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ПО МЕЖДУНАРОДНЫМ БРАКАМ



H. R. 3402

One Hundred Ninth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington
on Tuesday, the fourth day of January, two thousand and five*

An Act

*To authorize appropriations for the Department of Justice
for fiscal years 2006 through 2009, and for other purposes.*

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Violence Against Women and
Department of Justice Reauthorization Act of 2005".

SEC. 2. TABLE OF CONTENTS

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Universal definitions and grant provisions.

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

- Sec. 101. Stop grants improvements.
- Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
- Sec. 103. Legal Assistance for Victims improvements.
- Sec. 104. Ensuring crime victim access to legal services.
- Sec. 105. The Violence Against Women Act court training and improvements.
- Sec. 106. Full faith and credit improvements.
- Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
- Sec. 108. Sex offender management.
- Sec. 109. Stalker database.
- Sec. 110. Federal victim assistants reauthorization.
- Sec. 111. Grants for law enforcement training programs.
- Sec. 112. Reauthorization of the court-appointed special advocate program.
- Sec. 113. Preventing cyberstalking.
- Sec. 114. Criminal provision relating to stalking.
- Sec. 115. Repeat offender provision.
- Sec. 116. Prohibiting dating violence.
- Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.
- Sec. 118. Updating protection order definition.
- Sec. 119. GAO study and report.
- Sec. 120. Grants for outreach to underserved populations.
- Sec. 121. Enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking.

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

- Sec. 201. Findings.
- Sec. 202. Sexual assault services program.
- Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program.
- Sec. 204. Training and services to end violence against women with disabilities.
- Sec. 205. Training and services to end violence against women in later life.
- Sec. 206. Strengthening the National Domestic Violence Hotline.

H. R. 3402—2

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

- Sec. 301. Findings.
- Sec. 302. Rape prevention and education.
- Sec. 303. Services, education, protection, and justice for young victims of violence.
- Sec. 304. Grants to combat violent crimes on campuses.
- Sec. 305. Juvenile justice.
- Sec. 306. Safe havens.

**TITLE IV
STRENGTHENING AMERICA'S FAMILIES
BY PREVENTING VIOLENCE**

- Sec. 401. Preventing violence against women and children.
- Sec. 403. Public Awareness Campaign.
- Sec. 402. Study conducted by the Centers for Disease Control and Prevention.

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

- Sec. 501. Findings.
- Sec. 502. Purpose.
- Sec. 503. Training and education of health professionals in domestic and sexual violence.
- Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
- Sec. 505. Research on effective interventions in the healthcare setting.

**TITLE VI
HOUSING OPPORTUNITIES AND SAFETY
FOR BATTERED WOMEN AND CHILDREN**

- Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
- Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
- Sec. 603. Public housing authority plans reporting requirement.
- Sec. 604. Housing strategies.
- Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
- Sec. 606. Amendments to the low-income housing assistance voucher program.
- Sec. 607. Amendments to the public housing program.

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

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

**TITLE VIII
PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS**

Subtitle A—Victims of Crime

- Sec. 801. Treatment of spouse and children of victims.
- Sec. 802. Presence of victims of a severe form of trafficking in persons.
- Sec. 803. Adjustment of status.
- Sec. 804. Protection and assistance for victims of trafficking.
- Sec. 805. Protecting victims of child abuse.

Subtitle B—VAWA Self-Petitioners

- Sec. 811. Definition of VAWA self-petitioner.
- Sec. 812. Application in case of voluntary departure.
- Sec. 813. Removal proceedings.
- Sec. 814. Eliminating abusers' control over applications and limitation on petitioning for abusers.
- Sec. 815. Application for VAWA-related relief.

- Sec. 816. Self-petitioning parents.
- Sec. 817. VAWA confidentiality nondisclosure.

Subtitle C—Miscellaneous Amendments

- Sec. 821. Duration of T and U visas.
- Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.
- Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.
- Sec. 824. Self-petitioning rights of HRIFA applicants.
- Sec. 825. Motions to reopen.
- H. R. 3402—3
- Sec. 826. Protecting abused juveniles.
- Sec. 827. Protection of domestic violence and crime victims from certain disclosures of information.
- Sec. 828. Rulemaking.

Subtitle D—International Marriage Broker Regulation

- Sec. 831. Short title.
- Sec. 832. Access to VAWA protection regardless of manner of entry.
- Sec. 833. Domestic violence information and resources for immigrants and regulation of international marriage brokers.
- Sec. 834. Sharing of certain information.

