

# OVW Grant Program Statutes

*Updated as of October 1, 2013*

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Updated February 19, 2014

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<sup>1</sup> Parentheticals provide statutory codification, not original authorization. Note that Universal Definitions and Grant Conditions apply to all programs codified in VAWA by operation of 42 USC 13925. They apply to all programs codified in the Omnibus Act and VAWA 2000 by operation of VAWA 2005, Pub. L. No. 109-162, sections 3(c) and (d) respectively. They apply to programs codified in VAWA 2005 (Campus, CLSSP, and Underserved) by operation of the VAWA 2005 Technical Amendments, Pub. L. No. 109-271, section 1(c).

## Definitions and Grant Provisions, as amended by VAWA 2013

42 U.S.C.A. § 13925

### § 13925. Definitions and grant provisions

#### (a) Definitions

In this subchapter:

##### (1) Alaska Native village

The term "Alaska Native village" has the same meaning given such term in the Alaska Native Claims Settlement Act ([43 U.S.C. 1601 et seq.](#)).

##### (2) Courts

The term "courts" means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

##### (3) Child abuse and neglect

The term "child abuse and neglect" means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm to an unemancipated minor. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

##### (4) Community-based organization

The term "community-based organization" means a nonprofit, nongovernmental, or tribal organization that serves a specific geographic community that--

**(A)** focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

**(B)** has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

**(C)** has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

**(D)** obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

##### (5) Child maltreatment

The term "child maltreatment" means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

##### (6) Culturally specific

The term "culturally specific" means primarily directed toward racial and ethnic minority groups (as defined in [section 300u-6\(g\)](#) of this title).

(7) Culturally specific services

The term "culturally specific services" means community-based services that include culturally relevant and linguistically specific services and resources to culturally specific communities.

(8) Domestic violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(9) Dating partner

The term "dating partner" refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of--

- (A) the length of the relationship;
- (B) the type of relationship; and
- (C) the frequency of interaction between the persons involved in the relationship.

(10) Dating violence

The term "dating violence" means violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

(11) Elder abuse

The term "elder abuse" means any action against a person who is 50 years of age or older that constitutes the willful--

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

**(B)** deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

(12) Homeless

The term "homeless" has the meaning provided in [section 14043e-2\(6\)](#) of this title.

(13) Indian

The term "Indian" means a member of an Indian tribe.

(14) Indian country

The term "Indian country" has the same meaning given such term in [section 1151 of Title 18](#).

(15) Indian housing

The term "Indian housing" means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 ([25 U.S.C. 4101 et seq.](#), as amended).

(16) Indian tribe

The term "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act ([43 U.S.C. 1601 et seq.](#))), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(17) Indian law enforcement

The term "Indian law enforcement" means the departments or individuals under the direction of the Indian tribe that maintain public order.

(18) Law enforcement

The term "law enforcement" means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs or Village Public Safety Officers), including those referred to in [section 2802 of Title 25](#).

(19) Legal assistance

The term "legal assistance" includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in--

**(A)** family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

**(B)** criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

Intake or referral, by itself, does not constitute legal assistance.

(20) Personally identifying information or personal information

The term “personally identifying information” or “personal information” means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including--

**(A)** a first and last name;

**(B)** a home or other physical address;

**(C)** contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

**(D)** a social security number, driver license number, passport number, or student identification number; and

**(E)** any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

(21) Population specific organization

The term “population specific organization” means a nonprofit, nongovernmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

(22) Population specific services

The term “population specific services” means victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designed primarily for and are targeted to a specific underserved population.

(23) Prosecution

The term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim assistance programs).

(24) Protection order or restraining order

The term “protection order” or “restraining order” includes--

**(A)** any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

**(B)** any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(25) Rape crisis center

The term "rape crisis center" means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance, as specified in section 41601(b)(2)(C), to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.

(26) Rural area and rural community

The term "rural area" and "rural community" mean--

**(A)** any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget;

**(B)** any area or community, respectively, that is--

**(i)** within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

**(ii)** located in a rural census tract; or

**(C)** any federally recognized Indian tribe.

(27) Rural State

The term "rural State" means a State that has a population density of 57 or fewer persons per square mile or a State in which the largest county has fewer than 250,000 people, based on the most recent decennial census.

(28) Sex trafficking

The term "sex trafficking" means any conduct proscribed by [section 1591 of Title 18](#), whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

(29) Sexual assault

The term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(30) Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

**(A)** fear for his or her safety or the safety of others; or

**(B)** suffer substantial emotional distress.

(31) State

The term "State" means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(32) State domestic violence coalition

The term "State domestic violence coalition" means a program determined by the Administration for Children and Families under [sections 10402](#) and [10411](#) of this title.

(33) State sexual assault coalition

The term "State sexual assault coalition" means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act ([42 U.S.C. 280b et seq.](#)).

(34) Territorial domestic violence or sexual assault coalition

The term "territorial domestic violence or sexual assault coalition" means a program addressing domestic or sexual violence that is--

**(A)** an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

**(B)** a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

(35) Tribal coalition

The term "tribal coalition" means an established nonprofit, nongovernmental Indian organization, Alaska Native organization, or a Native Hawaiian organization that--

**(A)** provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking; and

**(B)** is comprised of board and general members that are representative of--

**(i)** the member service providers described in subparagraph (A); and

**(ii)** the tribal communities in which the services are being provided.

(36) Tribal government

The term "tribal government" means--

**(A)** the governing body of an Indian tribe; or

**(B)** a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act ([43 U.S.C. 1601 et seq.](#))), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(37) Tribal nonprofit organization

The term "tribal nonprofit organization" means--



**(A)** a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and

**(B)** staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.

(38) Tribal organization

The term "tribal organization" means--

**(A)** the governing body of any Indian tribe;

**(B)** any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

**(C)** any tribal nonprofit organization.

(39) Underserved populations

The term "underserved populations" means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

(40) Unit of local Government

The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(41) Victim advocate

The term "victim advocate" means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

(42) Victim assistant

The term "victim assistant" means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

(43) Victim service provider

The term "victim service provider" means a nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists or advocates for domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(44) Victim services or services

The terms "victim services" and "services" mean services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.

(45) Youth

The term "youth" means a person who is 11 to 24 years old.

(b) Grant conditions

(1) Match

No matching funds shall be required for any grant or subgrant made under this Act for--

**(A)** any tribe, territory, or victim service provider; or

**(B)** any other entity, including a State, that--

**(i)** petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

**(ii)** whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.

(2) Nondisclosure of confidential or private information

(A) In general

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not--

**(i)** disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or

**(ii)** disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

(C) Release

If release of information described in subparagraph (B) is compelled by statutory or court mandate--

**(i)** grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

**(ii)** grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Information sharing

**(i)** Grantees and subgrantees may share--

**(I)** nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

**(II)** court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and

**(III)** law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

**(ii)** In no circumstances may--

**(I)** an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;

**(II)** any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

(E) Statutorily mandated reports of abuse or neglect

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

(F) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

(G) Confidentiality assessment and assurances

Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

(3) Approved activities

In carrying out the activities under this subchapter, grantees and subgrantees may collaborate with or provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies and develop and promote State, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

(4) Non-supplantation

Any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this subchapter.

(5) Use of funds

Funds authorized and appropriated under this subchapter may be used only for the specific purposes described in this subchapter and shall remain available until expended.

(6) Reports

An entity receiving a grant under this subchapter shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

(7) Evaluation

Federal agencies disbursing funds under this subchapter shall set aside up to 3 percent of such funds in order to conduct--

**(A)** evaluations of specific programs or projects funded by the disbursing agency under this subchapter or related research; or

**(B)** evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

Final reports of such evaluations shall be made available to the public via the agency's website.

(8) Nonexclusivity

Nothing in this subchapter shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this subchapter.

(9) Prohibition on tort litigation

Funds appropriated for the grant program under this subchapter may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

(10) Prohibition on lobbying

Any funds appropriated for the grant program shall be subject to the prohibition in [section 1913 of Title 18](#), relating to lobbying with appropriated moneys.

(11) Technical assistance

Of the total amounts appropriated under this subchapter, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this subchapter to improve the capacity of the grantees, subgrantees, and other entities. If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this subchapter, the Office has the authority to continue setting aside amounts greater than 8 percent.

(12) Delivery of legal assistance

Any grantee or subgrantee providing legal assistance with funds awarded under this title shall comply with the eligibility requirements in section 1201(d) of the Violence Against Women Act of 2000 ([42 U.S.C. 3796gg-6\(d\)](#)).

(13) Civil rights

(A) Nondiscrimination

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of Title 18), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of [Public Law 103-322](#); 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of [Public Law 106-386](#); 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of [Public Law 109-162](#); 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2013, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

(B) Exception

If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual's sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.

(C) Discrimination

The authority of the Attorney General and the Office of Justice Programs to enforce this paragraph shall be the same as it is under [section 3789d](#) of this title.

(D) Construction

Nothing contained in this paragraph shall be construed, interpreted, or applied to supplant, displace, preempt, or otherwise diminish the responsibilities and liabilities under other State or Federal civil rights law, whether statutory or common.

(14) Clarification of victim services and legal assistance

Victim services and legal assistance under this subchapter also include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by [section 7102 of Title 22](#).

(15) Conferral

(A) In general

The Office on Violence Against Women shall establish a biennial conferral process with State and tribal coalitions and technical assistance providers who receive funding through grants administered by the Office on Violence Against Women and authorized by this Act, and other key stakeholders.

(B) Areas covered

The areas of conferral under this paragraph shall include--

- (i) the administration of grants;
- (ii) unmet needs;
- (iii) promising practices in the field; and
- (iv) emerging trends.

(C) Initial conferral

The first conferral shall be initiated not later than 6 months after March 7, 2013.

(D) Report

Not later than 90 days after the conclusion of each conferral period, the Office on Violence Against Women shall publish a comprehensive report that--

- (i) summarizes the issues presented during conferral and what, if any, policies it intends to implement to address those issues;
- (ii) is made available to the public on the Office on Violence Against Women's website and submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(16) Accountability

All grants awarded by the Attorney General under this Act shall be subject to the following accountability provisions:

(A) Audit requirement

(i) In general

Beginning in the first fiscal year beginning after September 13, 1994, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(ii) Definition

In this paragraph, the term "unresolved audit finding" means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(iii) Mandatory exclusion

A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the following 2 fiscal years.

(iv) Priority

In awarding grants under this Act, the Attorney General shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this Act.

(v) Reimbursement

If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall--

**(I)** deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

**(II)** seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(B) Nonprofit organization requirements

(i) Definition

For purposes of this paragraph and the grant programs described in this Act, the term "nonprofit organization" means an organization that is described in [section 501\(c\)\(3\) of the Internal Revenue Code of 1986](#) and is exempt from taxation under section 501(a) of such Code.

(ii) Prohibition

The Attorney General may not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in [section 511\(a\) of the Internal Revenue Code of 1986](#).

(iii) Disclosure

Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(C) Conference expenditures

(i) Limitation

No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney

General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(ii) Written approval

Written approval under clause (i) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

(iii) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

(D) Annual certification

Beginning in the first fiscal year beginning after September 13, 1994, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that--

**(i)** all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

**(ii)** all mandatory exclusions required under subparagraph (A)(iii) have been issued;

**(iii)** all reimbursements required under subparagraph (A)(v) have been made; and

**(iv)** includes a list of any grant recipients excluded under subparagraph (A) from the previous year.

CREDIT(S)

([Pub.L. 103-322, Title IV, § 40002](#), as added [Pub.L. 109-162](#), § 3(a), Jan. 5, 2006, 119 Stat. 2964; amended [Pub.L. 109-271](#), §§ 1(d) to (f), 2(e), Aug. 12, 2006, 120 Stat. 751, 752; [Pub.L. 111-320, Title II, § 202\(d\)](#), Dec. 20, 2010, 124 Stat. 3509; [Pub.L. 113-4](#), § 3, Mar. 7, 2013, 127 Stat. 56.)



## **Arrest Program, as amended by VAWA 2013, effective Oct. 1, 2013**

42 U.S.C.A. § 3796hh

### **§ 3796hh. Grants**

#### (a) Purpose

The purpose of this subchapter is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law.

#### (b) Grant authority

The Attorney General may make grants to eligible grantees for the following purposes:

- (1)** To implement proarrest programs and policies in police departments, including policies for protection order violations and enforcement of protection orders across State and tribal lines.
- (2)** To develop policies, educational programs, protection order registries, data collection systems, and training in police departments to improve tracking of cases and classification of complaints involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- (3)** To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.
- (4)** To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.
- (5)** To strengthen legal advocacy service programs and other victim services for victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.
- (6)** To educate Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.
- (7)** To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.
- (8)** To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence [\[FN1\]](#) dating violence, sexual assault, and stalking against older individuals (as defined in [section 3002](#) of this title) and individuals with disabilities (as defined in [section 12102\(2\)](#) of this title).

**(9)** To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

**(10)** To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from victim service providers, staff from population specific organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

**(11)** To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

**(12)** To develop, enhance, and maintain protection order registries.

**(13)** To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.

**(14)** To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

**(15)** To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of applications for nonimmigrant status under [subparagraphs \(T\) and \(U\) of section 1101\(a\)\(15\) of Title 8](#).

**(16)** To develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate treatment of victims.

**(17)** To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

**(18)** To develop, implement, or enhance Sexual Assault Response Teams or similar coordinated community responses to sexual assault.

**(19)** To develop and strengthen policies, protocols, and training for law enforcement officers and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

**(20)** To provide human immunodeficiency virus testing programs, counseling, and prophylaxis for victims of sexual assault.

**(21)** To identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs, including policies and protocols for notifying and involving victims.

**(22)** To develop multidisciplinary high-risk teams focusing on reducing domestic violence and dating violence homicides by--

**(A)** using evidence-based indicators to assess the risk of homicide and link high-risk victims to immediate crisis intervention services;

**(B)** identifying and managing high-risk offenders; and

**(C)** providing ongoing victim advocacy and referrals to comprehensive services including legal, housing, health care, and economic assistance.

(c) Eligibility

Eligible grantees are--

**(1)** States, Indian tribal governments [\[FN1\]](#) State and local courts (including juvenile courts), or units of local government that--

**(A)** except for a court, certify that their laws or official policies--

**(i)** encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

**(ii)** encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

**(B)** except for a court, demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

**(C)** certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense;

**(D)** certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction;

**(E)** certify that, [\[FN2\]](#) their laws, policies, or practices will ensure that--

**(i)** no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of, trial of, or sentencing for such an offense; and

**(ii)** the refusal of a victim to submit to an examination described in clause (i) shall not prevent the investigation of, trial of, or sentencing for the offense; and

**(2)** a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a State, Indian tribal government, or unit of local government that certifies that the State, Indian tribal government, or unit of local government meets the requirements under paragraph (1).

(d) Speedy notice to victims

A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this subchapter unless the State or unit of local government--

**(1)** certifies that it has a law, policy, or regulation that requires--

**(A)** the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented and the defendant is in custody or has been served with the information or indictment;

**(B)** as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

**(C)** follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

**(2)** gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of--

**(A)** the period ending on the date on which the next session of the State legislature ends; or

**(B)** 2 years.

(e) Allotment for Indian tribes

(1) 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.

(2) Applicability of subchapter

The requirements of this subchapter shall not apply to funds allocated for the program described in paragraph (1).

(f) Allocation for tribal coalitions

Of the amounts appropriated for purposes of this subchapter for each fiscal year, not less than 5 percent shall be available for grants under [section 3796gg](#) of this title.

(g) Allocation for sexual assault

Of the amounts appropriated for purposes of this subchapter for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

## CREDIT(S)

(Pub.L. 90-351, Title I, § 2101, as added [Pub.L. 103-322, Title IV, § 40231\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1932; amended [Pub.L. 106-386](#), Div. B, Title I, §§ 1101(a)(2), (b)(2), 1102(b), 1109(c), Title II, § 1209(b), Title V, § 1512(b), Oct. 28, 2000, 114 Stat. 1492, 1493, 1495, 1503, 1509, 1533; [Pub.L. 109-162, Title I, § 102\(b\), Title IX, § 906\(c\)](#), Jan. 5, 2006, 119 Stat. 2975, 3081; [Pub.L. 109-271](#), § 7(a)(5), Aug. 12, 2006, 120 Stat. 764; [Pub.L. 113-4, Title I, § 102\(a\)\(1\)](#), Mar. 7, 2013, 127 Stat. 70.)

[\[FN1\]](#) So in original. Probably should be followed by a comma.

[\[FN2\]](#) So in original. The comma probably should not appear.

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

### References in Text

This subchapter, referred to in subsecs. (a), (e), (f) and (g), was in the original “this part”, meaning Pub.L. 90-351, Title I, Part U, as added Pub.L. 103-322, Title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933, as amended, which enacted this subchapter.

### Amendments

2013 Amendments. Subsec. (b). Pub.L. 113-4, § 102(a)(1)(A)(i), in the matter preceding par. (1), struck out “States, Indian tribal governments [sic] State, tribal, territorial, and local courts (including juvenile courts),, [sic] or units of local government” and inserted “grantees”.

Subsec. (b)(1). Pub.L. 113-4, § 102(a)(1)(A)(ii), inserted “and enforcement of protection orders across State and tribal lines” before the period.

Subsec. (b)(2). Pub.L. 113-4, § 102(a)(1)(A)(iii), struck out “and training in police departments to improve tracking of cases” and inserted “data collection systems, and training in police departments to improve tracking of cases and classification of complaints”.

Subsec. (b)(4). Pub.L. 113-4, § 102(a)(1)(A)(iv), inserted “and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking” following “computer tracking systems”.

Subsec. (b)(5). Pub.L. 113-4, § 102(a)(1)(A)(v), inserted “and other victim services” following “legal advocacy service programs”.

Subsec. (b)(6). Pub.L. 113-4, § 102(a)(1)(A)(vi), struck out “judges” and inserted “Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel”.

Subsec. (b)(8). Pub.L. 113-4, § 102(a)(1)(A)(vii), struck out “and sexual assault” and inserted “dating violence, sexual assault, and stalking”.

Subsec. (b)(10). Pub.L. 113-4, § 102(a)(1)(A)(viii), struck out "non-profit, non-governmental victim services organizations," and inserted "victim service providers, staff from population specific organizations,".

Subsec. (b)(14) to (22). Pub.L. 113-4, § 102(a)(1)(A)(ix), added pars. (14) to (22).

Subsec. (c). Pub.L. 113-4, § 102(a)(1)(B), rewrote subsec. (c), which formerly read:

**"(c) Eligibility**

"Eligible grantees are States, Indian tribal governments [sic] State and local courts (including juvenile courts),, [sic] or units of local government that--

**"(1)** certify that their laws or official policies--

**"(A)** encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

**"(B)** encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

**"(2)** demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

**"(3)** certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

**"(4)** certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; and

**"(5)** certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that--

**"(A)** no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

**"(B)** the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense."

Subsec. (d)(1). Pub.L. 113-4, § 102(a)(1)(C)(i)(I), in the matter preceding subpar. (A), inserted ", policy," following "law".

Subsec. (d)(1)(A). Pub.L. 113-4, § 102(a)(1)(C)(i)(II), inserted "and the defendant is in custody or has been served with the information or indictment" before the semicolon.

Subsec. (d)(2). Pub.L. 113-4, § 102(a)(1)(C)(ii), struck out "it" and inserted "its".

Subsec. (f). Pub.L. 113-4, § 102(a)(1)(D), added subsec. (f).

Subsec. (g). Pub.L. 113-4, § 102(a)(1)(D), added subsec. (g).

