

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Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1375) is hereby repealed.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

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to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

**SEC. 902. PURPOSES.**

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

**SEC. 903. CONSULTATION.**

(a) **IN GENERAL.**—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(b) **RECOMMENDATIONS.**—During consultations under subsection (a), the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

**SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.**

(a) **NATIONAL BASELINE STUDY.**—

(1) **IN GENERAL.**—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) **SCOPE.**—

(A) **IN GENERAL.**—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) **EVALUATION.**—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

- (i) national tribal domestic violence and sexual assault nonprofit organizations;
- (ii) tribal governments; and
- (iii) the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2007 and 2008, to remain available until expended.

**SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.**

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:

“(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.”.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.

**SEC. 906. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

(a) IN GENERAL.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

**“SEC. 2007. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

“(a) GRANTS.—The Attorney General may make grants to Indian tribal governments and tribal organizations to—

“(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

“(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

“(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

“(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

“(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

“(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children; and

“(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community.

“(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program,

including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

“(c) NONEXCLUSIVITY.—The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.”

(b) AUTHORIZATION OF FUNDS FROM GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Section 2007(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)(1)) is amended to read as follows:

“(1) Ten percent shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.”

(c) AUTHORIZATION OF FUNDS FROM GRANTS TO ENCOURAGE STATE POLICIES AND ENFORCEMENT OF PROTECTION ORDERS PROGRAM.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

“(e) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007. The requirements of this part shall not apply to funds allocated for such program.”

(d) AUTHORIZATION OF FUNDS FROM RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE GRANTS.—Subsection 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)(3)) is amended by striking paragraph (3) and inserting the following:

“(3) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.”

(e) AUTHORIZATION OF FUNDS FROM THE SAFE HAVENS FOR CHILDREN PROGRAM.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420) is amended by striking subsection (f) and inserting the following:

“(f) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this subsection shall not apply to funds allocated for such program.”

(f) AUTHORIZATION OF FUNDS FROM THE TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT PROGRAM.—Section 40299(g) of the

Violence Against Women Act of 1994 (42 U.S.C. 13975(g)) is amended by adding at the end the following:

“(4) TRIBAL PROGRAM.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.”.

(g) AUTHORIZATION OF FUNDS FROM THE LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS PROGRAM.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

“(4) Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968. The requirements of this paragraph shall not apply to funds allocated for such program.”.

**SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.**

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.), as amended by section 906, is amended by adding at the end the following:

**“SEC. 2008. TRIBAL DEPUTY.**

“(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

“(b) DUTIES.—

“(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

“(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

“(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

“(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

“(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

“(E) represent the Office on Violence Against Women in the annual consultations under section 903;

“(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

“(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

“(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

“(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

“(c) AUTHORITY.—

“(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

“(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

“(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

“(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

“(C) development of tribal educational awareness programs and materials;

“(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

“(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.”.

**SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.**

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: “(i) is a misdemeanor under Federal, State, or Tribal law; and”.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3)) is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the semicolon and inserting “, or”; and

(3) by adding at the end the following:

“(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the

victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;”.

**SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.**

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

**“§ 117. Domestic assault by an habitual offender**

“(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

“(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

“(2) an offense under chapter 110A,  
shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

“(b) DOMESTIC ASSAULT DEFINED.—In this section, the term ‘domestic assault’ means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.”.

## **TITLE X—DNA FINGERPRINTING**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “DNA Fingerprint Act of 2005”.

**SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.**

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking “DNA profiles” and all that follows through “, and”;

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

“(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

“(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense,