

lent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

Section 280g-4 of this title, referred to in subsec. (c), was in the original "section 399O of the Public Health Service Act", and was translated as referring to the section 399O of the Public Health Service Act added by Pub. L. 109-162, §504, to reflect the probable intent of Congress. Another section 399O of the Public Health Service Act is classified to section 280g-3 of this title.

SUBPART 4—TRANSITIONAL HOUSING ASSISTANCE
GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT

CODIFICATION

This subpart was, in the original, chapter 11 of subtitle B of title IV of Pub. L. 103-322, and has been designated as subpart 4 of this part for purposes of codification. Another chapter 11 of subtitle B of title IV of Pub. L. 103-322 was designated subpart 3a of this part.

§ 13975. Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault

(a) In general

The Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, the Department of Housing and Urban Development, and the Department of Health and Human Services, shall award grants under this section to States, units of local government, Indian tribes, and other organizations, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (referred to in this section as the "recipient") to carry out programs to provide assistance to minors, adults, and their dependents—

(1) who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking; and

(2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

(b) Grants

Grants awarded under this section may be used for programs that provide—

(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing.¹

(2) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for persons described in subsection (a) of this section; and

(3) support services designed to enable a minor, an adult, or a dependent of such minor or adult, who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(A) locate and secure permanent housing; and

(B) integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance. Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.

(c) Duration

(1) In general

Except as provided in paragraph (2), a minor, an adult, or a dependent, who receives assistance under this section shall receive that assistance for not more than 24 months.

(2) Waiver

The recipient of a grant under this section may waive the restriction under paragraph (1) for not more than an additional 6 month period with respect to any minor, adult, or dependent, who—

(A) has made a good-faith effort to acquire permanent housing; and

(B) has been unable to acquire permanent housing.

(d) Application

(1) In general

Each eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) Contents

Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) of this section are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and

(C) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(3) Application

Nothing in this subsection shall be construed to require—

(A) victims to participate in the criminal justice system in order to receive services; or

(B) domestic violence advocates to breach client confidentiality.

(e) Report to the Attorney General

(1) In general

A recipient of a grant under this section shall annually prepare and submit to the Attorney General a report describing—

¹ So in original. The period probably should be a semicolon.

(A) the number of minors, adults, and dependents assisted under this section; and

(B) the types of housing assistance and support services provided under this section.

(2) Contents

Each report prepared and submitted pursuant to paragraph (1) shall include information regarding—

(A) the purpose and amount of housing assistance provided to each minor, adult, or dependent, assisted under this section and the reason for that assistance;

(B) the number of months each minor, adult, or dependent, received assistance under this section;

(C) the number of minors, adults, and dependents who—

(i) were eligible to receive assistance under this section; and

(ii) were not provided with assistance under this section solely due to a lack of available housing;

(D) the type of support services provided to each minor, adult, or dependent, assisted under this section; and

(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.

(f) Report to Congress

(1) Reporting requirement

The Attorney General, with the Director of the Violence Against Women Office, shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.

(2) Availability of report

In order to coordinate efforts to assist the victims of domestic violence, the Attorney General, in coordination with the Director of the Violence Against Women Office, shall transmit a copy of the report submitted under paragraph (1) to—

(A) the Office of Community Planning and Development at the United States Department of Housing and Urban Development; and

(B) the Office of Women's Health at the United States Department of Health and Human Services.

(g) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section \$40,000,000 for each of the fiscal years 2007 through 2011.

(2) Limitations

Of the amount made available to carry out this section in any fiscal year, up to 5 percent may be used by the Attorney General for evaluation, monitoring, technical assistance, salaries and administrative expenses.

(3) Minimum amount

(A) In general

Except as provided in subparagraph (B), unless all eligible applications submitted by any States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(B) Exception

The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(C) Underserved populations

(i) INDIAN TRIBES.—

(I) IN GENERAL.—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 by section 3796gg-10 of this title.

(II) APPLICABILITY OF PART.—²The requirements of this section shall not apply to funds allocated for the program described in subclause (I).

(ii) Priority shall be given to projects developed under subsection (b) of this section that primarily serve underserved populations.