2006 Amendments. Subsec. (a). Pub.L. 109-162, § 102(b)(1), struck out "to treat domestic violence as a serious violation" and inserted "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations".

Subsec. (b). Pub.L. 109-162, § 102(b)(2), inserted after "State" the following: ", tribal, territorial,".

Subsec. (b)(1). Pub.L. 109-162, § 102(b)(2)(B), struck out "mandatory arrest or" following "To implement" and "mandatory arrest programs" following "police departments, including".

Subsec. (b)(2). Pub.L. 109-162, § 102(b)(2)(C), inserted "protection order registries" after "educational programs," and struck out "domestic violence and dating violence" and inserted "domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking".

Subsec. (b)(3). Pub.L. 109-162, § 102(b)(2)(D), struck out "domestic violence cases" and inserted "domestic violence, dating violence, sexual assault, and stalking cases" and struck out "groups" and inserted "teams".

Subsec. (b)(5). Pub.L. 109-162, § 102(b)(2)(E), struck out "domestic violence and dating violence" and inserted "domestic violence, dating violence, sexual assault, and stalking".

Subsec. (b)(6). Pub.L. 109-162, § 102(b)(2)(F)(i), struck out "other" and inserted "civil" prior to "courts (including" and inserted ", dating violence, sexual assault, and stalking" after "domestic violence".

Subsec. (b)(9). Pub.L. 109-162, § 102(b)(2)(G) added par. (9).

Subsec. (b)(10). Pub.L. 109-162, § 102(b)(2)(G) added par. (10).

Subsec. (b)(11). Pub.L. 109-162, § 102(b)(2)(G) added par. (11).

Subsec. (b)(12). Pub.L. 109-162, § 102(b)(2)(G) added par. (12).

Subsec. (b)(13). Pub.L. 109-162, § 102(b)(2)(G) added par. (13).

Subsec. (c)(3). Pub.L. 109-162, § 102(b)(3)(A), struck out "and" after the semicolon.

Subsec. (c)(4). Pub.L. 109-162, § 102(b)(3)(B), struck out the period and inserted "; and".

Subsec. (c)(5). Pub.L. 109-162, § 102(b)(3)(C) added par. (5).

Subsec. (d). Pub.L. 109-162, § 102(b)(4), rewrote subsec. (d), which formerly read:

**"(d) Definition**

"In this section, the term 'protection order' has the meaning given the term in section 2266 of Title 18."

Subsec. (e). Pub.L. 109-271, § 7(a)(5), rewrote subsec. (e), which formerly read:

**"(e) Allotment for Indian tribes**

"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 subchapter shall not apply to funds allocated for such program."

Pub.L. 109-162, § 906(c), rewrote subsec. (e), which formerly read: "Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments."

Pub.L. 109-162, § 102(b)(4), rewrote subsec. (e), which formerly read: "Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments."

2000 Amendments. Subsec. (a). Pub.L. 106-386, § 1102(b)(1), inserted "State and local courts (including juvenile courts), tribal courts," after "Indian tribal governments,".

Subsec. (b). Pub.L. 106-386, § 1102(b)(2)(A), in provisions preceding par. (1), inserted "State and local courts (including juvenile courts)," after "Indian tribal governments".

Subsec. (b)(2). Pub.L. 106-386, § 1102(b)(2)(B), struck "policies and" and inserted "policies, educational programs, and".

Pub.L. 106-386, § 1109(c)(1), inserted "and dating violence" after "domestic violence".

Subsec. (b)(3). Pub.L. 106-386, § 1102(b)(2)(C), inserted "parole and probation officers," after "prosecutors,".

Subsec. (b)(4). Pub.L. 106-386, § 1102(b)(2)(D), inserted "parole and probation officers," after "prosecutors,";

Subsec. (b)(5). Pub.L. 106-386, § 1109(c)(2), inserted "and dating violence" after "domestic violence".

Pub.L. 106-386, § 1512(b), inserted before the period the following: ", including strengthening assistance to such victims in immigration matters".

Subsec. (b)(6). Pub.L. 106-386, § 1101(a)(2)(A), inserted "(including juvenile courts)" after "courts".

Subsec. (b)(7). Pub.L. 106-386, § 1101(a)(2)(B), added par. (7).

Subsec. (b)(8). Pub.L. 106-386, § 1209(b), added par. (8).

Subsec. (c). Pub.L. 106-386, § 1102(b)(3), inserted "State and local courts (including juvenile courts)," after "Indian tribal governments".

Subsec. (c)(4). Pub.L. 106-386, § 1101(b)(2)(A), added par. (4), and struck out former par. (4), which had read:

"(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena."

Subsec. (d). Pub.L. 106-386, § 1101(b)(2)(B), added subsec. (d).

Subsec. (e). Pub.L. 106-386, § 1102(b)(4), added subsec. (e).

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, § 102(b)(4), effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.



LAW REVIEW COMMENTARIES

[Mandatory arrest: A step toward eradicating domestic violence, but is it enough? Note, 1996 U.Ill.L.Rev. 533.](#)

LAW REVIEW COMMENTARIES

Rising water: The [national flood insurance program and Louisiana. Oliver A. Houck. 60 Tul.L.Rev. 61 \(1985\).](#)

LIBRARY REFERENCES

American Digest System

[Attorney General](#) ¶6.

[Criminal Law](#) ¶1220, 1222.1.

[Protection of Endangered Persons](#) ¶30.

[United States](#) ¶82(2).

Key Number System Topic Nos. [46](#), [110](#), [315P](#), 393.

42 U.S.C.A. § 3796hh, 42 USCA § 3796hh

Current through P.L. 113-13 approved 6-3-13

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United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

Chapter 46. Justice System Improvement ([Refs & Annos](#))

Subchapter XII-I. Grants to Encourage Arrest Policies and Enforcement of Protection Orders

➡ **§ 3796hh-1. Applications**

(a) Application

An eligible grantee shall submit an application to the Attorney General that--

**(1)** contains a certification by the chief executive officer of the State, Indian tribal government, court, or local government entity that the conditions of [section 3796hh\(c\)](#) of this title are met or will be met within the later of--

**(A)** the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

**(B)** 2 years of September 13, 1994 or, in the case of the condition set forth in subsection [\[FN1\]](#) 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000;

**(2)** describes plans to further the purposes stated in [section 3796hh\(a\)](#) of this title;

**(3)** identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

**(4)** includes documentation from victim service providers and, as appropriate, population specific organizations demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) Priority

In awarding grants under this subchapter, the Attorney General shall give priority to applicants that--

**(1)** do not currently provide for centralized handling of cases involving domestic violence, dating violence, sexual assault, or stalking by police, prosecutors, and courts;

**(2)** demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, dating violence, sexual assault, or stalking, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);

**(3)** have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

**(4)** in applications describing plans to further the purposes stated in [paragraph \(4\)](#) or [\(7\) of section 3796hh\(b\)](#) of this title, will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the

purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

(c) Dissemination of information

The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2102, as added [Pub.L. 103-322, Title IV, § 40231\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1933; amended [Pub.L. 106-386](#), Div. B, Title I, § 1101(a)(3), (b)(3), Oct. 28, 2000, 114 Stat. 1492, 1493; [Pub.L. 109-162, Title I, § 102\(c\)](#), Jan. 5, 2006, 119 Stat. 2977; [Pub.L. 113-4, Title I, § 102\(a\)\(2\)](#), Mar. 7, 2013, 127 Stat. 72.)

[\[FN1\]](#)So in original. Probably should be "section".

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

References in Text

Subsection 3796hh(c)(4) of this title, referred to in subsec. (a)(1)(B), which probably should be a reference to "section 3796hh(c)(4) of this title", was redesignated section 3796hh(c)(1)(D) of this title by Pub. L. 113-4, title I, § 102(a)(1)(B)(vi), Mar. 7, 2013, 127 Stat. 72.

Amendments

2013 Amendments. Subsec. (a)(1). Pub.L. 113-4, § 102(a)(2)(A), inserted "court," following "tribal government,".

Subsec. (a)(4). Pub.L. 113-4, § 102(a)(2)(B), struck out "nonprofit, private sexual assault and domestic violence programs" and inserted "victim service providers and, as appropriate, population specific organizations".

2006 Amendments. Subsec. (b)(1). Pub.L. 109-162, § 102(c), inserted after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

Subsec. (b)(2). Pub.L. 109-162, § 102(c), inserted after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

2000 Amendments. Subsec. (a)(1)(B). Pub.L. 106-386, § 1101(b)(3), inserted before the semicolon the following: "or, in the case of the condition set forth in subsection 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000".

Subsec. (b)(1). Pub.L. 106-386, § 1101(a)(3)(A)(i), struck "and" at the end.

Subsec. (b)(2). Pub.L. 106-386, § 1101(a)(3)(A)(ii), struck the period at the end and inserted ", including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);".

Subsecs. (b)(3), (4). Pub.L. 106-386, § 1101(a)(3)(A)(iii), added pars. (3) and (4).

Subsec. (c). Pub.L. 106-386, § 1101(a)(3)(B), added subsec. (c).

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, § 102, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1220, 1222.1.

[Protection of Endangered Persons](#) ¶30.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [315P](#), 393.

42 U.S.C.A. § 3796hh-1, 42 USCA § 3796hh-1

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United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

☞ [Chapter 46](#). Justice System Improvement ([Refs & Annos](#))

☞ [Subchapter XII-I](#). Grants to Encourage Arrest Policies and Enforcement of Protection Orders

➡ **§ 3796hh-2. Reports**

Each grantee receiving funds under this subchapter shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subchapter and containing such additional information as the Attorney General may prescribe.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2103, as added [Pub.L. 103-322, Title IV, § 40231\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1933.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

LIBRARY REFERENCES

American Digest System

[United States](#) ☞ [82\(2\)](#).

Key Number System Topic No. [393](#).

42 U.S.C.A. § 3796hh-2, 42 USCA § 3796hh-2

Current through P.L. 113-13 approved 6-3-13

Westlaw. (C) 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

END OF DOCUMENT

42 U.S.C.A. § 3796hh-3

United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

[Chapter 46](#). Justice System Improvement ([Refs & Annos](#))

[Subchapter XII-I](#). Grants to Encourage Arrest Policies and Enforcement of Protection Orders

➡ **§ 3796hh-3. Regulations or guidelines**

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2104, as added [Pub.L. 103-322, Title IV, § 40231\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1933.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

LIBRARY REFERENCES

American Digest System

[Attorney General](#) ¶6.

[United States](#) ¶82(2).

Key Number System Topic Nos. [46](#), [393](#).

42 U.S.C.A. § 3796hh-3, 42 USCA § 3796hh-3

Current through P.L. 113-13 approved 6-3-13

Westlaw. (C) 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

END OF DOCUMENT

42 U.S.C.A. § 3796hh-4

United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

☞ [Chapter 46](#). Justice System Improvement ([Refs & Annos](#))

☞ [Subchapter XII-I](#). Grants to Encourage Arrest Policies and Enforcement of Protection Orders

➡ **§ 3796hh-4. Definitions and grant conditions**

In this subchapter the definitions and grant conditions in [section 13925](#) of this title shall apply.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2105, as added [Pub.L. 103-322, Title IV, § 40231\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1933; amended, [Pub.L. 106-386](#), Div. B, Title I, § 1109(a)(2), Oct. 28, 2000, 114 Stat. 1503; [Pub.L. 109-162](#), § 3(c)(2), Jan. 5, 2006, 119 Stat. 2972.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

References in Text

This subchapter, referred to in text, originally read "this part", meaning Part U of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, Part U, as added Pub.L. 103-322, Title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1932, as amended, which enacted this subchapter.

Amendments

2006 Amendments. Pub.L. 109-162, § 3(c)(2), rewrote the section, which formerly read:

"§ 3796hh-4. Definitions

"For purposes of this subchapter--

"**(1)** the term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this subchapter;

"**(2)** the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding; and

"**(3)** the term 'dating violence' means violence committed by a person--

“(A) who is or has been in a social relationship of a romantic or intimate nature with the victim;  
and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

“(i) the length of the relationship;

“(ii) the type of relationship; and

“(iii) the frequency of interaction between the persons involved in the relationship.”

2000 Amendments. Par. (1). Pub.L. 106-386, § 1109(a)(2)(A), struck out “and” at the end.

Par. (2). Pub.L. 106-386, § 1109(a)(2)(B), struck the period at the end and inserted “; and”.

Par. (3). Pub.L. 106-386, § 1109(a)(2)(C), added par. (3).

42 U.S.C.A. § 3796hh-4, 42 USCA § 3796hh-4

Current through P.L. 113-13 approved 6-3-13

Westlaw. (C) 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

END OF DOCUMENT



42 U.S.C.A. § 3796hh-5

United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

☞ [Chapter 46](#). Justice System Improvement ([Refs & Annos](#))

☞ [Subchapter XII-I](#). Grants to Encourage Arrest Policies and Enforcement of Protection Orders

➡ **§ 3796hh-5. Repealed. Pub.L. 109-271, § 2(f)(2), Aug. 12, 2006, 120 Stat. 752**

#### HISTORICAL AND STATUTORY NOTES

Section 3796hh-5, Pub.L. 90-351, Title I, § 2106, as added Pub.L. 109-162, Title I, § 102(d), Jan. 5, 2006, 119 Stat. 2978, related to training and technical assistance.

#### Effective and Applicability Provisions

2005 Acts. Section enacted effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

42 U.S.C.A. § 3796hh-5, 42 USCA § 3796hh-5

Current through P.L. 113-13 approved 6-3-13

Westlaw. (C) 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

END OF DOCUMENT

**Campus Program, as amended by VAWA 2013**

42 U.S.C.A. § 14045b

**§ 14045b. Grants to combat violent crimes on campuses**

(a) Grants authorized

(1) In general

The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, to develop and strengthen victim services in cases involving such crimes on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies, and to develop and strengthen prevention education and awareness programs.

(2) Award basis

The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than \$300,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.

(3) Equitable participation

The Attorney General shall make every effort to ensure--

**(A)** the equitable participation of private and public institutions of higher education in the activities assisted under this section;

**(B)** the equitable geographic distribution of grants under this section among the various regions of the United States; and

**(C)** the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) Use of grant funds

Grant funds awarded under this section may be used for the following purposes:

**(1)** To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

**(2)** To develop, strengthen, and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, including the use of technology to commit these crimes, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services. Within 90 days after January 5, 2006, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus,

for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

**(3)** To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

**(4)** To develop, enlarge, or strengthen victim services programs and population specific services on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any victim service providers in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph, regardless of whether the services are provided by the institution or in coordination with community victim service providers.

**(5)** To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

**(6)** To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

**(7)** To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

**(8)** To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

**(9)** To develop or adapt and provide developmental, culturally appropriate, and linguistically accessible print or electronic materials to address both prevention and intervention in domestic violence, dating violence, sexual violence, and stalking.

**(10)** To develop or adapt population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.

(c) Applications

(1) In general

In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) Contents

Each application submitted under paragraph (1) shall--

**(A)** describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b) of this section;

**(B)** include proof that the institution of higher education collaborated with victim service providers, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

**(C)** describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

**(D)** describe how underserved populations in the campus community will be adequately served, including the provision of relevant population specific services;

**(E)** provide measurable goals and expected results from the use of the grant funds;

**(F)** provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b) of this section; and

**(G)** include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) Compliance with campus crime reporting required

No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of [section 1092\(f\) of Title 20](#). Up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2014 through 2018 may be used to provide technical assistance in complying with the mandatory reporting requirements of [section 1092\(f\) of title 20](#).

(d) General terms and conditions

(1) Nonmonetary assistance

In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) Grantee reporting

(A) Annual report

Each institution of higher education receiving a grant under this section shall submit a performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) Final report

Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b) of this section.

(3) Grantee minimum requirements

Each grantee shall comply with the following minimum requirements during the grant period:

**(A)** The grantee shall create a coordinated community response including both organizations external to the institution and relevant divisions of the institution.

**(B)** The grantee shall establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and stalking for all incoming students.

**(C)** The grantee shall train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking.

**(D)** The grantee shall train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking.

(4) Report to Congress

Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes--

**(A)** the number of grants, and the amount of funds, distributed under this section;

**(B)** a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

**(C)** a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

**(D)** an evaluation of the effectiveness of programs funded under this part.

(e) Authorization of appropriations

For the purpose of carrying out this section, there is authorized to be appropriated \$12,000,000 for each of fiscal years 2014 through 2018.

(f) Omitted

(g) Definitions and grant conditions

In this section the definitions and grant conditions in [section 13925](#) of this title shall apply.

CREDIT(S)

([Pub.L. 109-162, Title III, § 304](#), Jan. 5, 2006, 119 Stat. 3013; [Pub.L. 109-271](#), §§ 1(c)(1), 4(b), (d), Aug. 12, 2006, 120 Stat. 750, 758; [Pub.L. 113-4, Title III, § 303](#), Mar. 7, 2013, 127 Stat. 87.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

References in Text

This part, referred to in subsec. (d)(3)(D), probably means “this title”, meaning Pub.L. 109-162, Title III, Jan. 5, 2006, 119 Stat. 3003, which enacted this section, part K of subchapter III of chapter 136 of this title, [42 U.S.C.A. § 14043c et seq.](#), amended [42 U.S.C.A. §§ 280b-1c](#), [5633](#), and [10420](#), and repealed [20 U.S.C.A. § 1152](#).

#### Codifications

Subsec. (f), shown as omitted, repealed [20 U.S.C.A. § 1152](#).

#### Amendments

2013 Amendments. Subsec. (a)(1). Pub.L. 113-4, § 303(1)(A)(i), struck out “and” following “stalking on campuses,”.

Subsec. (a)(1). Pub.L. 113-4, § 303(1)(A)(ii), struck out “crimes against women on” and inserted “crimes on”.

Subsec. (a)(1). Pub.L. 113-4, § 303(1)(A)(iii), inserted “, and to develop and strengthen prevention education and awareness programs” before the period.

Subsec. (a)(2). Pub.L. 113-4, § 303(1)(B), struck out “\$500,000” and inserted “\$300,000”.

Subsec. (b)(2). Pub.L. 113-4, § 303(2)(A)(i), inserted “, strengthen,” after “To develop”.

Subsec. (b)(2). Pub.L. 113-4, § 303(2)(A)(ii), inserted “including the use of technology to commit these crimes,” after “sexual assault and stalking,”.

Subsec. (b)(4). Pub.L. 113-4, § 303(2)(B)(i), inserted “and population specific services” after “strengthen victim services programs”.

Subsec. (b)(4). Pub.L. 113-4, § 303(2)(B)(ii), struck out “entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs” and inserted “victim service providers”.

Subsec. (b)(4). Pub.L. 113-4, § 303(2)(B)(iii), inserted “, regardless of whether the services are provided by the institution or in coordination with community victim service providers” before the period at the end.

Subsec. (b)(9). Pub.L. 113-4, § 303(2)(C), added par. (9).

Subsec. (b)(10). Pub.L. 113-4, § 303(2)(C), added par. (10).

Subsec. (c)(2)(B). Pub.L. 113-4, § 303(3)(A)(i), struck out “any non-profit, nongovernmental entities carrying out other victim services programs” and inserted “victim service providers”.

Subsec. (c)(2)(D). Pub.L. 113-4, § 303(3)(A)(ii), (iii), redesignated former subpar. (D) as (E) and added a new subpar. (D).

Subsec. (c)(2)(E). Pub.L. 113-4, § 303(3)(A)(ii), redesignated former subpar. (D) as (E). Former subpar. (E) was redesignated (F).