TITLE IX SAFETY FOR INDIAN WOMEN

- Sec. 901. Findings.
- Sec. 902. Purposes.
- Sec. 903. Consultation.
- Sec. 904. Analysis and research on violence against Indian women.
- Sec. 905. Tracking of violence against Indian women.
- Sec. 906. Grants to Indian tribal governments.
- Sec. 907. Tribal deputy in the Office on Violence Against Women.
- Sec. 908. Enhanced criminal law resources.
- Sec. 909. Domestic assault by an habitual offender.

TITLE X DNA FINGERPRINTING

- Sec. 1001. Short title.
- Sec. 1002. Use of opt-out procedure to remove samples from national DNA index.
- Sec. 1003. Expanded use of CODIS grants.
- Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.
- Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.

TITLE XI DEPARTMENT OF JUSTICE REAUTHORIZATION

Subtitle A—Authorization of Appropriations

- Sec. 1101. Authorization of appropriations for fiscal year 2006.
- Sec. 1102. Authorization of appropriations for fiscal year 2007.
- Sec. 1103. Authorization of appropriations for fiscal year 2008.
- Sec. 1104. Authorization of appropriations for fiscal year 2009.
- Sec. 1105. Organized retail theft.
- Sec. 1106. United States-Mexico Border Violence Task Force.
- Sec. 1107. National Gang Intelligence Center.

Subtitle B—Improving the Department of Justice’s Grant Programs

CHAPTER 1

ASSISTING LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES

Sec. 1111. Merger of Byrne Grant Program and Local Law Enforcement Block Grant Program.

Sec. 1112. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.

Sec. 1113. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.

Sec. 1114. Clarification of uses for regional information sharing system grants.

Sec. 1115. Integrity and enhancement of national criminal record databases.

Sec. 1116. Extension of matching grant program for law enforcement armor vests.

CHAPTER 2

BUILDING COMMUNITY CAPACITY TO PREVENT, REDUCE, AND CONTROL CRIME

Sec. 1121. Office of Weed and Seed Strategies.

CHAPTER 3

ASSISTING VICTIMS OF CRIME

Sec. 1131. Grants to local nonprofit organizations to improve outreach services to victims of crime.

Sec. 1132. Clarification and enhancement of certain authorities relating to crime victims fund.

Sec. 1133. Amounts received under crime victim grants may be used by State for training purposes.

Sec. 1134. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.

Sec. 1135. Change of certain reports from annual to biennial.

Sec. 1136. Grants for young witness assistance.

H. R. 3402—4

CHAPTER 4

PREVENTING CRIME

Sec. 1141. Clarification of definition of violent offender for purposes of juvenile drug courts.

Sec. 1142. Changes to distribution and allocation of grants for drug courts.

Sec. 1143. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.

Sec. 1144. Term of Residential Substance Abuse Treatment program for local facilities.

Sec. 1145. Enhanced residential substance abuse treatment program for State prisoners.

Sec. 1146. Residential Substance Abuse Treatment Program for Federal facilities.

CHAPTER 5

OTHER MATTERS

Sec. 1151. Changes to certain financial authorities.

Sec. 1152. Coordination duties of Assistant Attorney General.

Sec. 1153. Simplification of compliance deadlines under sex-offender registration laws.

- Sec. 1154. Repeal of certain programs.
- Sec. 1155. Elimination of certain notice and hearing requirements.
- Sec. 1156. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
- Sec. 1157. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
- Sec. 1158. Office of Audit, Assessment, and Management.
- Sec. 1159. Community Capacity Development Office.
- Sec. 1160. Office of Applied Law Enforcement Technology.
- Sec. 1161. Availability of funds for grants.
- Sec. 1162. Consolidation of financial management systems of Office of Justice Programs.
- Sec. 1163. Authorization and change of COPS program to single grant program.
- Sec. 1164. Clarification of persons eligible for benefits under public safety officers' death benefits programs.
- Sec. 1165. Pre-release and post-release programs for juvenile offenders.
- Sec. 1166. Reauthorization of juvenile accountability block grants.
- Sec. 1167. Sex offender management.
- Sec. 1168. Evidence-based approaches.
- Sec. 1169. Reauthorization of matching grant program for school security.
- Sec. 1170. Technical amendments to Aimee's Law.

Subtitle C—Miscellaneous Provisions

- Sec. 1171. Technical amendments relating to Public Law 107–56.
- Sec. 1172. Miscellaneous technical amendments.
- Sec. 1173. Use of Federal training facilities.
- Sec. 1174. Privacy officer.
- Sec. 1175. Bankruptcy crimes.
- Sec. 1176. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
- Sec. 1177. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
- Sec. 1178. Expanded jurisdiction for contraband offenses in correctional facilities.
- Sec. 1179. Magistrate judge's authority to continue preliminary hearing.
- Sec. 1180. Technical corrections relating to steroids.
- Sec. 1181. Prison Rape Commission extension.
- Sec. 1182. Longer statute of limitation for human trafficking-related offenses.
- Sec. 1183. Use of Center for Criminal Justice Technology.
- Sec. 1184. SEARCH Grants.
- Sec. 1185. Reauthorization of Law Enforcement Tribute Act.
- Sec. 1186. Amendment regarding bullying and gangs.
- Sec. 1187. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- Sec. 1188. Reauthorize the Gang Resistance Education and Training Projects Program.
- Sec. 1189. National Training Center.
- Sec. 1190. Sense of Congress relating to "good time" release.
- Sec. 1191. Public employee uniforms.
- Sec. 1192. Officially approved postage.
- Sec. 1193. Authorization of additional appropriations.
- Sec. 1194. Assistance to courts.
- Sec. 1195. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.
- Sec. 1196. Reauthorization of State Criminal Alien Assistance Program.

H. R. 3402—107

“(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.”.

SEC. 827.

**PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS
FROM CERTAIN DISCLOSURES OF INFORMATION**

In developing regulations or guidance with regard to identification documents, including driver’s licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

SEC. 828.

RULEMAKING

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106–386), this Act, and the amendments made by this Act.

Subtitle D

International Marriage Broker Regulation

SEC. 831.

SHORT TITLE

This subtitle may be cited as the “International Marriage Broker Regulation Act of 2005”.

SEC. 832.

ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY

(a) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—

(1) 214(d) AMENDMENT.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(A) by striking “(d)” and inserting “(d)(1)”;

(B) by inserting after the second sentence “Such information shall include information on any criminal convictions of the petitioner for any specified crime.”;

(C) by striking “Attorney General” and inserting “Secretary of Homeland Security” each place it appears; and (D) by adding at the end the following:

“(2)(A) Subject to subparagraphs (B) and (C), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

“(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to two or more applying aliens; and H. R. 3402—108

“(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

“(B) The Secretary of Homeland Security may, in the Secretary’s discretion, waive the limitations in subparagraph (A) if justification exists for such a waiver. Except in extraordinary circumstances and subject to subparagraph (C), such a waiver shall not be granted if the petitioner has a record of violent criminal offenses against a person or persons.

“(C)(i) The Secretary of Homeland Security is not limited by the criminal court record and shall grant a waiver of the condition described in the second sentence of subparagraph (B) in the case of a petitioner described in clause (ii).

“(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty and who is or was not the primary perpetrator of violence in the relationship upon a determination that—

“(I) the petitioner was acting in self-defense;

“(II) the petitioner was found to have violated a protection order intended to protect the petitioner; or

“(III) the petitioner committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime and the petitioner’s having been battered or subjected to extreme cruelty.

“(iii) In acting on applications under this subparagraph, the Secretary of Homeland Security shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary.

“(3) In this subsection:

“(A) The terms ‘domestic violence’, ‘sexual assault’, ‘child abuse and neglect’, ‘dating violence’, ‘elder abuse’, and ‘stalking’ have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

“(B) The term ‘specified crime’ means the following:

“(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

“(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

“(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.”.

(2) 214(r) AMENDMENT.—Section 214(r) of such Act (8 U.S.C. 1184(r)) is amended—

(A) in paragraph (1), by inserting after the second sentence “Such information shall include information on any criminal convictions of the petitioner for any specified crime.”; and

(B) by adding at the end the following:

“(4)(A) The Secretary of Homeland Security shall create a database for the purpose of tracking multiple visa petitions filed for H. R. 3402—109 fiance ´(e)s and spouses under clauses (i) and (ii) of section 101(a)(15)(K). Upon approval of a second visa petition under section 101(a)(15)(K) for a fiance ´(e) or spouse filed by the same United States citizen petitioner, the petitioner shall be notified by the Secretary that information concerning the petitioner has been entered into the multiple visa petition tracking database. All subsequent fiance ´(e) or spouse nonimmigrant visa petitions filed by that petitioner under such section shall be entered in the database.

“(B)(i) Once a petitioner has had two fiancé (e) or spousal petitions approved under clause (i) or (ii) of section 101(a)(15)(K), if a subsequent petition is filed under such section less than 10 years after the date the first visa petition was filed under such section, the Secretary of Homeland Security shall notify both the petitioner and beneficiary of any such subsequent petition about the number of previously approved fiancé (e) or spousal petitions listed in the database.

“(ii) A copy of the information and resources pamphlet on domestic violence developed under section 833(a) of the International Marriage Broker Regulation Act of 2005 shall be mailed to the beneficiary along with the notification required in clause

(i).“(5) In this subsection:

“(A) The terms ‘domestic violence’, ‘sexual assault’, ‘child abuse and neglect’, ‘dating violence’, ‘elder abuse’, and ‘stalking’ have the meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

“(B) The term ‘specified crime’ means the following:

“(i) Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

“(ii) Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of the crimes described in this clause.

“(iii) At least three convictions for crimes relating to a controlled substance or alcohol not arising from a single act.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(b) **LIMITATION ON USE OF CERTAIN INFORMATION.**—The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is aware of any information disclosed under the amendments made by this section or under section 833 shall not be used to deny the alien eligibility for relief under any other provision of law.

SEC. 833.

DOMESTIC VIOLENCE INFORMATION AND RESOURCES FOR IMMIGRANTS AND REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) **INFORMATION FOR K NONIMMIGRANTS ON LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop an information pamphlet, as described H. R. 3402—110 in paragraph (2), on legal rights and resources for immigrant victims of domestic violence and distribute and make such pamphlet available as described in paragraph (5). In preparing such materials, the Secretary of Homeland Security shall consult with nongovernmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault, and other crimes.

(2) **INFORMATION PAMPHLET.**—The information pamphlet developed under paragraph (1) shall include information on the following:

(A) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(B) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(C) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(D) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters, including access to protection orders.

(E) The obligations of parents to provide child support for children.

(F) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(G) A warning concerning the potential use of K nonimmigrant visas by United States citizens who have a history of committing domestic violence, sexual assault, child abuse, or other crimes and an explanation that such acts may not have resulted in a criminal record for such a citizen.

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of Federal and State sex offender public registries and collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) **SUMMARIES.**—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under paragraph (1) that shall be used by Federal officials when reviewing the pamphlet in interviews under subsection (b).

(4) **TRANSLATION.**—

(A) **IN GENERAL.**—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet developed under paragraph (1) shall, subject to subparagraph (B), be translated by the Secretary of State into foreign H. R. 3402—111 languages, including Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, Hindi, and such other languages as the Secretary of State, in the Secretary's discretion, may specify.

(B) **REVISION.**—Every 2 years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine at least 14 specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(5) **AVAILABILITY AND DISTRIBUTION.**—The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) ***MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.***—

(i) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant or in English if no translation into the applicant's primary language is available.

(ii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under clause (i), a copy of the petition submitted by the petitioner for such applicant under subsection (d) or (r) of section 214 of such Act (8 U.S.C. 1184).

(iii) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection

(d) or (r) of section 214 of such Act (8 U.S.C. 1184). The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background

information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this clause shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(B) **CONSULAR ACCESS.**—The pamphlet developed under paragraph (1) shall be made available to the public at all consular posts. The summaries described in paragraph (3) shall be made available to foreign service officers at all consular posts.

(C) **POSTING ON FEDERAL WEBSITES.**—The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all H. R. 3402—112 consular posts processing applications for K nonimmigrant visas.

(D) **INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.**—The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) **DEADLINE FOR PAMPHLET DEVELOPMENT AND DISTRIBUTION.**— The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after the date of the enactment of this Act.

(b) **VISA AND ADJUSTMENT INTERVIEWS.**—

(1) **FIANCE (E)S, SPOUSES AND THEIR DERIVATIVES.**—During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

(A) provide information, in the primary language of the visa applicant, on protection orders or criminal convictions collected under subsection (a)(5)(A)(iii);

(B) provide a copy of the pamphlet developed under subsection (a)(1) in English or another appropriate language and provide an oral summary, in the primary language of the visa applicant, of that pamphlet; and

(C) ask the applicant, in the primary language of the applicant, whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner, and, if so, obtain the identity of the international marriage broker from the applicant and confirm that the international marriage broker provided to the applicant the information and materials required under subsection (d)(3)(A)(iii).

