional intent in passing the Prison Rape Elimination Act of 2003 (PREA) to prevent sexual assault in Federal facilities. That law required the Attorney General to adopt national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities under the authority of the Department of Justice. When PREA was introduced, all criminal and immigration detention facilities were under the authority of the Department of Justice. When the Homeland Security Act of 2002 was enacted, however, adult immigration authority was transferred to the Department of Homeland Security (DHS), and the authority for detaining unaccompanied minors was transferred to the Department of Health and Human Services (HHS). This provision would ensure that DHS and HHS facilities are covered by PREA.

Sec. 1102. Anonymous Online Harassment.

This section amends the Harassing Telephone Calls statute (47 U.S.C. § 223) by removing the intent to “annoy” as an element of one of the crimes. It also modifies who may be an intended victim in order to cover harassing communications that are intended for, but not directly received by, a specific person.

Sec. 1103. Stalker Database.

This section reauthorizes a grant program that helps ensure that data regarding stalking and domestic violence is accurately entered into local, State, and national crime information databases.

Sec. 1104. Federal Victim Assistants.

This section reauthorizes a grant program to appoint victim assistants who aid in the prosecution of sexual assault and domestic violence crimes.

Sec. 1105. Child Abuse Training for Judicial Personnel and Practitioners.

This section reauthorizes a training grant for judges, child welfare advocates, and other judicial personnel to improve child service agencies. This program has traditionally been reauthorized by VAWA.

TITLE XII TRAFFICKING VICTIMS PROTECTION

Subtitle A – Combating International Trafficking in Persons

Sec. 1201. Regional Strategies for Combating Trafficking in Persons

This section requires regional bureaus of the Department of State to work in conjunction with the Office to Monitor and Combat Trafficking in Persons to formulate bilateral goals and objectives to eradicate human trafficking for each country in a bureau’s geographic area of operation. It also recommends relevant foreign government participation in the determination of those goals and objectives.

Sec. 1202. Partnerships Against Significant Trafficking in Persons

This section re-orders existing language from sections 105 and 106 of the Trafficking Victims Protection Act of 2000 on “partnerships” and provides new tools and authorities for the Department of State to enable U.S. government cooperation with the private sector, civil society, and with foreign governments to combat human trafficking, and to promote partnerships between foreign governments and non-governmental entities. It further authorizes the Secretary of State, through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons, to establish an emergency fund to assist foreign governments in meeting unexpected, urgent needs related to human trafficking. Finally, it authorizes new cooperative funding mechanisms for technical assistance to foreign governments through “Child Protection Compacts” with selected eligible countries. These funding mechanisms do not increase levels of financial assistance.

Sec. 1203. Protection and Assistance for Victims of Trafficking

This section requires an annual congressional briefing on the efforts by the Secretary of State and the Administrator of the United States Agency for International Development to promote regional inter-governmental cooperation for the safe integration, reintegration, or resettlement of victims of human trafficking.

Sec. 1204. Minimum Standards for the Elimination of Trafficking

This section amends the current minimum standards by which the Department of State measures efforts to eliminate human trafficking by including criteria relating to: 1) preventing human trafficking by nationals deployed in diplomatic missions alongside peacekeeping missions; 2) emphasizing the need for governments to have a transparent system for remediating or punishing public officials engaged in human trafficking; 3) increasing inter-governmental cooperation and partnerships on a bilateral, multilateral, or regional basis, and with civil society; and 4) regulating foreign labor recruiters and criminalizing fraudulent recruiting.

Sec. 1205. Best Practices in Trafficking in Persons Eradication

This section codifies the State Department’s established practice of submitting a comprehensive annual report to Congress on global efforts to fight human trafficking, including those steps taken by the United States.

This section mandates the inclusion of a section of the report to highlight exemplary governments and practices in the eradication of human trafficking. In past years, the report’s inclusion of best practices has varied; this section would ensure consistency. Additionally, it would ensure greater focus on the exemplary progress some countries have achieved in a year. Under current law, the report categorizes countries in three tiers, ranging from Tier 1 for countries fully compliant with standards for the elimination of trafficking to Tier 3 for countries that are least compliant. Currently vast disparities exist in performance among countries in the middle category, Tier 2. There is significant emphasis placed on the countries at the bottom end of Tier 2, those on the “Tier 2 Watch List” that are in jeopardy of falling to Tier 3, but too little attention has been provided

to those countries making significant strides in eradicating human trafficking. This section ensures additional attention and encourages those countries to continue investing in anti-trafficking efforts.