Subsec. (c)(2)(F). Pub.L. 113-4, § 303(3)(A)(ii), redesignated former subpar. (E) as (F). Former subpar. (F) was redesignated (G).

Subsec. (c)(2)(G). Pub.L. 113-4, § 303(3)(A)(ii), redesignated former subpar. (F) as (G).

Subsec. (c)(3). Pub.L. 113-4, § 303(3)(B), struck out "2007 through 2011" and inserted "2014 through 2018".

Subsec. (d)(3). Pub.L. 113-4, § 303(4)(A), (B), redesignated former par. (3) as (4), and added a new par. (3).

Subsec. (d)(4). Pub.L. 113-4, § 303(4)(A), redesignated former par. (3) as (4).

Subsec. (e). Pub.L. 113-4, § 303(5), struck out "there are authorized to be appropriated \$12,000,000 for fiscal year 2007 and \$15,000,000 for each of fiscal years 2008 through 2011." and inserted "there is authorized to be appropriated \$12,000,000 for each of fiscal years 2014 through 2018."

2006 Amendments. Subsec. (b)(2). Pub.L. 109-271, § 4(b), struck out the first sentence, which read "To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking.", and inserted "To develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services."

Subsec. (d)(2)(A). Pub.L. 109-271, § 4(d), struck out "biennial" preceding "performance report".

Subsec. (g). Pub.L. 109-271, § 1(c)(1), added subsec. (g).

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title III, § 301 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Section enacted effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### LIBRARY REFERENCES

American Digest System  
[Colleges and Universities](#) ¶4.  
[United States](#) ¶82(1).

Key Number System Topic Nos. [81](#), [393](#).

42 U.S.C.A. § 14045b, 42 USCA § 14045b

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14

## **CHOOSE Children and Youth Program, as authorized by VAWA 2013**

42 U.S.C.A. § 14043c

### **§ 14043c. Creating hope through outreach, options, services, and education for children and youth (“choose children & youth”)**

#### **(a) Grants authorized**

The Attorney General, working in collaboration with the Secretary of Health and Human Services and the Secretary of Education, shall award grants to enhance the safety of youth and children who are victims of, or exposed to, domestic violence, dating violence, sexual assault, stalking, or sex trafficking and prevent future violence.

#### **(b) Program purposes**

Funds provided under this section may be used for the following program purpose areas:

##### **(1) Services to advocate for and respond to youth**

To develop, expand, and strengthen victim-centered interventions and services that target youth who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking. Services may include victim services, counseling, advocacy, mentoring, educational support, transportation, legal assistance in civil, criminal and administrative matters, such as family law cases, housing cases, child welfare proceedings, campus administrative proceedings, and civil protection order proceedings, population-specific services, and other activities that support youth in finding safety, stability, and justice and in addressing the emotional, cognitive, and physical effects of trauma. Funds may be used to--

**(A)** assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

**(B)** develop and implement policies, practices, and procedures to effectively respond to domestic violence, dating violence, sexual assault, stalking, or sex trafficking against youth; or

**(C)** provide technical assistance and training to enhance the ability of school personnel, victim service providers, child protective service workers, staff of law enforcement agencies, prosecutors, court personnel, individuals who work in after school programs, medical personnel, social workers, mental health personnel, and workers in other programs that serve children and youth to improve their ability to appropriately respond to the needs of children and youth who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking, and to properly refer such children, youth, and their families to appropriate services.

##### **(2) Supporting youth through education and protection**

To enable middle schools, high schools, and institutions of higher education to--

**(A)** provide training to school personnel, including healthcare providers and security personnel, on the needs of students who are victims of domestic violence, dating violence, sexual assault, stalking, or sex trafficking;



**(B)** develop and implement prevention and intervention policies in middle and high schools, including appropriate responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, stalking, or sex trafficking, and procedures for handling the requirements of court protective orders issued to or against students;

**(C)** provide support services for student victims of domestic violence, dating violence, sexual assault, stalking, or sex trafficking, such as a resource person who is either on-site or on-call;

**(D)** implement developmentally appropriate educational programming for students regarding domestic violence, dating violence, sexual assault, stalking, and sex trafficking and the impact of such violence on youth; or

**(E)** develop strategies to increase identification, support, referrals, and prevention programming for youth who are at high risk of domestic violence, dating violence, sexual assault, stalking, or sex trafficking.

(c) Eligible applicants

(1) In general

To be eligible to receive a grant under this section, an entity shall be--

**(A)** a victim service provider, tribal nonprofit, or population-specific or community-based organization with a demonstrated history of effective work addressing the needs of youth who are, including runaway or homeless youth affected by, victims of domestic violence, dating violence, sexual assault, stalking, or sex trafficking;

**(B)** a victim service provider that is partnered with an entity that has a demonstrated history of effective work addressing the needs of youth; or

**(C)** a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under [section 2164 of Title 10](#) or [section 921 of Title 20](#), a group of schools, a school district, or an institution of higher education.

(2) Partnerships

(A) Education

To be eligible to receive a grant for the purposes described in subsection (b)(2), an entity described in paragraph (1) shall be partnered with a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under [section 2164 of Title 10](#) or [section 921 of Title 20](#), a group of schools, a school district, or an institution of higher education.

(B) Other partnerships

All applicants under this section are encouraged to work in partnership with organizations and agencies that work with the relevant population. Such entities may include--

**(i)** a State, tribe, unit of local government, or territory;

**(ii)** a population specific or community-based organization;

**(iii)** batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders; or

**(iv)** any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and child victims served by the partnership.

(d) Grantee requirements

Applicants for grants under this section shall establish and implement policies, practices, and procedures that--

**(1)** require and include appropriate referral systems for child and youth victims;

**(2)** protect the confidentiality and privacy of child and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers all with priority on victim safety and autonomy; and

**(3)** ensure that all individuals providing intervention or prevention programming to children or youth through a program funded under this section have completed, or will complete, sufficient training in connection with domestic violence, dating violence, sexual assault, stalking, and sex trafficking.

(e) Definitions and grant conditions

In this section, the definitions and grant conditions provided for in [section 13925](#) of this title shall apply.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$15,000,000 for each of fiscal years 2014 through 2018.

(g) Allotment

(1) In general

Not less than 50 percent of the total amount appropriated under this section for each fiscal year shall be used for the purposes described in subsection (b)(1).

(2) Indian tribes

Not less than 10 percent of the total amount appropriated under this section for each fiscal year shall be made available for grants under the program authorized by [section 3796gg-10](#) of this title. The requirements of this section shall not apply to funds allocated under this paragraph.

(h) Priority

The Attorney General shall prioritize grant applications under this section that coordinate with prevention programs in the community.

CREDIT(S)

[\(Pub.L. 103-322, Title IV, § 41201](#), as added [Pub.L. 113-4, Title III, § 302](#), Mar. 7, 2013, 127 Stat. 84.)

HISTORICAL AND STATUTORY NOTES

## Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title III, § 301 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

## Prior Provisions

A prior section 14043c, Pub.L. 103-322, Title IV, § 41201, as added Pub.L. 109-162, Title III, § 303, Jan. 5, 2006, 119 Stat. 3004, which authorized the Attorney General, in consultation with the Department of Health and Human Services, to award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking, was repealed by Pub.L. 113-4, Title III, § 302, Mar. 7, 2013, 127 Stat. 84.

42 U.S.C.A. § 14043c, 42 USCA § 14043c

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14

**Culturally Specific Services Program, as amended by VAWA 2013**

42 U.S.C.A. § 14045a

**§ 14045a. Enhancing culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking**

(a) Establishment

(1) In general

Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section [\[FN1\]](#), the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the "Director"), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director. The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.

(2) Programs covered

The programs covered by paragraph (1) are the programs carried out under the following provisions:

**(A)** [Section 3796hh](#) of this title (Grants to Encourage Arrest Policies and Enforcement of Protection Orders).

**(B)** [Section 3796gg-6](#) of this title (Legal Assistance for Victims).

**(C)** [Section 13971](#) of this title (Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance).

**(D)** [Section 14041a](#) of this title (Enhanced Training and Services to End Violence Against Women Later in Life [\[FN2\]](#)).

**(E)** [Section 3796gg-7](#) of this title (Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities).

(b) Purpose of program and grants

(1) General program purpose

The purpose of the program required by this section is to promote:

**(A)** The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally specific services and other resources.

**(B)** The development of innovative culturally specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) Purposes for which grants may be used

The Director shall make grants to community-based programs for the purpose of enhancing culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural responses to domestic violence, dating violence, sexual assault, and stalking, including--

**(A)** working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

**(B)** increasing communities' capacity to provide culturally specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

**(C)** strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally specific responses to domestic violence, dating violence, sexual assault, and stalking;

**(D)** enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

**(E)** working in cooperation with the community to develop education and prevention strategies highlighting culturally specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

**(F)** providing culturally specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

**(G)** providing culturally specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

**(H)** examining the dynamics of culture and its impact on victimization and healing.

### (3) Technical assistance and training

The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

#### (c) Eligible entities

Eligible entities for grants under this Section [\[FN1\]](#) include--

**(1)** community-based programs whose primary purpose is providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

**(2)** community-based programs whose primary purpose is providing culturally specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

#### (d) Reporting

The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) Grant period

The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) Evaluation

The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) Non-exclusivity

Nothing in this Section [\[FN1\]](#) shall be interpreted to exclude culturally specific community-based programs from applying to other grant programs authorized under this Act.

(h) Definitions and grant conditions

In this section the definitions and grant conditions in [section 13925](#) of this title shall apply.

CREDIT(S)

([Pub.L. 109-162, Title I, § 121](#), Jan. 5, 2006, 119 Stat. 2991; [Pub.L. 109-271](#), §§ 1(c)(3), 2(k), Aug. 12, 2006, 120 Stat. 751, 753; [Pub.L. 113-4, Title I, § 109](#), Mar. 7, 2013, 127 Stat. 80.)

[\[FN1\]](#) So in original. The word "Section" probably should not be capitalized.

[\[FN2\]](#) So in original. Probably should read "Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life".

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

References in Text

Section 3796gg-6, referred to in subsec. (a)(2)(B), originally read "Section 14201 of division B of the Victims of Trafficking and violence Protection Act of 2000 ([42 U.S.C. 3796gg-6](#))", and was translated to mean section 1201 of division B of the Victims of Trafficking and violence Protection Act of 2000, as the probable intent of Congress.

This Act, referred to in subsecs. (b)(3) and (g), is the Violence Against Women and Department of Justice Reauthorization Act of 2005, [Pub.L. 109-162](#), Jan. 5, 2006, 119 Stat. 2960. For complete classification, see Short Title note set out under [42 U.S.C.A. § 13701](#) and Tables.

Amendments

2013 Amendments. Section heading. Pub.L. 113-4, § 109(1), struck out “and linguistically” following “culturally”.

Subsec. (a)(1). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “to enhance culturally”.

Subsec. (a)(2). Pub.L. 113-4, § 109(4), rewrote par. (2), which formerly read:

**“(2) Programs covered**

“The programs covered by paragraph (1) are the programs carried out under the following provisions:

“(A) Section 3796hh of this title, Grants to Encourage Arrest Policies.

“(B) Section 3796gg-6 of this title, Legal Assistance for Victims.

“(C) Section 13971 of this title, Rural Domestic Violence and Child Abuser Enforcement Assistance.

“(D) Section \_\_\_\_ of the Violence Against Women Act of 1994 (42 U.S.C. \_\_\_\_), Older Battered Women.

“(E) Section \_\_\_\_ of the Violence Against Women Act of 2000 (42 U.S.C. \_\_\_\_), Disabled Women Program.”

Subsec. (b)(1)(A). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “providing culturally”.

Subsec. (b)(1)(B). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “innovative culturally”.

Subsec. (b)(2). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “enhancing culturally”.

Subsec. (b)(2). Pub.L. 113-4, § 109(3), struck out “and linguistic” following “distinctive cultural”.

Subsec. (b)(2)(A). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “provide culturally”.

Subsec. (b)(2)(B). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “provide culturally”.

Subsec. (b)(2)(C). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “on culturally”.

Subsec. (b)(2)(D). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “of culturally”.

Subsec. (b)(2)(E). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “highlighting culturally”.

Subsec. (b)(2)(F). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “providing culturally”.

Subsec. (b)(2)(G). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “providing culturally”.

Subsec. (b)(3). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “culturally” both places it appeared.

Subsec. (c)(1). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “providing culturally”.

Subsec. (c)(2). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “providing culturally”.

Subsec. (d). Pub.L. 113-4, § 109(2), struck out “and linguistically” following “types of culturally”.

Subsec. (f). Pub.L. 113-4, § 109(3), struck out “and linguistic” following “enhanced cultural”.

Subsec. (g). Pub.L. 113-4, § 109(5), struck out “linguistic and” following “to exclude”.

2006 Amendments. Subsec. (a)(1). Pub.L. 109-271, § 2(k)(1), at the end, inserted “The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.”.

Subsec. (b)(2)(A) to (H). Pub.L. 109-271, § 2(k)(2), added subpars. (A) to (H).

Subsec. (h). Pub.L. 109-271, § 1(c)(3), added subsec. (h).

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Section enacted effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### LIBRARY REFERENCES

American Digest System

[United States](#) ¶82(1).

Key Number System Topic No. [393](#).

42 U.S.C.A. § 14045a, 42 USCA § 14045a

Current through P.L. 113-36 approved 9-18-13

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## **Disabilities Program, as amended by VAWA 2013**

42 U.S.C.A. § 3796gg-7

### **§ 3796gg-7. Education, training, and enhanced services to end violence against and abuse of women with disabilities**

(a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities--

**(1)** to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12102](#))); and

**(2)** to enhance direct services to such individuals.

(b) Use of funds

Grants awarded under this section shall be used--

**(1)** to provide personnel, training, technical assistance, advocacy, intervention, risk reduction (including using evidence-based indicators to assess the risk of domestic and dating violence homicide) and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

**(2)** to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

**(3)** to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

**(4)** to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service providers for disabled individuals;

**(5)** to provide training and technical assistance on the requirements of shelters and victim service providers under Federal antidiscrimination laws, including--

**(A)** the Americans with Disabilities Act of 1990 [[42 U.S.C.A. § 12101 et seq.](#)]; and

**(B)** [section 794 of Title 29](#);

**(6)** to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

**(7)** to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

**(8)** to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Eligible entities

(1) In general

An entity shall be eligible to receive a grant under this section if the entity is--

**(A)** a State;

**(B)** a unit of local government;

**(C)** an Indian tribal government or tribal organization; or

**(D)** a victim service provider, such as a State or tribal domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

(2) Limitation

A grant awarded for the purpose described in subsection (b)(8) of this section shall only be awarded to an eligible agency (as defined in [section 796f-5 of Title 29](#)).

(d) Underserved populations

In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

(e) Authorization of appropriations

There are authorized to be appropriated \$9,000,000 for each of fiscal years 2014 through 2018 to carry out this section.

CREDIT(S)

([Pub.L. 106-386](#), Div. B, Title IV, § 1402, Oct. 28, 2000, 114 Stat. 1513; [Pub.L. 109-162, Title II, § 204\(a\)](#), Jan. 5, 2006, 119 Stat. 3000; [Pub.L. 113-4, Title II, § 203](#), Mar. 7, 2013, 127 Stat. 82.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

References in Text

The Americans With Disabilities Act of 1990, referred to in subsecs. (a)(1) and (b)(5)(A), is Pub.L. 101-336, July 26, 1990, 104 Stat. 327, which is principally classified to chapter 126 of Title 42, Equal Opportunity for Individuals with Disabilities, [42 U.S.C.A. § 12101 et seq.](#) For complete classification, see Short Title note set out under [42 U.S.C.A. § 12101](#) and Tables. Section 3 of the Act, referred to in subsec. (a)(1), is classified to [42 U.S.C.A. § 12102](#).

Section 796f-5 of Title 29, referred to in subsec. (c)(2), originally read "section 410 of the Rehabilitation Act of 1973 ([29 U.S.C. 796f-5](#))" and was translated as meaning section 726 of the Rehabilitation Act of 1973, as added by section 410 of the Workforce Investment Act of 1998, which is classified to [29 U.S.C.A. § 796f-5](#), as the probable intent of Congress.

#### Codifications

This section was enacted as part of the Violence Against Women Act of 2000, Pub.L. 106-386, Div. B, Oct. 28, 2000, 114 Stat. 1513, and not as part of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, June 19, 1968, 82 Stat. 197 et seq., as amended, which comprises this chapter.

#### Amendments

2013 Amendments. Subsec. (b)(1). Pub.L. 113-4, § 203(1)(A), inserted "(including using evidence-based indicators to assess the risk of domestic and dating violence homicide)" after "risk reduction".

Subsec. (b)(4). Pub.L. 113-4, § 203(1)(B), struck out "victim service organizations" and inserted "victim service providers".

Subsec. (b)(5). Pub.L. 113-4, § 203(1)(C), struck out "victim services organizations" and inserted "victim service providers".

Subsec. (c)(1)(D). Pub.L. 113-4, § 203(2), struck out "nonprofit and nongovernmental victim services organization, such as a State" and inserted "victim service provider, such as a State or tribal".

Subsec. (e). Pub.L. 113-4, § 203(3), struck out "\$10,000,000 for each of the fiscal years 2007 through 2011" and inserted "\$9,000,000 for each of fiscal years 2014 through 2018".

2006 Amendments. Pub.L. 109-162, § 204(a), rewrote the section which formerly read:

#### **"Education and training to end violence against and abuse of women with disabilities**

##### **"(a) In general**

"The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States, units of local government, Indian tribal governments, and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 [[42 U.S.C.A. § 12102](#)]).

##### **"(b) Priorities**

"In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on--

"(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

"(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

"(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 [[42 U.S.C.A. § 12101 et seq.](#)] and section 794 of Title 29; and

"(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

##### **"(c) Uses of grants**

"Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including

independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

**“(d) Authorization of appropriations**

“There is authorized to be appropriated to carry out this section \$7,500,000 for each of fiscal years 2001 through 2005.”

Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title II, § 201 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, § 204, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1222.1.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [393](#).

42 U.S.C.A. § 3796gg-7, 42 USCA § 3796gg-7

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14

**Elder Abuse Program, as substantially amended by VAWA 2013**

42 U.S.C.A. § 14041

**§ 14041. Enhanced training and services to end abuse in later life**

(a) Definitions

In this section--

- (1) the term "exploitation" has the meaning given the term in [section 1397j](#) of this title;
- (2) the term "later life", relating to an individual, means the individual is 50 years of age or older; and
- (3) the term "neglect" means the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an individual in later life.

(b) Grant program

(1) Grants authorized

The Attorney General may make grants to eligible entities to carry out the activities described in paragraph (2).

(2) Mandatory and permissible activities

(A) Mandatory activities

An eligible entity receiving a grant under this section shall use the funds received under the grant to--

- (i) provide training programs to assist law enforcement agencies, prosecutors, agencies of States or units of local government, population specific organizations, victim service providers, victim advocates, and relevant officers in Federal, tribal, State, territorial, and local courts in recognizing and addressing instances of elder abuse;
- (ii) provide or enhance services for victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;
- (iii) establish or support multidisciplinary collaborative community responses to victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and
- (iv) conduct cross-training for law enforcement agencies, prosecutors, agencies of States or units of local government, attorneys, health care providers, population specific organizations, faith-based advocates, victim service providers, and courts to better serve victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

(B) Permissible activities

An eligible entity receiving a grant under this section may use the funds received under the grant to--

**(i)** provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; or

**(ii)** conduct outreach activities and awareness campaigns to ensure that victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect receive appropriate assistance.