(Pub. L. 103-322, title IV, § 40299, as added Pub. L. 108-21, title VI, § 611, Apr. 30, 2003, 117 Stat. 693; Pub. L. 109-162, § 3(b)(4), title VI, § 602(a), title IX, § 906(e), formerly § 906(f), title XI, § 1135(e), Jan. 5, 2006, 119 Stat. 2971, 3038, 3081, 3109, renumbered § 906(e), Pub. L. 109-271, § 7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; amended Pub. L. 109-271, §§ 2(d), 7(c)(1), 8(b), Aug. 12, 2006, 120 Stat. 752, 764-766.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-162, § 602(a)(1)(A), (B), in introductory provisions, inserted “the Department of Housing and Urban Development, and the Department of Health and Human Services,” after “Department of Justice,” and “, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, non-governmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking” after “other organizations”.

Subsec. (a)(1). Pub. L. 109-162, § 602(a)(1)(C), inserted “, dating violence, sexual assault, or stalking” after “domestic violence”.

Subsec. (b)(1). Pub. L. 109-162, § 602(a)(2)(C), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 109-162, § 602(a)(2)(A), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 109-162, § 602(a)(2)(A), (B), redesignated par. (2) as (3) and inserted “, dating violence, sexual assault, or stalking” after “violence” in introductory provisions.

² So in original. Probably should be “section”.

Subsec. (b)(3)(B). Pub. L. 109-162, §602(a)(2)(D), inserted "Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them." at end.

Subsec. (c)(1). Pub. L. 109-162, §602(a)(3), substituted "24 months" for "18 months".

Subsec. (d)(2)(B), (C). Pub. L. 109-162, §602(a)(4), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (e)(2)(A). Pub. L. 109-162, §602(a)(5)(A), inserted "purpose and" before "amount".

Subsec. (e)(2)(E). Pub. L. 109-162, §602(a)(5)(B)-(D), added subpar. (E).

Subsec. (f)(1). Pub. L. 109-162, §1135(e), which directed an amendment substantially identical to that made by Pub. L. 109-162, §3(b)(4), was repealed by Pub. L. 109-271, §§2(d) and 8(b).

Pub. L. 109-162, §3(b)(4), substituted "shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year." for "shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section."

Subsec. (g)(1). Pub. L. 109-162, §602(a)(6)(A)-(C), substituted "\$40,000,000" for "\$30,000,000", "2007" for "2004", and "2011" for "2008".

Subsec. (g)(2). Pub. L. 109-162, §602(a)(6)(D), (E), substituted "up to 5 percent" for "not more than 3 percent" and inserted "evaluation, monitoring, technical assistance," before "salaries".

Subsec. (g)(3)(C). Pub. L. 109-162, §602(a)(6)(F), added subpar. (C).

Subsec. (g)(3)(C)(i). Pub. L. 109-271, §7(c)(1)(A), added cl. (i) and struck out former cl. (i) which read as follows: "A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents."

Subsec. (g)(4). Pub. L. 109-271, §7(c)(1)(B), struck out par. (4) which read as follows: "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 3796gg-10 of this title. The requirements of this paragraph shall not apply to funds allocated for such program."

Pub. L. 109-162, §906(e), formerly §906(f), as renumbered by Pub. L. 109-271, §7(b)(2)(B), added par. (4).

TRANSFER OF FUNCTIONS

Functions of Office on Women's Health of the Public Health Service exercised prior to Mar. 23, 2010, transferred to Office on Women's Health established under section 237a of this title, see section 3509(a)(2) of Pub. L. 111-148, set out as a note under section 237a of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by sections 602(a) and 906(e) of Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

PART C—CIVIL RIGHTS FOR WOMEN

§ 13981. Civil rights

(a) Purpose

Pursuant to the affirmative power of Congress to enact this part under section 5 of the Four-

teenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this part to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) Right to be free from crimes of violence

All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d) of this section).

(c) Cause of action

A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) of this section shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) Definitions

For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim's gender; and

(2) the term "crime of violence" means—¹

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) Limitation and procedures

(1) Limitation

Nothing in this section entitles a person to a cause of action under subsection (c) of this section for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d) of this section).

(2) No prior criminal action

Nothing in this section requires a prior criminal complaint, prosecution, or conviction

¹So in original. The word "means" probably should appear after "(A)" below.