This section also requires the State Department to publish on its website the rationale for any exercise of waiver authority under the category of “Countries on the Special Watch List for 2 Consecutive Years.”

Lastly, this section removes the authorization for the Secretary to produce and publish “interim reports” in order to reduce unnecessary or inefficient reporting.

Sec. 1206. Protections for Domestic Workers and Other Non-immigrants

This section calls for the creation of an educational video for consular waiting rooms in countries with a high concentration of non-immigrant visa applicants. Current law requires a consular pamphlet for U.S. embassies and consulates in countries with a high concentration of nonimmigrant visa applicants, and this section simply adds the words “and video” where the word “pamphlet” appears. The requirement is only for consular waiting rooms that currently have video capabilities and could be satisfied with a basic animated video with voiceovers dubbed in the appropriate language.

Sec. 1207. Prevention of Child Trafficking through Child Marriage.

This section requires the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and relevant offices and bureaus, to formulate and distribute guidance to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries. It also requires the annual State Department Country Reports on Human Rights Practices to include reporting on child marriage.

Sec. 1208. Child Soldiers.

This section amends the prohibition on certain funds as established per Section 404(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 by adding Peacekeeping Operations funds to existing limitations on providing U.S. security assistance to countries known to use child soldiers. The provision includes a Presidential waiver and exceptions for efforts to professionalize forces and reduce the use of child soldiers within militaries in question.

Subtitle B – Combating Trafficking In Persons in the United States

PART I – Penalties Against Traffickers and Other Crimes

Sec. 1211. Criminal Trafficking Offenses

This section modifies criminal law provisions that address trafficking in persons. First, under the Racketeer Influenced Corrupt Organizations Act (18 U.S.C. § 1961), the definition of a “racketeering activity” is expanded to include fraud in foreign labor contracting, pursuant to 18 U.S.C. § 1351.

Second, child exploitation laws under 18 U.S.C. § 2423 are strengthened to hold criminally liable those U.S. citizens and lawful permanent residents residing outside of the United States who engage in illicit sexual conduct with a minor. Current law only reaches U.S. citizens and lawful permanent residents who travel in foreign commerce.

Third, a new misdemeanor provision is added as 18 U.S.C. § 1597, which criminalizes the unlawful confiscation or destruction of a person's immigration documents in order to maintain or restrict the labor or services of that person. An analogous felony is found in 18 U.S.C. § 1592, which addresses similar conduct committed in the course of violating or with intent to violate specified human trafficking crimes.

Sec. 1212. Civil Remedies, Clarifying Definition

This section expands civil remedies available to minor victims under 18 U.S.C. § 2255. Current law allows minor victims to file suit for damages if the minor was a victim of a sexual abuse or exploitation crime as defined in chapters 109A and 110 of Title 18. The amended section allows minors who were victims of a severe form of trafficking in persons to recover civil damages under this section. It also increases the civil statute of limitations for all minors who file suit under 18 U.S.C. § 2255 from six years to ten years. Additionally, the existing criminal law definition of "abuse or threatened abuse of law or legal process" from 18 U.S.C. §§ 1589 and 1591 is added to the general definitions of the Trafficking Victims Protection Act of 2000.

PART II – Ensuring Availability of Possible Witnesses and Informants

Sec. 1221. Encouraging Victims of Fraud in Foreign Labor Contracting to Assist Law Enforcement

This section adds "fraud in foreign labor contracting," as defined by 18 U.S.C. § 1351, to the list of crimes of which victims may be eligible to apply for a "U" visa. Other enumerated crimes include rape, torture, trafficking, domestic violence, sexual assault, peonage, involuntary servitude, witness tampering, obstruction of justice, and perjury, among others. (See INA § 101(a)(15)(U); 8 U.S.C. § 1101 (a)(15)(U). "U" visa recipients must show that they are victims of a qualifying criminal activity, have suffered substantial physical or mental abuse as a result of that crime, and are willing to assist law enforcement or other government officials in the investigation or prosecution of the crime. "U" visa recipients are not eligible for any federal benefits. Fraud in foreign labor contracting is difficult to prosecute because victims are often reluctant to come forward and report the crime for fear of being deported. Including this crime as a qualifying criminal activity for a "U" visa will encourage greater reporting and prosecution of this offense.