(C) Waiver

The Attorney General may waive 1 or more of the activities described in subparagraph (A) upon making a determination that the activity would duplicate services available in the community.

(D) Limitation

An eligible entity receiving a grant under this section may use not more than 10 percent of the total funds received under the grant for an activity described in subparagraph (B)(ii).

(3) Eligible entities

An entity shall be eligible to receive a grant under this section if--

**(A)** the entity is--

**(i)** a State;

**(ii)** a unit of local government;

**(iii)** a tribal government or tribal organization;

**(iv)** a population specific organization with demonstrated experience in assisting individuals over 50 years of age;

**(v)** a victim service provider with demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking; or

**(vi)** a State, tribal, or territorial domestic violence or sexual assault coalition; and

**(B)** the entity demonstrates that it is part of a multidisciplinary partnership that includes, at a minimum--

**(i)** a law enforcement agency;

**(ii)** a prosecutor's office;

**(iii)** a victim service provider; and

**(iv)** a nonprofit program or government agency with demonstrated experience in assisting individuals in later life;

(4) Underserved populations

In making grants under this section, the Attorney General shall give priority to proposals providing services to culturally specific and underserved populations.

(5) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$9,000,000 for each of fiscal years 2014 through 2018.

CREDIT(S)

([Pub.L. 103-322, Title IV, § 40801](#), as added [Pub.L. 106-386](#), Div. B, Title II, § 1209(a), Oct. 28, 2000, 114 Stat. 1508; amended [Pub.L. 113-4, Title II, § 204\(a\)](#), Mar. 7, 2013, 127 Stat. 82.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

References in Text

This part, referred to in text, was in the original "this subtitle", meaning Subtitle H of the Violence Against Women Act of 1994, Pub.L. 103-322, Title IV, Sept. 13, 1994, 108 Stat. 1902, as added by Pub.L. 106-386, Div. B, Title II, § 1209(a), Oct. 28, 2000, 114 Stat. 1508, which enacted this section.

Amendments

2013 Amendments. Pub.L. 113-4, § 204(a), rewrote the section, which formerly read:

**§ 14041. Definitions**

"In this part:

**"(1) In general**

"The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 3002 of this title.

**"(2) Domestic violence**

"The term 'domestic violence' has the meaning given such term by section 3796gg-2 of this title.

**"(3) Sexual assault**

"The term 'sexual assault' has the meaning given the term in section 3796gg-2 of this title."

Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title II, § 201 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

42 U.S.C.A. § 14041, 42 USCA § 14041

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14

**Justice for Families Program, as authorized by VAWA 2013**

42 U.S.C.A. § 10420

**§ 10420. Grants to support families in the justice system**

(a) In general

The Attorney General may make grants to States, units of local government, courts (including juvenile courts), Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.

(b) Use of funds

A grant under this section may be used to--

**(1)** provide supervised visitation and safe visitation exchange of children and youth by and between parents in situations involving domestic violence, dating violence, child sexual abuse, sexual assault, or stalking;

**(2)** develop and promote State, local, and tribal legislation, policies, and best practices for improving civil and criminal court functions, responses, practices, and procedures in cases involving a history of domestic violence or sexual assault, or in cases involving allegations of child sexual abuse, including cases in which the victim proceeds pro se;

**(3)** educate court-based and court-related personnel and court-appointed personnel (including custody evaluators and guardians ad litem) and child protective services workers on the dynamics of domestic violence, dating violence, sexual assault, and stalking, including information on perpetrator behavior, evidence-based risk factors for domestic and dating violence homicide, and on issues relating to the needs of victims, including safety, security, privacy, and confidentiality, including cases in which the victim proceeds pro se;

**(4)** provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault (including child sexual abuse), and stalking and ensure necessary services dealing with the health and mental health of victims are available;

**(5)** enable courts or court-based or court-related programs to develop or enhance--

**(A)** court infrastructure (such as specialized courts, consolidated courts, dockets, intake centers, or interpreter services);

**(B)** community-based initiatives within the court system (such as court watch programs, victim assistants, pro se victim assistance programs, or community-based supplementary services);

**(C)** offender management, monitoring, and accountability programs;

**(D)** safe and confidential information-storage and information-sharing databases within and between court systems;

**(E)** education and outreach programs to improve community access, including enhanced access for underserved populations; and



**(F)** other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

**(6)** provide civil legal assistance and advocacy services, including legal information and resources in cases in which the victim proceeds pro se, to--

**(A)** victims of domestic violence; and

**(B)** nonoffending parents in matters--

**(i)** that involve allegations of child sexual abuse;

**(ii)** that relate to family matters, including civil protection orders, custody, and divorce; and

**(iii)** in which the other parent is represented by counsel;

**(7)** collect data and provide training and technical assistance, including developing State, local, and tribal model codes and policies, to improve the capacity of grantees and communities to address the civil justice needs of victims of domestic violence, dating violence, sexual assault, and stalking who have legal representation, who are proceeding pro se, or who are proceeding with the assistance of a legal advocate; and

**(8)** to improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system.

(c) Considerations

(1) In general

In making grants for purposes described in paragraphs (1) through (7) of subsection (b), the Attorney General shall consider--

**(A)** the number of families to be served by the proposed programs and services;

**(B)** the extent to which the proposed programs and services serve underserved populations;

**(C)** the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community with demonstrated histories of effective work on domestic violence, dating violence, sexual assault, or stalking, including State or tribal domestic violence coalitions, State or tribal sexual assault coalitions, local shelters, and programs for domestic violence and sexual assault victims; and

**(D)** the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral.

(2) Other grants

In making grants under subsection (b)(8) the Attorney General shall take into account the extent to which the grantee has expertise addressing the judicial system's handling of family violence, child custody, child abuse and neglect, adoption, foster care, supervised visitation, divorce, and parentage.

(d) Applicant requirements

The Attorney General may make a grant under this section to an applicant that--

(1) demonstrates expertise in the areas of domestic violence, dating violence, sexual assault, stalking, or child sexual abuse, as appropriate;

(2) ensures that any fees charged to individuals for use of supervised visitation programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) for a court-based program, certifies that victims of domestic violence, dating violence, sexual assault, or stalking are not charged fees or any other costs related to the filing, petitioning, modifying, issuance, registration, enforcement, withdrawal, or dismissal of matters relating to the domestic violence, dating violence, sexual assault, or stalking;

(4) demonstrates that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, and adequate standards are, or will be, in place (including the development of protocols or policies to ensure that confidential information is not shared with courts, law enforcement agencies, or child welfare agencies unless necessary to ensure the safety of any child or adult using the services of a program funded under this section), if the applicant proposes to operate supervised visitation programs and services or safe visitation exchange;

(5) certifies that the organizational policies of the applicant do not require mediation or counseling involving offenders and victims being physically present in the same place, in cases where domestic violence, dating violence, sexual assault, or stalking is alleged;

(6) certifies that any person providing legal assistance through a program funded under this section has completed or will complete training on domestic violence, dating violence, sexual assault, and stalking, including child sexual abuse, and related legal issues; and

(7) certifies that any person providing custody evaluation or guardian ad litem services through a program funded under this section has completed or will complete training developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition on the dynamics of domestic violence and sexual assault, including child sexual abuse, that includes training on how to review evidence of past abuse and the use of evidenced-based theories to make recommendations on custody and visitation.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$22,000,000 for each of fiscal years 2014 through 2018. Amounts appropriated pursuant to this subsection shall remain available until expended.

(f) Allotment for Indian Tribes

(1) 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.

(2) Applicability of part [\[FN1\]](#)

The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

CREDIT(S)

([Pub.L. 106-386](#), Div. B, Title III, § 1301, as added [Pub.L. 113-4, Title I, § 104\(a\)](#), Mar. 7, 2013, 127 Stat. 73.)

[FN1] So in original. Probably should be “section”.

#### HISTORICAL AND STATUTORY NOTES

##### Effective Date of Repeal

Unless as otherwise specifically provided, repeal by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as an Effective and Applicability Provisions note under [18 U.S.C.A. § 2261](#).

##### Prior Provisions

A prior section 10420, Pub.L. 106-386, Div. B, Title III, § 1301, Oct. 28, 2000, 114 Stat. 1509; Pub.L. 109-162, § 3(b)(2), Title III, § 306, Title IX, § 906(d), formerly § 906(e), Title XI, § 1135(b), Jan. 5, 2006, 119 Stat. 2971, 3016, 3081, 3109; Pub.L. 109-271, §§ 2(d), 7(b)(2)(B), (d)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 764, 766, which authorized grant awards to States, units of local government, and Indian tribal governments to provide supervised visitation programs and safe visitation exchange of children, was repealed by Pub.L. 113-4, Title I, § 104(a), Mar. 7, 2013, 127 Stat. 73.

42 U.S.C.A. § 10420, 42 USCA § 10420

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14

## LAV Program, as amended by VAWA 2013

42 U.S.C.A. § 3796gg-6

### § 3796gg-6. Legal assistance for victims

#### (a) In general

The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil and criminal legal assistance necessary to provide effective aid to adult and youth victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimal or no cost to the victims. Criminal legal assistance provided for under this section shall be limited to criminal matters relating to or arising out of domestic violence, sexual assault, dating violence, and stalking.

#### (b) Definitions and grant conditions

In this section, the definitions and grant conditions provided in [section 13925](#) of this title shall apply.

#### (c) Legal assistance for victims grants

The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments and tribal organizations, territorial organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used--

**(1)** to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault victim service providers and legal assistance providers to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault;

**(2)** to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, dating violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

**(3)** to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking, except that not more than 10 percent of the funds awarded under this section may be used for the purpose described in this paragraph.

#### (d) Eligibility

To be eligible for a grant under subsection (c) of this section, applicants shall certify in writing that--

**(1)** any person providing legal assistance through a program funded under subsection (c) of this section--

**(A)** has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or

**(B)(i)** is partnered with an entity or person that has demonstrated expertise described in subparagraph (A); and

**(ii)** has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;

**(2)** any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking victim service provider or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

**(3)** any person or organization providing legal assistance through a program funded under subsection (c) of this section has informed and will continue to inform State, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

**(4)** the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

(e) Evaluation

The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, dating violence, stalking, and sexual assault, and on evaluation research.

(f) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$57,000,000 for each of fiscal years 2014 through 2018.

(2) Allocation of funds

(A) Tribal programs

Of the amount made available under this subsection in each fiscal year, not less than 3 percent shall be used for grants for programs that assist adult and youth victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) Tribal government program

(i) In general

Not less than 7 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 subchapter

The requirements of this section shall not apply to funds allocated for the program described in clause (i).

(C) Victims of sexual assault

Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

### (3) Nonsupplantation

Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

**(4)** Repealed. [Pub.L. 109-271](#), § 7(d)(1)(B), Aug. 12, 2006, 120 Stat. 765

### CREDIT(S)

([Pub.L. 106-386](#), Div. B, Title II, § 1201, Oct. 28, 2000, 114 Stat. 1504; [Pub.L. 108-405, Title II, § 205](#), Oct. 30, 2004, 118 Stat. 2271; [Pub.L. 109-162, Title I, § 103, Title IX, § 906\(f\)](#), Jan. 5, 2006, 119 Stat. 2978, 3082; [Pub.L. 109-271](#), § 7(b)(2)(B), (d)(1), Aug. 12, 2006, 120 Stat. 764, 765; [Pub.L. 113-4, Title I, § 103](#), Mar. 7, 2013, 127 Stat. 73.)

### HISTORICAL AND STATUTORY NOTES

#### Revision Notes and Legislative Reports

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2004 Acts. [House Report No. 108-711](#), see 2004 U.S. Code Cong. and Adm. News, p. 2284.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

#### Codifications

This section was enacted as part of the Violence Against Women Act of 2000, Pub.L. 106-386, Div B, Oct. 28, 2000, 114 Stat. 1491, and not as part of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, June 19, 1968, 82 Stat. 197 et seq., as amended, which comprises this chapter.

Amendment by Pub.L. 109-162, Title I, § 103(5), directed the insertion of “dating violence,” after “domestic violence” in subsec. (e). Prior amendment by Pub.L. 108-405, § 205(5), resulted in the insertion of such language, thus requiring no further change in text.

#### Amendments

2013 Amendments. Subsec. (a). Pub.L. 113-4, § 103(1)(A), struck out “arising as a consequence of” and inserted “relating to or arising out of”.

Subsec. (a). Pub.L. 113-4, § 103(1)(B), inserted “or arising out of” after “relating to”.

Subsec. (b). Pub.L. 113-4, § 103(2)(A), inserted “and grant conditions” after “Definitions” in the heading.

Subsec. (b). Pub.L. 113-4, § 103(2)(B), inserted “and grant conditions” after “definitions”.

Subsec. (c)(1). Pub.L. 113-4, § 103(3)(A), which directed striking “victims services organizations” and inserting “victim service providers”, was executed by striking “victim services organizations” and inserting “victim service providers”, to reflect the probable intent of Congress.

Subsec. (c)(3). Pub.L. 113-4, § 103(3)(B), rewrote par. (3), which formerly read:  
“(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault.”

Subsec. (d)(1). Pub.L. 113-4, § 103(4)(A), struck out “this section has completed or will complete training in connection with domestic violence, dating violence, or sexual assault and related legal issues;” and inserted “this section--”.

Subsec. (d)(1)(A). Pub.L. 113-4, § 103(4)(A), added subpar. (A).

Subsec. (d)(1)(B). Pub.L. 113-4, § 103(4)(A), added subpar. (B).

Subsec. (d)(2). Pub.L. 113-4, § 103(4)(B), struck out “stalking organization” and inserted “stalking victim service provider”.

Subsec. (f)(1). Pub.L. 113-4, § 103(5), struck out “this section \$65,000,000 for each of fiscal years 2007 through 2011.” and inserted “this section \$57,000,000 for each of fiscal years 2014 through 2018.”.

2006 Amendments. Subsec. (a). Pub.L. 109-162, § 103(1), rewrote subsec. (a) which formerly read: “The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.”

Subsec. (b). Pub.L. 109-162, § 103(2), rewrote subsec. (b) which formerly read:

“(b) Definitions

“In this section:

“(1) Dating violence

“The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of--

“(A) the length of the relationship;

“(B) the type of relationship; and

“(C) the frequency of interaction between the persons involved in the relationship.”; and

“(2) Domestic violence

“The term “domestic violence” has the meaning given the term in section 3796gg-2 of this title.

“(3) Legal assistance for victims

“The term “legal assistance” includes assistance to victims of domestic violence, dating violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104-134.

“(4) Sexual assault

“The term “sexual assault” has the meaning given the term in section 3796gg-2 of this title.”.

Subsec. (c). Pub.L. 109-162, § 103(3), inserted “and tribal organizations, territorial organizations” after “Indian tribal governments”.

Subsec. (d)(2). Pub.L. 109-162, § 103(4), rewrote par. (2) which formerly read: “(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence, dating violence, or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;”.

Subsec. (e). Pub.L. 109-162, § 103(5), directed insertion of "dating violence," after "domestic violence," which required no change in text. See Codifications note and 2004 Amendments notes set out in this section.

Subsec. (f)(1). Pub.L. 109-162, § 103(6)(A), rewrote par. (1), which formerly read:

"(1) In general

"There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005."

Subsec. (f)(2)(A). Pub.L. 109-271, § 7(d)(1)(A)(i), struck out "10 percent" and inserted "3 percent".

Pub.L. 109-162, § 103(6)(B), struck out "5 percent" and inserted "10 percent" and inserted "adult and youth" after "that assist".

Subsec. (f)(2)(B). Pub.L. 109-271, § 7(d)(1)(A)(ii), (iii), redesignated former subpar. (B) as subpar. (C), and added a new subpar. (B).

Subsec. (f)(2)(C). Pub.L. 109-271, § 7(d)(1)(A)(ii), redesignated former subpar. (B) as subpar. (C).

Subsec. (f)(4). Pub.L. 109-271, § 7(d)(1)(B), struck out par. (4), which formerly read: "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. 109-271, § 7(b)(2)(B), amended the credit for Pub.L. 109-162, § 906(g) by changing the credit to § 906(f), requiring no change in text.

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

2004 Amendments. Subsec. (a). Pub.L. 108-405, § 205(1), inserted "dating violence," after "domestic violence,".

Subsec. (b)(1). Pub.L. 108-405, § 205(2)(A), (B), added par. (1), and redesignated former par. (1) as (2).

Subsec. (b)(2). Pub.L. 108-405, § 205(2)(A), redesignated former par. (1) as (2), and redesignated former par. (2) as (3).

Subsec. (b)(3). Pub.L. 108-405, § 205(2)(A), (C), redesignated former par. (2) as (3), and as so redesignated, inserted "dating violence," after "domestic violence,".

Subsec. (b)(4). Pub.L. 108-405, § 205(2)(A), redesignated former par. (3) as (4).

Subsec. (c)(1). Pub.L. 108-405, § 205(3)(A), inserted ", dating violence," after "between domestic violence"; and inserted "dating violence," after "victims of domestic violence".

Subsec. (c)(2). Pub.L. 108-405, § 205(3)(B), inserted "dating violence," after "domestic violence,".

Subsec. (c)(3). Pub.L. 108-405, § 205(3)(C), inserted "dating violence," after "domestic violence,".

Subsec. (d)(1). Pub.L. 108-405, § 205(4)(A), inserted ", dating violence," after "domestic violence,".



Subsec. (d)(2). Pub.L. 108-405, § 205(4)(B), inserted ", dating violence," after "domestic violence,".

Subsec. (d)(3). Pub.L. 108-405, § 205(4)(C), inserted ", dating violence," after "domestic violence,".

Subsec. (d)(4). Pub.L. 108-405, § 205(4)(D), inserted "dating violence," after "domestic violence,".

Subsec. (e). Pub.L. 108-405, § 205(5), inserted "dating violence," after "domestic violence,".

Subsec. (f)(2)(A). Pub.L. 108-405, § 205(6), inserted "dating violence," after "domestic violence,".

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, §§ 103, 906, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1220, 1222.1.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [393](#).

42 U.S.C.A. § 3796gg-6, 42 USCA § 3796gg-6

Current through P.L. 113-36 approved 9-18-13

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END OF DOCUMENT

**Rural Program, as revised by VAWA 2013, effective October 1, 2013**

42 U.S.C.A. § 13971

**§ 13971. Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance**

(a) Purposes

The purposes of this section are--

**(1)** to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among--

**(A)** domestic violence, dating violence, sexual assault, and stalking victim service providers;

**(B)** law enforcement agencies;

**(C)** prosecutors;

**(D)** courts;

**(E)** other criminal justice service providers;

**(F)** human and community service providers;

**(G)** educational institutions; and

**(H)** health care providers, including sexual assault forensic examiners;

**(2)** to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

**(3)** to increase the safety and well-being of women and children in rural communities, by--

**(A)** dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

**(B)** creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

(b) Grants authorized

The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the "Director"), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by--

**(1)** implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim service providers, and other related parties to

investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking, including developing multidisciplinary teams focusing on high risk cases with the goal of preventing domestic and dating violence homicides;

(2) providing treatment, counseling, advocacy, legal assistance, and other long-term and short-term victim and population specific services to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters;

(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues; and

(4) developing, enlarging, or strengthening programs addressing sexual assault, including sexual assault forensic examiner programs, Sexual Assault Response Teams, law enforcement training, and programs addressing rape kit backlogs.

(5) developing programs and strategies that focus on the specific needs of victims of domestic violence, dating violence, sexual assault, and stalking who reside in remote rural and geographically isolated areas, including addressing the challenges posed by the lack of access to shelters and victims services, and limited law enforcement resources and training, and providing training and resources to Community Health Aides involved in the delivery of Indian Health Service programs.