(2) **FAMILY-BASED APPLICANTS.**—The pamphlet developed under subsection (a)(1) shall be distributed directly to applicants for family-based immigration petitions at all consular and adjustment interviews for such visas. The Department of State or Department of Homeland Security officer conducting the interview shall review the summary of the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English or another appropriate language.

(c) **CONFIDENTIALITY.**—In fulfilling the requirements of this section, no official of the Department of State or the Department of Homeland Security shall disclose to a nonimmigrant visa applicant the name or contact information of any person who was granted a protection order or restraining order against the petitioner or who was a victim of a crime of violence perpetrated by the petitioner, but shall disclose the relationship of the person to the petitioner.

(d) **REGULATION OF INTERNATIONAL MARRIAGE BROKERS.**—

(1) **PROHIBITION ON MARKETING CHILDREN.**—An international marriage broker shall not provide any individual or entity with the personal contact

information, photograph, or general information about the background or interests of any individual under the age of 18.

(2) **REQUIREMENTS OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO MANDATORY COLLECTION OF BACKGROUND INFORMATION.**— H. R. 3402—113

(A) **IN GENERAL.**—

(i) **SEARCH OF SEX OFFENDER PUBLIC REGISTRIES.**— Each international marriage broker shall search the National Sex Offender Public Registry or State sex offender public registry, as required under paragraph

(3)(A)(i).

(ii) **COLLECTION OF BACKGROUND INFORMATION.**— Each international marriage broker shall also collect the background information listed in subparagraph (B) about the United States client to whom the personal contact information of a foreign national client would be provided.

(B) **BACKGROUND INFORMATION.**—The international marriage broker shall collect a certification signed (in written, electronic, or other form) by the United States client accompanied by documentation or an attestation of the following background information about the United States client:

(i) Any temporary or permanent civil protection order or restraining order issued against the United States client.

(ii) Any Federal, State, or local arrest or conviction of the United States client for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or stalking.

(iii) Any Federal, State, or local arrest or conviction of the United States client for—

(I) solely, principally, or incidentally engaging in prostitution;

(II) a direct or indirect attempt to procure prostitutes or persons for the purpose of prostitution; or

(III) receiving, in whole or in part, of the proceeds of prostitution.

(iv) Any Federal, State, or local arrest or conviction of the United States client for offenses related to controlled substances or alcohol.

(v) Marital history of the United States client, including whether the client is currently married, whether the client has previously been married and how many times, how previous marriages of the client were terminated and the date of termination, and whether the client has previously sponsored an alien to whom the client was engaged or married.

(vi) The ages of any of the United States client's children who are under the age of 18.

(vii) All States and countries in which the United States client has resided since the client was 18 years of age.

(3) **OBLIGATION OF INTERNATIONAL MARRIAGE BROKERS WITH RESPECT TO INFORMED CONSENT.**—

(A) **LIMITATION ON SHARING INFORMATION ABOUT FOREIGN NATIONAL CLIENTS.**—An international marriage broker H. R. 3402—114 shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Registry, or of the relevant State sex offender public registry for any State not yet participating in the National Sex Offender Public Registry in which the United States client has resided during the previous 20 years, for information regarding the United States client;

(ii) collected background information about the United States client required under paragraph (2);

(iii) provided to the foreign national client—

- (I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;
- (II) in the foreign national client's primary language, a copy of the background information collected by the international marriage broker under paragraph (2)(B); and
- (III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and
- (iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) **CONFIDENTIALITY.**—In fulfilling the requirements of this paragraph, an international marriage broker shall disclose the relationship of the United States client to individuals who were issued a protection order or restraining order as described in clause (i) of paragraph (2)(B), or of any other victims of crimes as described in clauses (ii) through (iv) of such paragraph, but shall not disclose the name or location information of such individuals.