Sec. 1222. Contracting Requirements.

This section helps to prevent labor and sex trafficking by government contractors and subcontractors. It modifies an existing provision under the TVPA that requires the government to include a condition in every contract, grant, or cooperative agreement which authorizes the department or agency to terminate a contract if: the contractor or subcontractor engages in severe

forms of trafficking; has procured a commercial sex act during the period of the contract; or uses forced labor.

PART III – Ensuring Inter-Agency Coordination and Expanded Reporting

Sec. 1231. Reporting Requirements by the Attorney General

Under current law, the Attorney General is required to submit an annual report to Congress detailing efforts by Federal agencies to implement the Trafficking Victims Protection Act. In order to more accurately determine the effectiveness of those efforts, this section requires additional information on how efficiently “T” and “U” visas are processed, efforts to train State, Tribal, and local law enforcement on investigating human trafficking crime, and how federal programs meet the needs of minor victims of trafficking who are U.S. citizens or lawful permanent residents.

Sec. 1232. Reporting Requirements by the Secretary of Labor

TVPRA 2005 required the Department of Labor to monitor and make efforts to combat forced and child labor in foreign countries, including making public a list of foreign goods produced by forced or child labor. This section requires the Secretary of Labor to provide that list to Congress biannually.

Sec. 1233. Information Sharing to Combat Child Labor and Slave Labor

In order to assist the Department of Labor in compiling the list of goods produced by forced or child labor referenced in section 223 (above), this section directs the Department of State to provide relevant information to the Department of Labor.

Sec. 1234. Government Training Efforts to Include the Department of Labor

This section expands the number of agencies required to be trained in identifying victims of a severe form of trafficking to include personnel from the Department of Labor.

Sec. 1235. GAO Report on the Use of Foreign Labor Contractors

To ensure that foreign workers contracted to work in or for the United States do not suffer abuses, or are not fraudulently recruited by third-party brokers or subcontractors, this section directs the GAO to issue a report investigating whether any such foreign workers were subjected to abuse or trafficking. The report would analyze the current contracting system and make recommendations to federal agencies to rectify any known abuses.

Sec. 1236. Oversight of Department of Justice Grant Program.

This section adds a number of audits and oversight requirements on grants awarded by the Department of Justice (DOJ). It adds caps on administrative expenses and matching requirements for DOJ grants. It limits conference expenditures, and prohibits lobbying from being conducted with government funds, among other measures.

PART IV – Enhancing State and Local Efforts to Combat Trafficking in Persons

Sec. 1241. Assistance for Domestic Minor Sex Trafficking Victims

This section replaces a services grant program with a block grant program administered by the Department of Justice to four localities that have demonstrated a comprehensive approach in addressing sex trafficking of minors, including cooperation between law enforcement and social service providers. The localities may distribute the grants to entities that provide, among other things, residential care, emergency social services, and mental health counseling. The authorized appropriations do not change. Additionally, this section saves \$5,000,000 by not reauthorizing a pilot program under the Department of Health and Human Services.

Sec. 1242. Expanding Local Law Enforcement Grants for Investigations and Prosecutions of Sex Trafficking

Under current law, 42 U.S.C. § 14044c authorizes the Attorney General to make grants to state and local law enforcement agencies to provide training and resources to investigate trafficking in persons. This section requires the provision to focus on all forms of severe human trafficking. In an effort to attack the demand side of sex trafficking, it also encourages efforts to prosecute individuals who purchase commercial sex acts from minors, along with the traffickers. This section also includes a mandate for GAO to evaluate the program and reduces authorization levels by \$10,000,000.

Sec. 1243. Model State Law Protection for Child Trafficking Victims and Survivors

This section amends Section 225(b) of the Trafficking Victims Protection Reauthorization Act of 2008 to encourage the Attorney General to develop model state law language that would treat children exploited through prostitution as victims, not criminals.

Subtitle C – Authorizations of Appropriations

Sec. 1251. Adjust Authorization Levels of Provision of the Trafficking Victims Protection Act of 2000.