(c) Use of funds

Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a) of this section.

(d) Allotments and priorities

(1) Allotment for Indian tribes

(A) 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.

(B) Applicability of part

The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).

(2) Allotment for sexual assault

(A) In general

Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of \$45,000, 000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of \$ 50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of \$55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

(B) Multiple purpose applications

Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

(3) Allotment for technical assistance

Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

(4) Underserved populations

In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

(5) Allocation of funds for rural States

Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

(e) Authorization of appropriations

(1) In general

There are authorized to be appropriated \$50,000,000 for each of fiscal years 2014 through 2018 to carry out this section.

(2) Additional funding

In addition to funds received through a grant under subsection (b) of this section, a law enforcement agency may use funds received through a grant under part Q of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 ([42 U.S.C. 3796dd et seq.](#)) to accomplish the objectives of this section.

## CREDIT(S)

([Pub.L. 103-322, Title IV, § 40295](#), Sept. 13, 1994, 108 Stat. 1940; [Pub.L. 106-386](#), Div. B, Title I, §§ 1105, 1109(d), Title V, § 1512(c), Oct. 28, 2000, 114 Stat. 1497, 1503, 1533; [Pub.L. 109-162, Title II, § 203, Title IX, § 906\(d\)](#), Jan. 5, 2006, 119 Stat. 2998; [Pub.L. 109-271](#), § 7(b)(1), (b)(2)(A), Aug. 12, 2006, 120 Stat. 764; [Pub.L. 113-4, Title II, § 202](#), Mar. 7, 2013, 127 Stat. 81.)

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

### References in Text

The Omnibus Crime Control and Safe Streets Act of 1968 ([42 U.S.C. 3796dd et seq.](#)), referred to in subsec. (e)(2), is Pub.L. 90-351, Title I, Part Q, as added Pub.L. 103-322, Title I, § 10003(a)(3), Sept. 13, 1994, 108 Stat. 1808, as amended, which is classified to subchapter XII-E of chapter 46 of this title, Public Safety and Community Policing; “Cops on the Beat”, [42 U.S.C.A. § 3796dd et seq.](#)

### Amendments

2013 Amendments. Subsec. (a)(1)(H). Pub.L. 113-4, § 202(1), inserted “, including sexual assault forensic examiners” before the semicolon.

Subsec. (b)(1). Pub.L. 113-4, § 202(2)(A)(i), struck out “victim advocacy groups” and inserted “victim service providers”.

Subsec. (b)(1). Pub.L. 113-4, § 202(2)(A)(ii), inserted “, including developing multidisciplinary teams focusing on high risk cases with the goal of preventing domestic and dating violence homicides” before the semicolon.

Subsec. (b)(2). Pub.L. 113-4, § 202(2)(B)(i), struck out “and other long- and short-term assistance” and inserted “legal assistance, and other long-term and short-term victim and population specific services”.

Subsec. (b)(2). Pub.L. 113-4, § 202(2)(B)(ii), struck out “and” at the end.

Subsec. (b)(3). Pub.L. 113-4, § 202(2)(C), struck out the period at the end and inserting “; and”.

Subsec. (b)(4). Pub.L. 113-4, § 202(2)(D), added par. (4).

Subsec. (b)(5). Pub.L. 113-4, § 202(2)(D), added par. (5).

Subsec. (e)(1). Pub.L. 113-4, § 202(3), struck out “\$55,000,000 for each of the fiscal years 2007 through 2011” and inserted “\$50,000,000 for each of fiscal years 2014 through 2018”.

2006 Amendments. Pub.L. 109-162, § 203, rewrote the section which formerly read:

**“§ 13971. Domestic violence and child abuse enforcement assistance**

**“(a) Grants**

“The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States--

“(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and dating violence (as defined in section 3796gg-2 of this title) and child abuse;

“(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and

“(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

**“(b) Definitions**

“In this section--

“ ‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act ([43 U.S.C. 1601 et seq.](#)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“ ‘rural State’ has the meaning stated in section 3796bb(b) of this title.

**“(c) Authorization of appropriations**

**“(1) In general**

“There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.

**“(2) Additional funding**

“In addition to funds received under a grant under subsection (a) of this section, a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

**“(3) Allotment for Indian tribes**

“Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.”

Subsec. (c)(3). Pub.L. 109-162, § 906(d), purporting to rewrite par. (3), which was incapable of execution due to prior amendment of the entire section by Pub.L. 109-162, § 203, which omitted par. (3) from subsec. (c), was subsequently repealed by Pub.L. 109-271, § 7(b)(2)(A). See Repeals note set out under this section.

Subsec. (d)(1). Pub.L. 109-271, § 7(b)(1), rewrote par. (1), which formerly read:

**“(1) Allotment for Indian tribes**

“Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.”

2000 Amendments. Subsec. (a)(1). Pub.L. 106-386, § 1109(d)(1), inserted “and dating violence (as defined in section 3996gg-2 of this title)” after “domestic violence”.

Subsec. (a)(2). Pub.L. 106-386, § 1512(c), revised par. (2). Immediately prior to such amendment, par. (2), as amended by section 1109(d)(2) of Pub.L. 106-386, read as follows: “to provide treatment and counseling to victims of domestic violence and dating violence (as defined in section 3996gg-2 of this title) and child abuse; and”.

Pub.L. 106-386, § 1109(d)(2), inserted “and dating violence (as defined in section 3996gg-2 of this title)” after “domestic violence”.

Prior to amendment by section 1109(d)(2) of Pub.L. 106-386, par. (2) read as follows: “to provide treatment and counseling to victims of domestic violence and child abuse; and”.

Subsec. (c)(1). Pub.L. 106-386, § 1105(1), added par. (1), and struck former par. (1), which read as follows:

**“(1) In general**

“There are authorized to be appropriated to carry out this section--

“(A) \$7,000,000 for fiscal year 1996;

“(B) \$8,000,000 for fiscal year 1997; and

“(C) \$15,000,000 for fiscal year 1998.”

Subsec. (c)(3). Pub.L. 106-386, § 1105(2), added par. (3).

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title II, § 201 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, §§ 203, 906, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### Repeals

Pub.L. 109-162, Title IX, § 906(d), Jan. 5, 2006, 119 Stat. 3081, cited as a credit to this section, was repealed by Pub.L. 109-271, § 7(b)(2)(A), Aug. 12, 2006, 120 Stat. 764.

#### LIBRARY REFERENCES

American Digest System

[United States](#) ¶40, 41, 82(1), 85.

Key Number System Topic No. [393](#).

#### RESEARCH REFERENCES

##### Encyclopedias

[92 Am. Jur. Trials 1](#), Criminal Defense: Assault and Battery Cases.

42 U.S.C.A. § 13971, 42 USCA § 13971

Current through P.L. 113-31 approved 8-9-13

**Sexual Assault Services Program, as amended by VAWA 2013**

42 U.S.C.A. § 14043g

**§ 14043g. Sexual assault services program**

(a) Purposes

The purposes of this section are--

**(1)** to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for--

**(A)** adult, youth, and child victims of sexual assault;

**(B)** family and household members of such victims; and

**(C)** those collaterally affected by the victimization, except for the perpetrator of such victimization; and

**(2)** to provide for technical assistance and training relating to sexual assault to--

**(A)** Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

**(B)** professionals working in legal, social service, and health care settings;

**(C)** nonprofit organizations;

**(D)** faith-based organizations; and

**(E)** other individuals and organizations seeking such assistance.

(b) Grants to States and territories

(1) Grants authorized

The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.

(2) Allocation and use of funds

(A) Administrative costs

Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds

Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit,



nongovernmental organizations or tribal programs and activities for programs and activities within such State or territory that provide direct intervention and related assistance.

(C) Intervention and related assistance

Intervention and related assistance under subparagraph (B) may include--

- (i) 24-hour hotline services providing crisis intervention services and referral;
- (ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;
- (iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;
- (iv) information and referral to assist the sexual assault victim and family or household members;
- (v) community-based, culturally specific services and support mechanisms, including outreach activities for underserved communities; and
- (vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

(3) Application

(A) In general

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

(B) Contents

Each application submitted under subparagraph (A) shall--

- (i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;
- (ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;
- (iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and
- (iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

(4) Minimum amount

The Attorney General shall allocate to each State (including the District of Columbia and Puerto Rico) not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.25 percent of the total

appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of all the States and the territories.

(c) Grants for culturally specific programs addressing sexual assault

(1) Grants authorized

The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

(2) Eligible entities

To be eligible to receive a grant under this section, an entity shall--

**(A)** be a private nonprofit organization that focuses primarily on culturally specific communities;

**(B)** must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

**(C)** have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

**(D)** have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

(3) Award basis

The Attorney General shall award grants under this section on a competitive basis.

(4) Distribution

**(A)** The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

**(B)** Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

(5) Term

The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

(6) Reporting

Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

(d) Grants to state, territorial, and tribal sexual assault coalitions

(1) Grants authorized

(A) In general

The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

(B) Minimum amount

Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

(C) Eligible applicants

Each of the State, territorial, and tribal sexual assault coalitions.

(2) Use of funds

Grant funds received under this subsection may be used to--

**(A)** work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

**(B)** work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

**(C)** work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

**(D)** design and conduct public education campaigns;

**(E)** plan and monitor the distribution of grants and grant funds to their State, territory, or tribe;  
or

**(F)** collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

(3) Allocation and use of funds

From amounts appropriated for grants under this subsection for each fiscal year--

**(A)** not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and

**(B)** the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

(4) Application

Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

(5) First-time applicants

No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

(e) Grants to tribes

(1) Grants authorized

The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

(2) Allocation and use of funds

(A) Administrative costs

Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds

Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

(f) Authorization of appropriations

(1) In general

There are authorized to be appropriated \$40,000,000 to remain available until expended for each of fiscal years 2014 through 2018 to carry out the provisions of this section.

(2) Allocations

Of the total amounts appropriated for each fiscal year to carry out this section--

**(A)** not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

**(B)** not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

**(C)** not less than 65 percent shall be used for grants to States and territories under subsection (b) of this section;

**(D)** not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d) of this section;

**(E)** not less than 10 percent shall be used for grants to tribes under subsection (e) of this section; and

**(F)** not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c) of this section.

#### CREDIT(S)

([Pub.L. 103-322, Title IV, § 41601](#), as added [Pub.L. 109-271](#), § 3(b), Aug. 12, 2006, 120 Stat. 754; amended [Pub.L. 113-4, Title II, § 201](#), Mar. 7, 2013, 127 Stat. 80.)

#### HISTORICAL AND STATUTORY NOTES

##### Amendments

2013 Amendments. Subsec. (b)(1). Pub.L. 113-4, § 201(a)(1), struck out “other programs and projects to assist those victimized by sexual assault.” and inserted “other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.”

Subsec. (b)(2)(B). Pub.L. 113-4, § 201(a)(2)(A), inserted “or tribal programs and activities” after “nongovernmental organizations”.

Subsec. (b)(2)(C)(v). Pub.L. 113-4, § 201(a)(2)(B), struck out “linguistically and” preceding “culturally specific”.

Subsec. (b)(4). Pub.L. 113-4, § 201(a)(3)(A), inserted “(including the District of Columbia and Puerto Rico)” after “The Attorney General shall allocate to each State”.

Subsec. (b)(4). Pub.L. 113-4, § 201(a)(3)(B), struck out “the District of Columbia, Puerto Rico,” after “Guam”.

Subsec. (b)(4). Pub.L. 113-4, § 201(a)(3)(C), struck out “0.125 percent” and inserted “0.25 percent”.

Subsec. (b)(4). Pub.L. 113-4, § 201(a)(3)(D), struck out the final sentence: “The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.”

Subsec. (f)(1). Pub.L. 113-4, § 201(b), struck out “\$50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011” and inserted “\$40,000,000 to remain available until expended for each of fiscal years 2014 through 2018”.

##### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title II, § 201 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

#### LIBRARY REFERENCES

American Digest System

[Indians](#) ¶139.

[Protection of Endangered Persons](#) ¶6.

[United States](#) ¶82(1).

Key Number System Topic Nos. [209](#), [315P](#), 393.

42 U.S.C.A. § 14043g, 42 USCA § 14043g

Current through P.L. 113-36 approved 9-18-13

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## **SMART Prevention Program, as authorized by VAWA 2013**

42 U.S.C.A. § 14043d-2

### **§ 14043d-2. Saving money and reducing tragedies through prevention (smart prevention)**

#### (a) Grants authorized

The Attorney General, in consultation with the Secretary of Health and Human Services and the Secretary of Education, is authorized to award grants for the purpose of preventing domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.

#### (b) Use of funds

Funds provided under this section may be used for the following purposes:

##### (1) Teen dating violence awareness and prevention

To develop, maintain, or enhance programs that change attitudes and behaviors around the acceptability of domestic violence, dating violence, sexual assault, and stalking and provide education and skills training to young individuals and individuals who influence young individuals. The prevention program may use evidence-based, evidence-informed, or innovative strategies and practices focused on youth. Such a program should include--

**(A)** age and developmentally-appropriate education on domestic violence, dating violence, sexual assault, stalking, and sexual coercion, as well as healthy relationship skills, in school, in the community, or in health care settings;

**(B)** community-based collaboration and training for those with influence on youth, such as parents, teachers, coaches, healthcare providers, faith-leaders, older teens, and mentors;

**(C)** education and outreach to change environmental factors contributing to domestic violence, dating violence, sexual assault, and stalking; and

**(D)** policy development targeted to prevention, including school-based policies and protocols.

##### (2) Children exposed to violence and abuse

To develop, maintain or enhance programs designed to prevent future incidents of domestic violence, dating violence, sexual assault, and stalking by preventing, reducing and responding to children's exposure to violence in the home. Such programs may include--

**(A)** providing services for children exposed to domestic violence, dating violence, sexual assault or stalking, including direct counseling or advocacy, and support for the non-abusing parent; and

**(B)** training and coordination for educational, after-school, and childcare programs on how to safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking and properly refer children exposed and their families to services and violence prevention programs.

##### (3) Engaging men as leaders and role models

To develop, maintain or enhance programs that work with men to prevent domestic violence, dating violence, sexual assault, and stalking by helping men to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

(c) Eligible entities

To be eligible to receive a grant under this section, an entity shall be--

**(1)** a victim service provider, community-based organization, tribe or tribal organization, or other non-profit, nongovernmental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and expertise in the specific area for which they are applying for funds; or

**(2)** a partnership between a victim service provider, community-based organization, tribe or tribal organization, or other non-profit, nongovernmental organization that has a history of effective work preventing domestic violence, dating violence, sexual assault, or stalking and at least one of the following that has expertise in serving children exposed to domestic violence, dating violence, sexual assault, or stalking, youth domestic violence, dating violence, sexual assault, or stalking prevention, or engaging men to prevent domestic violence, dating violence, sexual assault, or stalking:

**(A)** A public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under [section 2164 of Title 10](#) or [section 921 of Title 20](#), a group of schools, or a school district.

**(B)** A local community-based organization, population-specific organization, or faith-based organization that has established expertise in providing services to youth.

**(C)** A community-based organization, population-specific organization, university or health care clinic, faith-based organization, or other non-profit, nongovernmental organization with a demonstrated history of effective work addressing the needs of children exposed to domestic violence, dating violence, sexual assault, or stalking.

**(D)** A nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic violence, dating violence, sexual assault, or stalking.

**(E)** Healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of children and youth.

**(F)** Any other agencies, population-specific organizations, or nonprofit, nongovernmental organizations with the capacity to provide necessary expertise to meet the goals of the program; or

**(3)** a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under [section 2164 of Title 10](#) or [section 921 of Title 20](#), a group of schools, a school district, or an institution of higher education.

(d) Grantee requirements

(1) In general

Applicants for grants under this section shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require that demonstrates the capacity of the applicant and partnering organizations to undertake the project.



(2) Policies and procedures

Applicants under this section shall establish and implement policies, practices, and procedures that--

**(A)** include appropriate referral systems to direct any victim identified during program activities to highly qualified follow-up care;

**(B)** protect the confidentiality and privacy of adult and youth victim information, particularly in the context of parental or third party involvement and consent, mandatory reporting duties, and working with other service providers;

**(C)** ensure that all individuals providing prevention programming through a program funded under this section have completed or will complete sufficient training in connection with domestic violence, dating violence, sexual assault or stalking; and

**(D)** document how prevention programs are coordinated with service programs in the community.

(3) Preference

In selecting grant recipients under this section, the Attorney General shall give preference to applicants that--

**(A)** include outcome-based evaluation; and

**(B)** identify any other community, school, or State-based efforts that are working on domestic violence, dating violence, sexual assault, or stalking prevention and explain how the grantee or partnership will add value, coordinate with other programs, and not duplicate existing efforts.

(e) Definitions and grant conditions

In this section, the definitions and grant conditions provided for in [section 13925](#) of this title shall apply.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$15,000,000 for each of fiscal years 2014 through 2018. Amounts appropriated under this section may only be used for programs and activities described under this section.

(g) Allotment

(1) In general

Not less than 25 percent of the total amounts appropriated under this section in each fiscal year shall be used for each set of purposes described in paragraphs (1), (2), and (3) of subsection (b).

(2) Indian tribes

Not less than 10 percent of the total amounts appropriated under this section in each fiscal year shall be made available for grants to Indian tribes or tribal organizations. If an insufficient number of applications are received from Indian tribes or tribal organizations, such funds shall be allotted to other population-specific programs.

## CREDIT(S)

([Pub.L. 103-322, Title IV, § 41303](#), as added [Pub.L. 109-162, Title IV, § 401](#), Jan. 5, 2006, 119 Stat. 3018; amended [Pub.L. 113-4, Title IV, § 402\(a\)](#), Mar. 7, 2013, 127 Stat. 92.)

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

### References in Text

The Social Security Act, referred to in subsec. (c)(2)(E), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended, which is principally classified to chapter 7 of this title, [42 U.S.C.A. § 301 et seq.](#) Title XVIII of such Act is principally classified to subchapter XVIII of chapter 7 of this title, [42 U.S.C.A. § 1395 et seq.](#) For complete classification, see [42 U.S.C.A. § 1305](#) and Tables.

### Amendments

2013 Amendments. Pub.L. 113-4, § 402(a), rewrote the section, which formerly read:

**“(a) Grants authorized**

**“(1) In general**

“The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

**“(2) Term**

“The Director shall make grants under this section for a period of 2 fiscal years.

**“(3) Award basis**

“The Director shall award grants--

**“(A)** considering the needs of underserved populations;

**“(B)** awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

**“(C)** awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

**“(D)** awarding not less than 66 percent to programs described in subsection (c)(1) of this section from the amounts made available under this section for a fiscal year.

**“(b) Authorization of appropriations**

“There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2007 through 2011.

**“(c) Use of funds**

“The funds appropriated under this section shall be used for--

**“(1)** programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

**“(2)** training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence,

sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

**“(d) Eligible entities**

“To be eligible to receive a grant under this section, an entity shall be a--

“(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

“(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

**“(e) Grantee requirements**

“Under this section, an entity shall--

“(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

“(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to--

“(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

“(B) ensure linguistically, culturally, and community relevant services for underserved communities.”

Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title IV, § 401 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

LIBRARY REFERENCES

American Digest System

[Indians](#) ¶139.

[Infants](#) ¶1423.

[Protection of Endangered Persons](#) ¶6.

[United States](#) ¶82(1).

Key Number System Topic Nos. [209](#), [211](#), [315P](#), 393.