(C) **PENALTY FOR MISUSE OF INFORMATION.**—A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of the obligations imposed on it under paragraph

(2) and this paragraph for any purpose other than the disclosures required under this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than 1 year, or both. These penalties are in addition to any other civil or criminal liability under Federal or State law which a person may be subject to for the misuse of that information, including to threaten, intimidate, or harass any individual. Nothing in this section shall prevent the disclosure of such information to law enforcement or pursuant to a court order. H. R. 3402—115

(4) **LIMITATION ON DISCLOSURE.**—An international marriage broker shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

(5) **PENALTIES.**—

(A) **FEDERAL CIVIL PENALTY.**—

(i) **VIOLATION.**—An international marriage broker that violates (or attempts to violate) paragraph (1), (2), (3), or (4) is subject to a civil penalty of not less than \$5,000 and not more than \$25,000 for each such violation.

(ii) **PROCEDURES FOR IMPOSITION OF PENALTY.**—A penalty may be imposed under clause (i) by the Attorney General only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code (popularly known as the Administrative Procedure Act).

(B) **FEDERAL CRIMINAL PENALTY.**—In circumstances in or affecting interstate or foreign commerce, an international marriage broker that, within the special maritime and territorial jurisdiction of the United States, violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(C) **ADDITIONAL REMEDIES.**—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(6) **NONPREEMPTION.**—Nothing in this subsection shall preempt—

(A) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker; or

(B) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker.

(7) **EFFECTIVE DATE.**—

(A) IN GENERAL.—Except as provided in subparagraph

(B), this subsection shall take effect on the date that is 60 days after the date of the enactment of this Act.

(B) **ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.**—The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) **DEFINITIONS.**—In this section:

(1) **CRIME OF VIOLENCE.**—The term “crime of violence” has the meaning given such term in section 16 of title 18, United States Code.

(2) **DOMESTIC VIOLENCE.**—The term “domestic violence” has the meaning given such term in section 3 of this Act.

(3) **FOREIGN NATIONAL CLIENT.**—The term “foreign national client” means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an H. R. 3402—116 international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) **INTERNATIONAL MARRIAGE BROKER.**—

(A) IN GENERAL.—The term “international marriage broker” means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

(B) **EXCEPTIONS.**—Such term does not include—

(i) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(ii) an entity that provides dating services if its principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and it charges comparable rates and offers comparable services to all individuals it serves regardless of the individual’s gender or country of citizenship.

(5) **K NONIMMIGRANT VISA.**—The term “K nonimmigrant visa” means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(6) **PERSONAL CONTACT INFORMATION.**—

(A) IN GENERAL.—The term “personal contact information” means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

(i) the name or residential, postal, electronic mail, or instant message address of an individual;

(ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or

(iii) the provision of an opportunity for an in-person meeting.

(B) **EXCEPTION.**—Such term does not include a photograph or general information about the background or interests of a person.

(7) **REPRESENTATIVE.**—The term “representative” means, with respect to an international marriage broker, the person or entity acting on behalf of such broker. Such a representative may be a recruiter, agent, independent contractor, or other international marriage broker or other person conveying information about or to a United States client or foreign national client, whether or not the person or entity receives remuneration. H. R. 3402—117

(8) **STATE.**—The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) **UNITED STATES.**—The term “United States”, when used in a geographic sense, includes all the States.

(10) **UNITED STATES CLIENT.**—The term “United States client” means a United States citizen or other individual who resides in the United States and who utilizes the services of an international marriage broker, if a payment is made or a debt is incurred to utilize such services.

(f) **GAO STUDY AND REPORT.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 on the K nonimmigrant visa process, including specifically—

(i) annual numerical changes in petitions for K nonimmigrant visas;

(ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act;

(iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;

(iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;

(v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 214(d)(2) of the Immigration and Nationality Act, as amended by this Act;

(vi) the annual number of fiance´(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiance´(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii) the annual number of fiance´(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiance´(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions; and

(viii) the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 214(r) of the Immigration and Nationality Act, as added by this Act;

(B) regarding the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided, and the extent of compliance with the applicable requirements of this section;

(C) that assesses the accuracy and completeness of information gathered under section 832 and this section H. R. 3402—118 from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D) that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of

State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B); and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) **DATA COLLECTION.**—The Secretary of Homeland Security and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(g) **REPEAL OF MAIL-ORDER BRIDE PROVISION.**—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1375) is hereby repealed.

SEC. 834.

SHARING OF CERTAIN INFORMATION

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information regarding a United States petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)) for the limited purposes of fulfilling disclosure obligations imposed by the amendments made by section 832(a) or by section 833, including reporting obligations of the Comptroller General of the United States under section 833(f).

TITLE IX

SAFETY FOR INDIAN WOMEN

SEC. 901.

FINDINGS

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15