This section details the changes to the authorization of appropriations that were originally enacted by the Trafficking Victims Protection Act of 2000. Overall, S.1301 reduces authorization levels by more than \$60 million annually compared to the Trafficking Victims Protection Reauthorization Act of 2008. In this section, the authorization levels for the Departments of State, Homeland Security, and Labor as well as the Federal Bureau of Investigation have been reduced. At the same time, authorization of appropriations for victim benefits and services administered by the Department of Health and Human Services and by the Department of Justice are increased by \$3,000,000 and \$5,000,000 respectively. Authorizations for additional personnel and reception expenses have been removed.

Sec. 1252. Adjust Authorization Levels of Provisions of the Trafficking Victims Protection Reauthorization Act of 2005

The appropriations listed in this section reduce previously authorized levels of funding for conferences and a pilot program of the U.S. Agency for International Development.

Subtitle D – Unaccompanied Alien Children

Sec. 1261. Appropriate Custodial Settings for Unaccompanied Minors Who Reach the Age of Majority while in Federal Custody

This section modifies Section 235(c)(2) of the TVPRA 2008 to address the situation of an unaccompanied minor in the custody of the Office of Refugee Resettlement who reaches the age of 18 prior to resolution of their immigration case. Such persons are typically transferred to adult immigration detention under the authority of U.S. Immigration and Customs Enforcement (ICE).

This section requires the Secretary to consider placement of the individual in the least restrictive setting available after taking into consideration the individual's danger to self, danger to the community, and risk of flight. Many ICE facilities hold a mixed population of immigrants with criminal and non-criminal backgrounds and may not be appropriate for very young adults with no criminal background. The Secretary would retain discretion to place an immigrant in a detention facility if deemed necessary for public safety.

Sec. 1262. Appointment of Child Advocates for Unaccompanied Minors

This section would expand the successful Child Advocate program that was established as a pilot program in 2003. Child Advocates are independent actors who assist trafficking victims and other vulnerable immigrant children by ensuring immediate and long-term welfare and access to protection, consistent with the child's best interests. Child Advocates are especially important in cases in which an attorney files papers to represent a child, but where that attorney may actually serve the interests of the child's traffickers. The Child Advocate interacts with the child and decision-makers, and, where appropriate, the child's attorney, to promote the child's safety and security while the child pursues a claim for protection under the immigration statute. This section would expand the current Child Advocate program from its current operations (a program in Chicago, IL, and limited offerings in Harlingen, TX) to three additional locations within the next two years, with locations selected based on the greatest need. Within four years, the program is directed to expand to an additional three sites. This section requires reporting to Congress by the Secretary of Health and Human Services. It also requires a GAO study on the effectiveness of the Child Advocate program.

This section authorizes \$1,000,000 per year for each of the first two years of the reauthorization and \$2,000,000 for each of years three and four of the reauthorization. To ensure effective management of Federal funds, this section imposes a cap of 10% on administrative expenses and also requires the Child Advocate program to match the Federal funds received at a rate of 25%.

Sec. 1262. Access to Federal Foster Care and Unaccompanied Refugee Minor Protections for Certain U Visa Recipients

Under current law, when an unaccompanied immigrant minor who was also a victim of crime is awarded a “U” visa, that minor loses eligibility for certain benefits available to children who are considered unaccompanied minors under law. No benefits attach to “U” visa status. Therefore, by nature of being literally unaccompanied by family in the United States -- if no longer legally deemed unaccompanied – the “U” visa recipients typically have no source of assistance and are not eligible for federal foster care benefits once their “U” status is granted. This section would make “U” visa recipients who are minors and who were formerly considered unaccompanied minors eligible for federal foster care and certain benefits available to refugee minors. This provision would not apply to all “U” visa recipients who happen to be minors, but only to those who were formerly deemed unaccompanied under law. Based on their experience representing unaccompanied minors, advocates that serve this population predict that only a very small number of persons – perhaps ten per year – would be eligible under this expanded access to care.

Sec. 1264. Study of the Effectiveness of Border Screenings under Section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

This section requires GAO to conduct a study on the implementation of provisions of TVPRA 2008 with regard to Department of Homeland Security (DHS) screening of children. For example, GAO will assess whether DHS personnel are adequately screening children to determine whether they may be victims of trafficking or persecution. GAO will also assess whether children are properly cared for while in the custody of the DHS and repatriated in an appropriate manner.