42 U.S.C.A. § 14043d-2, 42 USCA § 14043d-2

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14

**State Coalitions Grant Program (unchanged by VAWA 2013 in relevant part)**

[Excerpted from STOP program statute]

42 U.S.C.A. § 3796gg(c)

\* \* \*

(c) State coalition grants

(1) Purpose

The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

(2) Grants to State coalitions

The Attorney General shall award grants to--

**(A)** each State domestic violence coalition, as determined by the Secretary of Health and Human Services under [section 10411](#) of this title; and

**(B)** each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act ([42 U.S.C. 280b et seq.](#)).

(3) Eligibility for other grants

Receipt of an award under this part by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b) of this section.

\* \* \*

42 U.S.C.A. § 3796gg-1

**§ 3796gg-1. State grants**

\* \* \*

(b) Amounts

Of the amounts appropriated for the purposes of this subchapter--

(1) 10 percent shall be available for grants under the program authorized by [section 3796gg-10](#) of this title, which shall not otherwise be subject to the requirements of this subchapter (other than [section 3796gg-2](#) of this title);

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under [section 3796gg\(c\)](#) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands. [\[FN1\]](#), each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under [section 3796gg\(c\)](#) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

(4) 1/56 shall be available for grants under [section 3796gg\(d\)](#) of this title;

(5) \$600,000 shall be available for grants to applicants in each State; and

(6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

\* \* \*

#### CREDIT(S)

(Pub.L. 90-351, Title I, § 2007, formerly § 2002, as added [Pub.L. 103-322, Title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1911; amended [Pub.L. 106-386](#), Div. B, Title I, §§ 1102(a)(2), 1103(b)(2), Oct. 28, 2000, 114 Stat. 1494, 1496; redesignated § 2007, [Pub.L. 107-273](#), Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1786 and amended [Pub.L. 108-405](#), § 310(b), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 108-405](#), § 310(c), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 109-162, Title I, § 101\(c\)](#) to (e), Title IX, § 906(b), Title XI, § 1134(a), Jan. 5, 2006, 119 Stat. 2973, 2974, 3081, 3108; [Pub.L. 109-271](#), §§ 2(d), (f)(1), (g), (l), 7(a)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 754, 763, 766; [Pub.L. 113-4, Title I, § 101\(3\)](#), Mar. 7, 2013, 127 Stat. 66.)

[\[FN1\]](#) So in original. The period probably should not appear.

## **STOP Violence Against Women Formula Grant Program, as amended by VAWA 2013**

42 U.S.C.A. § 3796gg

### **§ 3796gg. Purpose of program and grants**

#### (a) General program purpose

The purpose of this subchapter is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

#### (b) Purposes for which grants may be used

Grants under this subchapter shall provide personnel, training, technical assistance, data collection and other resources for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, for the protection and safety of victims, and specifically, for the purposes of--

**(1)** training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under [subparagraphs \(T\)](#) and [\(U\) of section 1101\(a\)\(15\) of Title 8](#);

**(2)** developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

**(3)** developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims;

**(4)** developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

**(5)** developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, dating violence, and stalking programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of domestic violence, dating violence, sexual assault, and stalking;

**(6)** developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

**(7)** supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking;

**(8)** training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

**(9)** developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, sexual assault, or stalking, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;

**(10)** providing assistance to victims of domestic violence and sexual assault in immigration matters;

**(11)** maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

**(12)** supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities--

**(A)** developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;

**(B)** notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

**(C)** referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

**(D)** taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order;

**(13)** providing funding to law enforcement agencies, victim services providers, and State, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote--

**(A)** the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as "Crystal Judson Victim Advocates," providing supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

**(B)** the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police

("Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project" July 2003));

**(C)** the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (13) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol;

**(14)** developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;

**(15)** developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;

**(16)** developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

**(17)** developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;

**(18)** identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;

**(19)** developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in [section 249\(c\) of Title 18](#); and

**(20)** developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.

(c) State coalition grants

(1) Purpose

The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

(2) Grants to State coalitions

The Attorney General shall award grants to--

**(A)** each State domestic violence coalition, as determined by the Secretary of Health and Human Services under [section 10411](#) of this title; and



**(B)** each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act ([42 U.S.C. 280b et seq.](#)).

(3) Eligibility for other grants

Receipt of an award under this part by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b) of this section.

(d) Tribal coalition grants

(1) Purpose

The Attorney General shall award a grant to tribal coalitions for purposes of--

**(A)** increasing awareness of domestic violence and sexual assault against Indian women;

**(B)** enhancing the response to violence against Indian women at the Federal, State, and tribal levels;

**(C)** identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and

**(D)** assisting Indian tribes in developing and promoting State, local, and tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(2) Grants

The Attorney General shall award grants on an annual basis under paragraph (1) to--

**(A)** each tribal coalition that--

**(i)** meets the criteria of a tribal coalition under [section 13925\(a\)](#) of this title;

**(ii)** is recognized by the Office on Violence Against Women; and

**(iii)** provides services to Indian tribes; and

**(B)** organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

(3) Use of amounts

For each of fiscal years 2014 through 2018, of the amounts appropriated to carry out this subsection--

**(A)** not more than 10 percent shall be made available to organizations described in paragraph (2)(B), provided that 1 or more organizations determined by the Attorney General to be qualified apply;

**(B)** not less than 90 percent shall be made available to tribal coalitions described in paragraph (2)(A), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

#### (4) Eligibility for other grants

Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this title to carry out the purposes described in paragraph (1).

#### (5) Multiple purpose applications

Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2) from applying for funding to address sexual assault or domestic violence needs in the same application.

#### CREDIT(S)

(Pub.L. 90-351, Title I, § 2001, as added [Pub.L. 103-322, Title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1910; amended [Pub.L. 106-386](#), Div. B, Title I, §§ 1102(a)(1), 1103(b)(1), 1109(b), Title II, § 1209(c), Title V, § 1512(a), Oct. 28, 2000, 114 Stat. 1494, 1495, 1503, 1509, 1533; [Pub.L. 108-405, Title III, § 310\(a\)](#), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 109-162, Title I, § 101\(b\)](#), Jan. 5, 2006, 119 Stat. 2972; [Pub.L. 111-320, Title II, § 202\(c\)](#), Dec. 20, 2010, 124 Stat. 3509; [Pub.L. 113-4, Title I, § 101\(2\), Title IX, § 902](#), Mar. 7, 2013, 127 Stat. 65, 119.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2004 Acts. [House Report No. 108-711](#), see 2004 U.S. Code Cong. and Adm. News, p. 2284.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

##### References in Text

The Public Health Service Act, referred to in subsec. (c)(2)(B), is Act July 1, 1944, c. 373, 58 Stat. 682, as amended, which is classified principally to chapter 6A (section 201 et seq.) of this title. See Tables for complete classification.

##### Amendments

2013 Amendments. Subsec. (b). Pub.L. 113-4, § 101(2)(A)(i), in the matter preceding par. (1), struck out "equipment" and inserted "resources".

Subsec. (b). Pub.L. 113-4, § 101(2)(A)(ii), in the matter preceding par. (1), inserted "for the protection and safety of victims," after "women,".

Subsec. (b)(1). Pub.L. 113-4, § 101(2)(B), struck out "sexual assault, domestic violence, and dating violence" and inserted "domestic violence, dating violence, sexual assault, and stalking,

including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 1101(a)(15) of Title 8".

Subsec. (b)(2). Pub.L. 113-4, § 101(2)(C), struck out "sexual assault and domestic violence" and inserted "domestic violence, dating violence, sexual assault, and stalking".

Subsec. (b)(3). Pub.L. 113-4, § 101(2)(D), struck out "sexual assault and domestic violence" and inserted "domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims".

Subsec. (b)(4). Pub.L. 113-4, § 101(2)(E), struck out "sexual assault and domestic violence" and inserted "domestic violence, dating violence, sexual assault, and stalking"; and inserted ", classifying," after "identifying".

Subsec. (b)(5). Pub.L. 113-4, § 101(2)(F)(i), inserted "and legal assistance" following "victim services".

Subsec. (b)(5). Pub.L. 113-4, § 101(2)(F)(ii), which directed substitution of "domestic violence, dating violence, and stalking" for "domestic violence and dating violence", was executed by making the substitution for "domestic violence, and dating violence" to reflect the probable intent of Congress.

Subsec. (b)(5). Pub.L. 113-4, § 101(2)(F)(iii), struck out "sexual assault and domestic violence" and inserted "domestic violence, dating violence, sexual assault, and stalking".

Subsec. (b)(6). Pub.L. 113-4, § 101(2)(G), struck out par. (6), and redesignated former par. (7) as par. (6). Prior to repeal, par. (6) read: "developing, enlarging, or strengthening programs addressing stalking;" .

Subsec. (b)(6). Pub.L. 113-4, § 101(2)(H), in par. (6) as so redesignated, struck out "sexual assault and domestic violence" and inserted "domestic violence, dating violence, sexual assault, and stalking".

Subsec. (b)(7). Pub.L. 113-4, § 101(2)(G), redesignated former par. (7) as (6). Former par. (8) redesignated as (7).

Subsec. (b)(7). Pub.L. 113-4, § 101(2)(I), in par. (7) as so redesignated, struck out "and dating violence" and inserted "dating violence, and stalking".

Subsec. (b)(8). Pub.L. 113-4, § 101(2)(G), redesignated former par. (8) as (7). Former par. (9) redesignated as (8).

Subsec. (b)(9). Pub.L. 113-4, § 101(2)(G), redesignated former par. (9) as (8). Former par. (10) redesignated (9).

Subsec. (b)(9). Pub.L. 113-4, § 101(2)(J), in par. (9) as so redesignated, struck out "domestic violence or sexual assault" and inserted "domestic violence, dating violence, sexual assault, or stalking".

Subsec. (b)(10). Pub.L. 113-4, § 101(2)(G), redesignated former par. (10) as (9). Former par. (11) redesignated as (10).

Subsec. (b)(11). Pub.L. 113-4, § 101(2)(G), redesignated former par. (11) as (10). Former par. (12) redesignated as (11).

Subsec. (b)(12). Pub.L. 113-4, § 101(2)(G), redesignated former par. (12) as (11). Former par. (13) redesignated (12).

Subsec. (b)(12). Pub.L. 113-4, § 101(2)(K)(ii), in par. (12) as so redesignated, struck out “and” at the end.

Subsec. (b)(12)(A). Pub.L. 113-4, § 101(2)(K)(i), in par. (12)(A) as so redesignated, struck out “triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized” and inserted “the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases”.

Subsec. (b)(13). Pub.L. 113-4, § 101(2)(G), redesignated former par. (13) as (12). Former par. (14) redesignated (13).

Subsec. (b)(13). Pub.L. 113-4, § 101(2)(L), in par. (13) as so redesignated, in the matter preceding subpar. (A), struck out “to provide” and inserted “providing”, struck out “nonprofit nongovernmental” before “victim services providers”, and struck out the comma after “local governments”; and in the matter following subpar. (C), struck out “paragraph (14)” and inserted “paragraph (13)”, and struck out the period at the end and inserted a semicolon.

Subsec. (b)(14). Pub.L. 113-4, § 101(2)(G), (M), redesignated former par. (14) as (13), and added a new par. (14).

Subsec. (b)(15) to (20). Pub.L. 113-4, § 101(2)(M), added pars. (15 to (20).

Subsec. (d). Pub.L. 113-4, § 902, rewrote subsec. (d), which formerly read:

“(d) Tribal coalition grants

“(1) Purpose

“The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of--

“(A) increasing awareness of domestic violence and sexual assault against American Indian and Alaska Native women;

“(B) enhancing the response to violence against American Indian and Alaska Native women at the tribal, Federal, and State levels; and

“(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to American Indian women victimized by domestic and sexual violence.

“(2) Grants to tribal coalitions

“The Attorney General shall award grants under paragraph (1) to--

“(A) established nonprofit, nongovernmental tribal coalitions addressing domestic violence and sexual assault against American Indian and Alaska Native women; and

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaska Native women.

“(3) Eligibility for other grants

“Receipt of an award under this subsection by tribal domestic violence and sexual assault coalitions shall not preclude the coalition from receiving additional grants under this chapter to carry out the purposes described in subsection (b) of this section.”

2010 Amendments. Subsec. (c)(2)(A). Pub.L. 111-320, § 202(c), struck out “through the Family Violence Prevention and Services Act ([42 U.S.C. 10410 et seq.](#))” and inserted “under section 10411 of this title”.

2006 Amendments. Subsec. (b)(10). Pub.L. 109-162, § 101(b)(1), struck out “and” after the semicolon.

Subsec. (b)(11). Pub.L. 109-162, § 101(b)(2), struck out the period and inserted a semicolon.

Subsec. (b)(12) to (14). Pub.L. 109-162, § 101(b)(3), added pars. (12) to (14).

2004 Amendments. Subsec. (d). Pub.L. 108-405, § 310(a), added subsec. (d).

2000 Amendments. Subsec. (a). Pub.L. 106-386, § 1102(a)(1)(A), struck "Indian tribal governments," and inserted "State and local courts (including juvenile courts), Indian tribal governments, tribal courts,".

Subsec. (b)(1). Pub.L. 106-386, § 1102(a)(1)(B)(i), inserted ", judges, other court personnel," after "law enforcement officers";

Pub.L. 106-386, § 1109(b)(1), struck "sexual assault and domestic violence" and inserted "sexual assault, domestic violence, and dating violence".

Subsec. (b)(2). Pub.L. 106-386, § 1102(a)(1)(B)(ii), inserted ", judges, other court personnel," after "law enforcement officers".

Subsec. (b)(3). Pub.L. 106-386, § 1102(a)(1)(B)(iii), inserted ", court," after "police".

Subsec. (b)(5). Pub.L. 106-386, § 1103(b)(1)(A)(i), struck "racial, cultural, ethnic, and language minorities" and inserted "underserved populations".

Pub.L. 106-386, § 1109(b)(2), struck "including sexual assault and domestic violence" and inserted "including sexual assault, domestic violence, and dating violence".

Subsec. (b)(6). Pub.L. 106-386, § 1103(b)(1)(A)(ii), struck "and" at the end.

Subsec. (b)(7). Pub.L. 106-386, § 1103(b)(1)(A)(iii), struck the period at the end and inserted a semicolon.

Subsecs. (b)(8), (9). Pub.L. 106-386, § 1103(b)(1)(A)(iv), added pars. (8) and (9).

Subsec. (b)(10). Pub.L. 106-386, § 1209(c), added par. (10).

Subsec. (b)(11). Pub.L. 106-386, § 1512(a), added par. (11).

Subsec. (c). Pub.L. 106-386, § 1103(b)(1)(B), added subsec. (c).

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title IX, § 902, shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, § 101, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### Standards, Practice, and Training for Sexual Assault Forensic Examinations

Pub.L. 106-386, Div. B, Title IV, § 1405, Oct. 28, 2000, 114 Stat. 1515, provided that:

**“(a) In general.**--The Attorney General shall--

**“(1)** evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

**“(2)** recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

**“(3)** review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

**“(b) Consultation.**--The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 ([42 U.S.C. 3796gg-2\(7\)](#)), as amended by this division [Division B, Pub.L. 106-386, §§ 1001 to 1603, Oct. 28, 2000, 114 Stat. 1491, known as the Violence Against Women Act of 2000].

**“(c) Report.**--The Attorney General shall ensure that not later than 1 year after the date of the enactment of this Act [Oct. 28, 2000], a report of the actions taken pursuant to subsection (a) is submitted to Congress.

**“(d) Authorization of appropriations.**--There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.”

#### LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1222.1.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [393](#).

42 U.S.C.A. § 3796gg, 42 USCA § 3796gg

Current through P.L. 113-36 approved 9-18-13

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END OF DOCUMENT

**§ 3796gg-1. State grants**

(a) General grants

The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, victim service providers, and Indian tribal governments for the purposes described in [section 3796gg\(b\)](#) of this title.

(b) Amounts

Of the amounts appropriated for the purposes of this subchapter--

**(1)** 10 percent shall be available for grants under the program authorized by [section 3796gg-10](#) of this title, which shall not otherwise be subject to the requirements of this subchapter (other than [section 3796gg-2](#) of this title);

**(2)** 2.5 percent shall be available for grants for State domestic violence coalitions under [section 3796gg\(c\)](#) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands. [\[FN1\]](#), each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

**(3)** 2.5 percent shall be available for grants for State sexual assault coalitions under [section 3796gg\(c\)](#) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

**(4)** 1/56 shall be available for grants under [section 3796gg\(d\)](#) of this title;

**(5)** \$600,000 shall be available for grants to applicants in each State; and

**(6)** the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(c) Qualification

Upon satisfying the terms of subsection (d) of this section, any State shall be qualified for funds provided under this subchapter upon certification that--

**(1)** the funds shall be used for any of the purposes described in [section 3796gg\(b\)](#) of this title;

**(2)** grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with--

**(A)** the State sexual assault coalition;

**(B)** the State domestic violence coalition;

- (C) the law enforcement entities within the State;
- (D) prosecution offices;
- (E) State and local courts;
- (F) Tribal governments in those States with State or federally recognized Indian tribes;
- (G) representatives from underserved populations, including culturally specific populations;
- (H) victim service providers;
- (I) population specific organizations; and
- (J) other entities that the State or the Attorney General identifies as needed for the planning process;

(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in [section 10407](#) of this title and the programs described in [section 10603](#) of this title and [section 280b-1b](#) of this title.

(4) [\[FN2\]](#)of the amount granted--

(A) not less than 25 percent shall be allocated for law enforcement;

(B) not less than 25 percent shall be allocated for prosecutors;

(C) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and

(D) not less than 5 percent shall be allocated to State and local courts (including juvenile courts); and

(4) [\[FN2\]](#)any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.

(5) not later than 2 years after the date of enactment of this Act, and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

(d) Application requirements

An application for a grant under this section shall include--

(1) the certifications of qualification required under subsection (c);

(2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in [section 3796gg-4](#) of this title;

(3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases, described in [section 3796gg-5](#) of this title;



(4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in [section 3796gg-8](#) of this title;

(5) an implementation plan required under subsection (i); and

(6) any other documentation that the Attorney General may require.

(e) Disbursement

(1) In general

Not later than 60 days after the receipt of an application under this subchapter, the Attorney General shall--

(A) disburse the appropriate sums provided for under this subchapter; or

(B) inform the applicant why the application does not conform to the terms of [section 3763](#) of this title or to the requirements of this section.

(2) Regulations

In disbursing monies under this subchapter, the Attorney General shall issue regulations to ensure that States will--

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, dating violence, sexual assault, and stalking programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund culturally specific services and activities for underserved populations are distributed equitably among those populations.

(3) Conditions

In disbursing grants under this subchapter, the Attorney General may impose reasonable conditions on grant awards to ensure that the States meet statutory, regulatory, and other program requirements.

(f) Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under [section 13925\(b\)\(1\)](#) of this title shall not count toward the total costs of the projects.

(g) Indian tribes

Funds appropriated by the Congress 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 subchapter.

(h) Grantee reporting

(1) In general

Upon completion of the grant period under this subchapter, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subchapter.

(2) Certification by grantee and subgrantees

A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) Suspension of funding

The Attorney General shall suspend funding for an approved application if--

- (A)** an applicant fails to submit an annual performance report;
- (B)** funds are expended for purposes other than those described in this subchapter; or
- (C)** a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(i) Implementation plans

A State applying for a grant under this subchapter shall--

**(1)** develop an implementation plan in consultation with the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this subchapter, including how the State will meet the requirements of subsection (c)(5); and

**(2)** submit to the Attorney General--

- (A)** the implementation plan developed under paragraph (1);
- (B)** documentation from each member of the planning committee as to their participation in the planning process;
- (C)** documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing--
  - (i)** the need for the grant funds;
  - (ii)** the intended use of the grant funds;
  - (iii)** the expected result of the grant funds; and
  - (iv)** the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

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

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

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

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

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

(j) Reallocation of funds

A State may use any returned or remaining funds for any authorized purpose under this subchapter if--

**(1)** funds from a subgrant awarded under this subchapter are returned to the State; or

**(2)** the State does not receive sufficient eligible applications to award the full funding within the allocations in subsection (c)(4) [\[FN3\]](#)

CREDIT(S)

(Pub.L. 90-351, Title I, § 2007, formerly § 2002, as added [Pub.L. 103-322, Title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1911; amended [Pub.L. 106-386](#), Div. B, Title I, §§ 1102(a)(2), 1103(b)(2), Oct. 28, 2000, 114 Stat. 1494, 1496; redesignated § 2007, [Pub.L. 107-273](#), Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1786 and amended [Pub.L. 108-405](#), § 310(b), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 108-405](#), § 310(c), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 109-162, Title I, § 101\(c\)](#) to (e), Title IX, § 906(b), Title XI, § 1134(a), Jan. 5, 2006, 119 Stat. 2973, 2974, 3081, 3108; [Pub.L. 109-271](#), §§ 2(d), (f)(1), (g), (l), 7(a)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 754, 763, 766; [Pub.L. 113-4, Title I, § 101\(3\)](#), Mar. 7, 2013, 127 Stat. 66.)

[\[FN1\]](#) So in original. The period probably should not appear.

[\[FN2\]](#) So in original. Two pars. (4) have been enacted.

[\[FN3\]](#) So in original. Probably should be followed by a period.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2002 Acts. [House Conference Report No. 107-685](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

2004 Acts. [House Report No. 108-711](#), see 2004 U.S. Code Cong. and Adm. News, p. 2284.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

#### References in Text

This subchapter, referred to in subsecs. (b), (b)(1), (c) to (e), (g), (h)(1) and (3), (i), (i)(1), (j), and (j)(1), originally read "this part", meaning the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, Part T, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1911, as amended, which enacted this subchapter.

This subchapter, referred to in subsecs. (c)(4) (the second place it appears) and (f), was in the original "this subtitle", and was translated as reading "this part", meaning Part T of Title I of Pub.L. 90-351, to reflect the probable intent of Congress. Title I of Pub.L. 90-351 does not contain subtitles.

The date of enactment of this Act, referred to in subsec. (c)(5), probably means the date of enactment of Pub.L. 113-4, 127 Stat. 54, which was approved Mar. 7, 2013.

Section 3796gg-5 of this title, referred to in subsec. (d)(3), originally read "section 2011 of this title" and was translated to mean section 2011 of the Omnibus Crime Control and Safe Streets Act of 1968, as the probable intent of Congress.

Section 3796gg-8 of this title, referred to in subsec. (d)(4), originally read "section 2013 of this title" and was translated to mean section 2013 of the Omnibus Crime Control and Safe Streets Act of 1968, as the probable intent of Congress.

Section 3763 of this title, referred to in subsecs. (d) and (e)(1)(B), was in the original "section 513", and was translated as reading "section 517", meaning section 517 of Title I of Pub.L. 90-351, to reflect the probable intent of Congress. Pub.L. 90-351 does not contain a section 513, but section 3763 of this title was section 513 of Pub.L. 90-351 prior to renumbering as section 517 by Pub.L. 101-647, Title XVIII, § 1801(a)(6), Nov. 29, 1990, 104 Stat. 4847.

#### Codifications

Another section 2007 of Pub.L. 90-351 was enacted by Pub.L. 109-162, § 906(a), and is classified to [42 U.S.C.A. § 3796gg-10](#).

Pub.L. 107-273, Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789, directed that sections 2002 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, June 19, 1968, 82 Stat. 197, which enacted 42 U.S.C.A. § 3796gg-1 to [3796gg-5](#), be redesignated as sections 2006 through 2011 of the Act. Pub.L. 107-273, § 402(3), enacted new sections 2002 through 2006 of the Act. This resulted in duplicate sections 2006. The new section 2006 was codified as [42 U.S.C.A. § 3796gg-0d](#) and the renumbered section 2006 was codified as this section. The range of renumbered sections, from 2006 through 2011, included an extra section number, 2011, which was unused. Pub.L. 108-405, § 310(b), later corrected this misnumbering. See Amendments notes under this section.

Amendment by Pub.L. 109-271, § 2(g), which directed that subsec. (b)(2) be amended by striking "and the coalitions for combined Territories of the United States" and inserting "the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.", was executed by striking "and the coalition for the combined Territories of the United States" and inserting "the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.", as the probable intent of Congress.

Amendment by Pub.L. 107-273, § 402(1), to strike out “section 2005” and insert “section 2010” in subsec. (d)(2) and to strike out “section 2006” and insert “section 2011” in subsec. (d)(3) was translated by treating “section 2005” and “section 2010” as [42 U.S.C.A. § 3796gg-4](#) and “section 2006” and “[section 2011](#)” as [42 U.S.C.A. § 3796gg-5](#) as the probable intent of Congress, despite the direction in Pub.L. 107-273, § 402(2), to redesignate section 2005 as section 2009 and section 2005 as section 2010. See above.

This “chapter”, appearing in subsecs. (c)(4) and (f), was in the original this “subtitle”. Title I of Pub.L. 90-351, June 19, 1968, 82 Stat. 197, as amended, principally comprises this chapter and Title I of such Act contains no subtitle. Therefore, editorial translation to this “chapter” was made to reflect the probable intent of Congress.

“Section 3763 of this title”, appearing in subsecs. (d) and (e)(1)(B), was in the original “section 513”. A prior section 513 of Pub.L. 90-351, which provided for the coordination of law enforcement assistance and related Federal programs, was omitted from the Code in the general revision of this chapter by Pub.L. 96-157. Another prior section 513 of Pub.L. 90-351, as added by Pub.L. 100-690, was renumbered section 517 by Pub.L. 101-647, relates to grant application requirements, and is classified to section 3763 of this title. Therefore, editorial translation to “section 3763 of this title” was made to reflect the probable intent of Congress.

#### Amendments

2013 Amendments. Subsec. (a). Pub.L. 113-4, § 101(3)(A), which directed substitution of “victim service providers” for “nonprofit nongovernmental victim service programs”, was executed by making the substitution for “nonprofit nongovernmental victim services programs” to reflect the probable intent of Congress.

Subsec. (b)(6). Pub.L. 113-4, § 101(3)(B), struck out “(not including populations of Indian tribes)” following “population of all States”.

Subsec. (c)(2). Pub.L. 113-4, § 101(3)(C)(i), rewrote par. (2), which formerly read: “grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs and describe how the State will address the needs of underserved populations;”.

Subsec. (c)(3). Pub.L. 113-4, § 101(3)(C)(ii), (iii), redesignated former par. (3) as par. (4) (set out first), and added a new par. (3).

Subsec. (c)(4). Pub.L. 113-4, § 101(3)(C)(ii), redesignated former par. (3) as par. (4) (set out first).

Subsec. (c)(4)(A). Pub.L. 113-4, § 101(3)(C)(iv)(I), in par. (4)(A) as so redesignated, struck out “and not less than 25 percent shall be allocated for prosecutors” following “law enforcement”.

Subsec. (c)(4)(B). Pub.L. 113-4, § 101(3)(C)(iv)(II), (III), in par. (4) as so redesignated, redesignated former subpar. (B) as subpar. (C), and added a new subpar. (B).

Subsec. (c)(4)(C). Pub.L. 113-4, § 101(3)(C)(iv)(II), in par. (4) as so redesignated, redesignated former subpar. (B) as (C). Former subpar. (C) redesignated as (D).

Subsec. (c)(4)(D). Pub.L. 113-4, § 101(3)(C)(iv)(II), in par. (4) as so redesignated, redesignated former subpar. (C) as (D).

Subsec. (c)(4)(D). Pub.L. 113-4, § 101(3)(C)(iv)(IV), in par. (4)(D) as so redesignated, struck out “for” and inserted “to”.

Subsec. (c)(5). Pub.L. 113-4, § 101(3)(C)(v), added par. (5).

Subsec. (d). Pub.L. 113-4, § 101(3)(D), rewrote subsec. (d), which formerly read:

**“(d) Application requirements**

“The application requirements provided in section 3763 of this title shall apply to grants made under this subchapter. In addition, each application shall include the certifications of qualification required by subsection (c) of this section, including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2) of this section. An application shall include--

“(1) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, demonstrating--

“(A) need for the grant funds;

“(B) intended use of the grant funds;

“(C) expected results from the use of grant funds; and

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

“(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 3796gg-4 of this title; and

“(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 3796gg-5 of this title; and

“(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.”

Subsec. (e)(2)(A). Pub.L. 113-4, § 101(3)(E)(i)(I), struck out “domestic violence and sexual assault” and inserted “domestic violence, dating violence, sexual assault, and stalking”.

Subsec. (e)(2)(D). Pub.L. 113-4, § 101(3)(E)(i)(II), struck out “linguistically and” preceding “culturally”.

Subsec. (e)(3). Pub.L. 113-4, § 101(3)(E)(ii), added par. (3).

Subsec. (f). Pub.L. 113-4, § 101(3)(F), inserted “, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 13925(b)(1) of this title shall not count toward the total costs of the projects” following “submitted”.

Subsec. (i). Pub.L. 113-4, § 101(3)(G), added subsec. (i).

Subsec. (j). Pub.L. 113-4, § 101(3)(G), added subsec. (j).

2006 Amendments. Subsec. (b)(1). Pub.L. 109-271, § 7(a)(2), rewrote par. (1), which formerly read: “Ten percent shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this subchapter shall not apply to funds allocated for such program.”

Pub.L. 109-162, § 101(d)(1)(A), struck out “5 percent” and inserted “10 percent”.

Pub.L. 109-162, § 906(b), rewrote par. (1), which formerly read: “10 percent shall be available for grants to Indian tribal governments;”.

Subsec. (b)(2). Pub.L. 109-271, § 2(g), which purported to strike “and the coalitions for combined Territories of the United States” and insert “the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.” was executed by striking “and the coalition for the combined Territories of the United States” and inserting “the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.”. See Codifications note set out under this section.

Pub.L. 109-162, § 101(d)(1)(B), struck out “ 1/54 ” and inserted “ 1/56 ”.

Subsec. (b)(3). Pub.L. 109-162, § 101(d)(1)(C), struck out “and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 ” and inserted “coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56 ”.

Subsec. (b)(4). Pub.L. 109-162, § 101(d)(1)(D), struck out “ 1/54 ” and inserted “ 1/56 ”.

Subsec. (c)(2). Pub.L. 109-162, § 101(c)(1), inserted “and describe how the State will address the needs of underserved populations”.

Subsec. (c)(3)(A). Pub.L. 109-271, § 2(l), rewrote subpar. (A), which formerly read: “not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;”.

Pub.L. 109-162, § 1134(a)(1), which struck out “police” and inserted “law enforcement”, was repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See Repeals note set out under this section.

Subsec. (c)(3)(B). Pub.L. 109-271, § 2(l), rewrote subpar. (B), which formerly read: “not less than 30 percent shall be allocated to victim services, of which at least 10 percent shall be distributed to culturally specific community-based organization; and”.

Pub.L. 109-162, § 101(d)(2), inserted “, of which at least 10 percent shall be distributed to culturally specific community-based organization”.

Subsec. (d). Pub.L. 109-162, § 1134(a)(2), which, in the matter preceding par. (1), in the second sentence, inserted “submitted by a State” following “each application”, and at the end, struck out “An application” and inserted “In addition, each application submitted by a State or tribal government”, was repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See Repeals note set out under this section.

Subsec. (d)(3). Pub.L. 109-162, § 101(d)(3)(A), struck out the period and inserted “; and”.

Subsec. (d)(4). Pub.L. 109-162, § 101(d)(3)(B), added par. (4).

Subsec. (e)(2)(D). Pub.L. 109-162, § 101(c)(2), rewrote par. (D), which formerly read: “recognize and address the needs of underserved populations.”.

Subsec. (i). Pub.L. 109-271, § 2(f)(1), struck out subsec. (i), which formerly read:

**“(i) Training, technical assistance, and data collection**

**“(1) In general**

“Of the total amounts appropriated under this subchapter, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this subchapter to improve the capacity of grantees, subgrantees and other entities.

**“(2) Indian training**

"The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law."

Pub.L. 109-162, § 101(e), added subsec. (i).

2004 Amendments. Pub.L. 108-405, § 310(b), amended Pub.L. 107-273, § 402(2), to redesignate the section cited in the credit. See 2002 Amendments below.

Subsec. (b)(4). Pub.L. 108-405, § 310(c), rewrote par. (4), which formerly read: " 1/54 shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country; "

2002 Amendments. Pub.L. 107-273, § 402(2), as amended by Pub.L. 108-405, § 310(b), redesignated the section cited in the credit as 2007.

Subsec. (d)(2), (3). Pub.L. 107-273, § 402(1), which directed the amendment of this subsec. by striking out "section 2005" and inserting "section 2010" in par. (2) [which was translated as 3796gg-4] and by striking out "section 2006" and inserting "section 2011" in par. (3) [which was translated as 3796gg-5], required no change in text after translating.

2000 Amendments. Subsec. (a). Pub.L. 106-386, § 1102(a)(2)(A), inserted "State and local courts (including juvenile courts)," after "States," the second place it appeared.

Subsec. (b)(1). Pub.L. 106-386, § 1103(b)(2)(B), struck "4 percent" and inserted "5 percent".

Subsec. (b)(2). Pub.L. 106-386, § 1103(b)(2)(A), redesignated former par. (2) as par. (5).

Pub.L. 106-386, § 1103(b)(2)(D), added par. (2).

Subsec. (b)(3). Pub.L. 106-386, § 1103(b)(2)(A), redesignated former par. (3) as par. (6).

Pub.L. 106-386, § 1103(b)(2)(D), added par. (3).

Subsec. (b)(4). Pub.L. 106-386, § 1103(b)(2)(D), added par. (4).

Subsec. (b)(5). Pub.L. 106-386, § 1103(b)(2)(A), redesignated former par. (2) as (5).

Pub.L. 106-386, § 1103(b)(2)(C), in par. (5), as redesignated, struck "\$500,000" and inserted "\$600,000".

Subsec. (b)(6). Pub.L. 106-386, § 1103(b)(2)(A), redesignated former par. (3) as (6).

Subsec. (c)(3). Pub.L. 106-386, § 1102(a)(2)(B), added par. (3), and struck out former par. (3), which had read as follows:

"**(3)** at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and".

Subsec. (d)(1). Pub.L. 106-386, § 1102(a)(2)(C), inserted "court," after "law enforcement".

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).



2005 Acts. Amendment by Pub.L. 109-162, §§ 101, 906, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

2004 Acts. Pub.L. 108-405, Title III, § 310(b), Oct. 30, 2004, 118 Stat. 2276, provided in part that amendments by section 310(b) to section 402(2) of Pub.L. 107-273, 116 Stat. 1789 [redesignating this section and 42 U.S.C.A. §§ 3796gg-2 to 3796gg-5 as sections 2007 to 2011 of Pub.L. 90-351] are "[e]ffective as of November 2, 2002, and as if included therein [in Pub.L. 107-273] as enacted".

2002 Acts. Redesignation of section by Pub.L. 107-273, Div. A, Title IV, § 402(2), to take effect 90 days after Nov. 2, 2002, see Pub.L. 107-273, Div. A, Title IV, § 403, Nov. 2, 2002, 116 Stat. 1791, set out as a note under 42 U.S.C.A. § 3796gg-0.

#### Repeals

Pub.L. 109-162, Title XI, § 1134(a), Jan. 5, 2006, 119 Stat. 3108, cited as a credit to this section, was repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.

#### LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1222.1.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [393](#).

#### RESEARCH REFERENCES

##### Treatises and Practice Aids

[Federal Procedure, Lawyers Edition § 42:1955](#), Application; Certifications.

42 U.S.C.A. § 3796gg-1, 42 USCA § 3796gg-1

Current through P.L. 113-36 approved 9-18-13

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END OF DOCUMENT

42 U.S.C.A. § 3796gg-2

## § 3796gg-2. Definitions and grant conditions

In this subchapter the definitions and grant conditions in [section 13925](#) of this title shall apply.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2008, as added [Pub.L. 109-162](#), § 3(c)(1), Jan. 5, 2006, 119 Stat. 2971.)

### HISTORICAL AND STATUTORY NOTES

#### Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

#### References in Text

This subchapter, referred to in text, originally read “this part”, meaning Part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, Part T, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1911, as amended, which enacted this subchapter.

#### Prior Provisions

A prior section 3796gg-2 of this title, Pub.L. 90-351, Title I, § 2008, formerly § 2003, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1913, and amended Pub.L. 106-386, Div. B, Title I, §§ 1103(b)(3), 1109(a)(1), Oct. 28, 2000, 114 Stat. 1496, 1502; redesignated § 2008, Pub.L. 107-273, Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1787, and amended Pub.L. 108-405, § 310(b), Oct. 30, 2004, 118 Stat. 2276, relating to definitions, was repealed by Pub.L. 109-162, § 3(c)(1), Jan. 5, 2006, 119 Stat. 2971.

#### Definitions of Terms in Pub.L. 106-386

Pub.L. 106-386, Div. B, § 1002, Oct. 28, 2000, 114 Stat. 1491, as amended Pub.L. 109-162 § 3(d), Jan. 5, 2006, 119 Stat. 2972, provided that: “In this division [Pub.L. 106-386, Div. B, §§ 1001 to 1603, Oct. 28, 2000, 114 Stat. 1491, which enacted sections 280b-1c, 3789p, 3796gg-6, 3796gg-7, 3797a to 3797e, 10419, 10420, 14041 to 14041b, 14042, and 14071 of this title, section 2266 of Title 18 and provisions set out as notes under sections 290bb-36, 3796gg, 3793, 3796gg-2, 13701, 13961, and 14042 of this title, sections 1101, 1229b, and 1255 of Title 8, section 1001 of Title 20, and sections 994 and 1738A of Title 28, amended sections 1101, 1151, 1154, 1182, 1184, 1227, 1229a, 1229b, 1255, 1367, and 1641 of Title 8, sections 3793, 3796gg, 3796gg-1 to 3796gg-3, 3796gg-5, 3796hh, 3796hh-1, 3797hh-4, 10403, 10409, 10416, 10418, 13014, 13024, 13971, 13991 to 13994, 14001, 14002, 14031, and 14032 of this title and sections 2216A, 2261, 2262, and 2265 of Title 18, section 1152 of Title 20, and section 1738A of Title 28; and repealed section 300w-10 of this title] the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 [[42 U.S.C.A. § 13925](#)] shall apply.”

42 U.S.C.A. § 3796gg-2, 42 USCA § 3796gg-2

Current through P.L. 113-36 approved 9-18-13

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**§ 3796gg-3. General terms and conditions**

(a) Nonmonetary assistance

In addition to the assistance provided under this subchapter, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) Reporting

Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe--

(1) the number of grants made and funds distributed under this subchapter;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under this subchapter.

(c) Regulations or guidelines

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2009, formerly § 2004, as added [Pub.L. 103-322, Title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1914; amended [Pub.L. 106-386](#), Div. B, Title I, § 1103(b)(4), Oct. 28, 2000, 114 Stat. 1497; redesignated § 2009, [Pub.L. 107-273](#), Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1788 and amended [Pub.L. 108-405](#), § 310(b), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 109-162](#), § 3(b)(3), Title XI, §§ 1134(b), 1135(c), Jan. 5, 2006, 119 Stat. 2971, 3108, 3109; [Pub.L. 109-271](#), §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2002 Acts. [House Conference Report No. 107-685](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

#### Codifications

Pub.L. 107-273, Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789, directed that sections 2002 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, June 19, 1968, 82 Stat. 197, which enacted [42 U.S.C.A. § 3796gg-1](#) to [3796gg-5](#), be redesignated as sections 2006 through 2011 of the Act. Pub.L. 107-273, § 402(3), enacted new sections 2002 through 2006 of the Act. This resulted in duplicate sections 2006. The new section 2006 was codified as [42 U.S.C.A. § 3796gg-0d](#), the renumbered section 2006 was codified as [42 U.S.C.A. § 3796gg-1](#), and section 2008 was codified as this section. The range of renumbered sections, from 2006 through 2011, included an extra section number, 2011, which was unused. Pub.L. 108-405, § 310(b), later corrected this misnumbering by redesignating this section as section 2009 of the Act; see Amendment notes below.

Identical amendments to subsec. (b) of this section were made by Pub.L. 109-162, §§ 3(b)(3) and 1135(c), which were executed by striking out “Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit” and inserting “Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit”. The nearly identical amendment by Pub.L. 109-162, § 1134(b), to strike out the same language and insert “Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit” was not executed. Pub.L. 109-162, §§ 1134(b), 1135(c), were repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See 2006 Amendments and Repeals notes set out under this section.

#### Amendments

2006 Amendments. Subsec. (b). Pub.L. 109-162, §§ 3(b)(3) and 1135(c), in the matter preceding par. (1), struck out “Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit” and inserted “Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit”. Pub.L. 109-162, § 1135(c), was subsequently repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See Codifications and Repeals notes set out under this section.

Pub.L. 109-162, § 1134(b), which purported, in the matter preceding par. (1), to strike out “Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit” and insert “Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit”, was not executed. Pub.L. 109-162, § 1134(b), was subsequently repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See Codifications and Repeals notes set out under this section.

2004 Amendments. Pub.L. 108-405, § 310(b), amended Pub.L. 107-273, § 402(2), to redesignate the section cited in the credit. See 2002 Amendments note below.

2002 Amendments. Pub.L. 107-273, § 402(2), as amended by Pub.L. 10-405, § 310(b), redesignated the section cited in the credit as 2009.

2000 Amendments. Subsec. (b)(3). Pub.L. 106-386, § 1103(b)(4), inserted “, and the membership of persons served in any underserved population” before the semicolon.

## Effective and Applicability Provisions

2004 Acts. Amendments by Pub.L. 108-405, § 310(b), which resulted in the redesignation of this section as section 2009 of Pub.L. 90-351, effective Nov. 2, 2002, as if included in Pub.L. 107-273 as enacted, see Pub.L. 108-405, § 310(b), set out in part as an Effective and Applicability note under 42 U.S.C.A. § 3796gg-1.

2002 Acts. Redesignation of section by Pub.L. 107-273, Div. A, Title IV, § 402(2), to take effect 90 days after Nov. 2, 2002, see Pub.L. 107-273, Div. A, Title IV, § 403, Nov. 2, 2002, 116 Stat. 1791, set out as a note under 42 U.S.C.A. § 3796gg-0.

## Repeals

Pub.L. 109-162, Title XI, §§ 1134(b), 1135(c), Jan. 5, 2006, 119 Stat. 3108, 3109, cited as credits to this section, were repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.

## LIBRARY REFERENCES

American Digest System

[Attorney General](#) ¶6.

[United States](#) ¶82(2).

Key Number System Topic Nos. [46](#), [393](#).

42 U.S.C.A. § 3796gg-3, 42 USCA § 3796gg-3

Current through P.L. 113-36 approved 9-18-13

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END OF DOCUMENT

**§ 3796gg-4. Rape exam payments**

(a) Restriction of funds

(1) In general

A State, Indian tribal government, or unit of local government shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity--

**(A)** incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault; and

**(B)** coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

(2) Redistribution

Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) Medical costs

A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity--

**(1)** provides such exams to victims free of charge to the victim; or

**(2)** arranges for victims to obtain such exams free of charge to the victims.

**(3)** Repealed. [Pub.L. 113-4, Title I, § 101\(4\)\(B\)\(iii\)](#), Mar. 7, 2013, 127 Stat. 69

(c) Use of funds

A State or Indian tribal government may use Federal grant funds under this subchapter to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

(d) Noncooperation

(1) In general

To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

(2) Compliance period

States, territories, and Indian tribal governments shall have 3 years from the date of enactment of this Act to come into compliance with this section.

(e) Judicial notification

(1) In general

A State or unit of local government shall not be entitled to funds under this subchapter unless the State or unit of local government--

**(A)** certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in [section 922\(g\)\(8\)](#) and [\(g\)\(9\) of Title 18](#) and any applicable related Federal, State, or local laws; or

**(B)** gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of--

**(i)** the period ending on the date on which the next session of the State legislature ends; or

**(ii)** 2 years.

(2) Redistribution

Funds withheld from a State or unit of local government under subsection (a) of this section shall be distributed to other States and units of local government, pro rata.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2010, formerly § 2005, as added [Pub.L. 103-322, Title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1914; redesignated § 2010, [Pub.L. 107-273](#), Div A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789; amended [Pub.L. 108-405](#), § 310(b), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 109-162, Title I, § 101\(f\)](#), Jan. 5, 2006, 119 Stat. 2974; [Pub.L. 109-271](#), § 2(j), Aug. 12, 2006, 120 Stat. 753; [Pub.L. 113-4, Title I, § 101\(4\)](#), Mar. 7, 2013, 127 Stat. 69.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2002 Acts. [House Conference Report No. 107-685](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

References in Text

This subchapter, referred to in subsec. (a)(1), was in the original "this subchapter", and was translated as meaning "this part", meaning part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, Part T, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1911, as amended, which enacted this subchapter, as the probable intent of Congress. This subchapter, referred to in subsecs. (c) (and (e)), originally read "this part", meaning part T of Title I of the Omnibus Crime Control and Safe Streets Act of



1968, Pub.L. 90-351, Title I, Part T, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1911, as amended, which enacted this subchapter.

The date of enactment of this Act, referred to in subsec. (d)(2), probably means the date of enactment of Pub.L. 113-4, which was approved Mar. 7, 2013.

#### Codifications

Pub.L. 107-273, Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789, directed that sections 2002 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, June 19, 1968, 82 Stat. 197, which enacted [42 U.S.C.A. § 3796gg-1](#) to [3796gg-5](#), be redesignated as sections 2006 through 2011 of the Act. Pub.L. 107-273, § 402(3), enacted new sections 2002 through 2006 of the Act. This resulted in duplicate sections 2006. The new section 2006 was codified as [42 U.S.C.A. § 3796gg-0d](#), the renumbered section 2006 was codified as [42 U.S.C.A. § 3796gg-1](#), and section 2009 was codified as this section. The range of renumbered sections, from 2006 through 2011, included an extra section number, 2011, which was unused. Pub.L. 108-405, § 310(b), later corrected this misnumbering by redesignating this section as section 2010 of the Act; see Amendment notes below.

#### Amendments

2013 Amendments. Subsec. (a)(1). Pub.L. 113-4, § 101(4)(A), rewrote par. (1), which formerly read:

**“(1) In general**

“A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) of this section for victims of sexual assault.”

Subsec. (b)(1). Pub.L. 113-4, § 101(4)(B)(i), inserted “or” after the semicolon.

Subsec. (b)(2). Pub.L. 113-4, § 101(4)(B)(ii), struck out “; or” and inserted a period.

Subsec. (b)(3). Pub.L. 113-4, § 101(4)(B)(iii), rewrote par. (3), which formerly read:

**“(3)** reimburses victims for the cost of such exams if--

**“(A)** the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

**“(B)** the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

**“(C)** the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

**“(D)** the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.”

Subsec. (d). Pub.L. 113-4, § 101(4)(C), rewrote subsec. (d), which formerly read:

**“(d) Rule of construction**

**“(1) In general**

“in this section [sic] shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

**“(2) Compliance period**

“States, territories, and Indian tribal governments shall have 3 years from January 5, 2006, to come into compliance with this subsection.”

2006 Amendments. Subsec. (c). Pub.L. 109-162, § 101(f), added subsec. (c).

Subsec. (d). Pub.L. 109-162, § 101(f), added subsec. (d).

Subsec. (d), (d)(1). Pub.L. 109-271, § 2(j)(1), struck out “Nothing” and inserted “**(1) In general**”.

Subsec. (d)(2). Pub.L. 109-271, § 2(j)(2), added par. (2).

Subsec. (e). Pub.L. 109-162, § 101(f), added subsec. (f).

2004 Amendments. Pub.L. 108-405, § 310(b), amended Pub.L. 107-273, § 402(2), to redesignate the section cited in the credit. See 2002 Amendments note below.

2002 Amendments. Pub.L. 107-273, § 402(2), as amended by Pub.L. 10-405, § 310(b), redesignated the section cited in the credit as 2010.

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, § 101, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

2004 Acts. Amendments by Pub.L. 108-405, § 310(b), which resulted in the redesignation this section as section 2010 of Pub.L. 90-351, effective Nov. 2, 2002, as if included in Pub.L. 107-273 as enacted, see Pub.L. 108-405, § 310(b), set out in part as an Effective and Applicability note under 42 U.S.C.A. § 3796gg-1.

2002 Acts. Redesignation of section by Pub.L. 107-273, Div. A, Title IV, § 402(2), to take effect 90 days after Nov. 2, 2002, see Pub.L. 107-273, Div. A, Title IV, § 403, Nov. 2, 2002, 116 Stat. 1791, set out as a note under 42 U.S.C.A. § 3796gg-0.

#### LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1222.1.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [393](#).

#### RESEARCH REFERENCES

Treatises and Practice Aids

[Federal Procedure, Lawyers Edition § 42:1955](#), Application; Certifications.

42 U.S.C.A. § 3796gg-4, 42 USCA § 3796gg-4

Current through P.L. 113-36 approved 9-18-13

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END OF DOCUMENT

**§ 3796gg-5. Costs for criminal charges and protection orders**

(a) In general

A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, or unit of local government--

**(1)** certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, sexual assault, or stalking, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or

**(2)** gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of--

**(A)** the period ending on the date on which the next session of the State legislature ends; or

**(B)** 2 years after October 28, 2000.

(b) Redistribution

Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) of this section shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

(c) Definition

In this section, the term "protection order" has the meaning given the term in [section 2266 of Title 18](#).

CREDIT(S)

(Pub.L. 90-351, Title I, § 2011, formerly § 2006, as added [Pub.L. 103-322, Title IV, § 40121\(a\)\(3\)](#), Sept. 13, 1994, 108 Stat. 1915; amended [Pub.L. 106-386](#), Div. B, Title I, § 1101(b)(1), Oct. 28, 2000, 114 Stat. 1492; redesignated § 2011, [Pub.L. 107-273](#), Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789; amended [Pub.L. 108-405](#), § 310(b), Oct. 30, 2004, 118 Stat. 2276; [Pub.L. 113-4, Title I, § 101\(5\)](#), Mar. 7, 2013, 127 Stat. 69.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324 and 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

2000 Acts. House Report No. 106-939, see 2000 U.S. Code Cong. and Adm. News, p. 1380.

2002 Acts. [House Conference Report No. 107-685](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

#### Codifications

Pub.L. 107-273, Div. A, Title IV, § 402(2), Nov. 2, 2002, 116 Stat. 1789, directed that sections 2002 through 2006 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, June 19, 1968, 82 Stat. 197, which enacted [42 U.S.C.A. § 3796gg-1](#) to 3796gg-5, be redesignated as sections 2006 through 2011 of the Act. Pub.L. 107-273, § 402(3), enacted new sections 2002 through 2006 of the Act. This resulted in duplicate sections 2006. The new section 2006 was codified as [42 U.S.C.A. § 3796gg-0d](#), the renumbered section 2006 was codified as [42 U.S.C.A. § 3796gg-1](#), and section 2010 was codified as this section. The range of renumbered sections, from 2006 through 2011, included an extra section number, 2011, which was unused. Pub.L. 108-405, § 310(b), later corrected this misnumbering by redesignating this section as section 2011 of the Act; see Amendment notes below.

#### Amendments

2013 Amendments. Subsec. (a)(1). Pub.L. 113-4, § 101(5), inserted “modification, enforcement, dismissal, withdrawal” following “registration,” in two places; inserted “, dating violence, sexual assault, or stalking” following “felony domestic violence” and struck out “victim of domestic violence, stalking or sexual assault” and inserted “victim of domestic violence, dating violence, sexual assault, or stalking”.

2004 Amendments. Pub.L. 108-405, § 310(b), amended Pub.L. 107-273, § 402(2), to redesignate the section cited in the credit. See 2002 Amendments note below.

2002 Amendments. Pub.L. 107-273, § 402(2), as amended by Pub.L. 10-405, § 310(b), redesignated the section cited in the credit as 2011.

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2004 Acts. Amendments by Pub.L. 108-405, § 310(b), which resulted in the redesignation of this section as section 2011 of Pub.L. 90-351, effective Nov. 2, 2002, as if included in Pub.L. 107-273 as enacted, see Pub.L. 108-405, § 310(b), set out in part as an Effective and Applicability note under 42 U.S.C.A. § 3796gg-1.

2002 Acts. Redesignation of section by Pub.L. 107-273, Div. A, Title IV, § 402(2), to take effect 90 days after Nov. 2, 2002, see Pub.L. 107-273, Div. A, Title IV, § 403, Nov. 2, 2002, 116 Stat. 1791, set out as a note under 42 U.S.C.A. § 3796gg-0.

#### Amendments

2000 Amendments. Section heading. Pub.L. 106-386, § 1101(b)(1)(A), rewrote the section heading, which formerly read “Filing costs for criminal charges”.

Subsec. (a)(1). Pub.L. 106-386, § 1101(b)(1)(B)(i), added par. (1), and struck out former par. (1), which had read as follows:

“(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or”.

Subsec. (a)(2)(B). Pub.L. 106-386, § 1101(b)(1)(B)(ii), struck “2 years” and inserted “2 years after October 28, 2000”.

Subsec. (c). Pub.L. 106-386, § 1101(b)(1)(C), added subsec. (c).

#### LIBRARY REFERENCES

American Digest System

[Criminal Law](#) ¶1222.1.

[United States](#) ¶82(2).

Key Number System Topic Nos. [110](#), [393](#).

#### RESEARCH REFERENCES

Treatises and Practice Aids

[Federal Procedure, Lawyers Edition § 42:1955](#), Application; Certifications.

42 U.S.C.A. § 3796gg-5, 42 USCA § 3796gg-5

Current through P.L. 113-36 approved 9-18-13

42 U.S.C.A. § 3796gg-8

### **§ 3796gg-8. Polygraph testing prohibition**

(a) In general

In order to be eligible for grants under this subchapter, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

(b) Prosecution

The refusal of a victim to submit to an examination described in subsection (a) of this section shall not prevent the investigation, charging, or prosecution of the offense.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2013, as added [Pub.L. 109-162, Title I, § 101\(g\)](#), Jan. 5, 2006, 119 Stat. 2975.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

##### References in Text

This subchapter, referred to in subsec. (a), originally read "this part", meaning Part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, Part T, as added Pub.L. 103-322, Title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1911, as amended, which enacted this subchapter.

January 5, 2006, referred to in subsec. (a), originally read "the date of enactment of this section", meaning the date of enactment of Pub.L. 109-162, which enacted this section on Jan. 5, 2006.

##### Effective and Applicability Provisions

2005 Acts. Section enacted effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

#### LIBRARY REFERENCES

American Digest System  
[Criminal Law](#) ¶1222.1.  
Key Number System Topic No. [110](#).

42 U.S.C.A. § 3796gg-8, 42 USCA § 3796gg-8

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14



## **Transitional Housing Program, as amended by VAWA 2013**

42 U.S.C.A. § 13975

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

#### (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 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. [\[FN1\]](#)

**(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;

**(B)** secure employment, including obtaining employment counseling, occupational training, job retention counseling, and counseling concerning re-entry in to the workforce; and

**(C)** integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, 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--

**(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 \$35,000,000 for each of fiscal years 2014 through 2018.

(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 qualified 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

The 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.

(D) Qualified application defined

In this paragraph, the term "qualified application" means an application that--

**(i)** has been submitted by an eligible applicant;

**(ii)** does not propose any activities that may compromise victim safety, including--

**(I)** background checks of victims; or

**(II)** clinical evaluations to determine eligibility for services;

**(iii)** reflects an understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking; and

**(iv)** does not propose prohibited activities, including mandatory services for victims.

CREDIT(S)

[\(Pub.L. 103-322, Title IV, § 40299](#), as added [Pub.L. 108-21, Title VI, § 611](#), Apr. 30, 2003, 117 Stat. 693; amended [Pub.L. 109-162](#), § 3(b)(4), Title VI, § 602, Title IX, § 906(e), formerly § 906(f), Title XI, § 1135(e), Jan. 5, 2006, 119 Stat. 2971, 3038, 3081, 3109; [Pub.L. 109-271](#), §§

2(d), 7(b)(2)(B), (c)(1), 8(b), Aug. 12, 2006, 120 Stat. 752, 764, 766; [Pub.L. 113-4, Title VI, S 602\(2\)](#), Mar. 7, 2013, 127 Stat. 109.)

[FN1] Punctuation so in original; probably should be a semicolon.

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

2003 Acts. [House Conference Report No. 108-66](#) and Statement by President, see 2003 U.S. Code Cong. and Adm. News, p. 683.

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

##### Codifications

Nearly identical amendments to subsec. (f) of this section were made by Pub.L. 109-162, §§ 3(b)(4) and 1135(e), which were executed by striking out “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.” and inserting “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.”, as set forth in section 3(b)(4). The nearly identical amendment by Pub.L. 109-162, § 1135(e), to strike out the same language and insert “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 one month after the end of each even-numbered fiscal year.”, was not executed. Pub.L. 109-162, § 1135(e), was repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See 2006 Amendments and Repeals notes set out under this section.

Pub.L. 109-271, § 7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764, amended Pub.L. 109-162, § 906(f), shown in the credit, by redesignating § 906(f) as § 906(e).

##### Amendments

2013 Amendments. Heading. Pub.L. 113-4, § 601(2)(A), struck out “child victims of domestic violence, stalking, or sexual assault” and inserted “victims of domestic violence, dating violence, sexual assault, or stalking”.

Subsec. (a)(1). Pub.L. 113-4, § 601(2)(B), struck out “fleeing” following “result of”.

Subsec. (b)(3)(A). Pub.L. 113-4, § 602(2)(C)(i), struck out “and” at the end.

Subsec. (b)(3)(B). Pub.L. 113-4, § 602(2)(C)(ii), (iii), redesignated former subpar. (B) as (C), and added a new subpar. (B).

Subsec. (b)(3)(C). Pub.L. 113-4, § 602(2)(C)(ii), (iv), redesignated former subpar. (B) as (C), and in subpar. (C) as so redesignated, struck out “employment counseling,” following “case management,”.

Subsec. (g)(1). Pub.L. 113-4, § 602(2)(D)(i), which directed striking “\$40,000,000 for each of fiscal years 2007 through 2011” and inserting “\$35,000,000 for each of fiscal years 2014

through 2018”, was executed by making the substitution for “\$40,000 for each of the fiscal years 2007 through 2011” to reflect the probable intent of Congress.

Subsec. (g)(3)(A). Pub.L. 113-4, § 602(2)(D)(ii)(I), struck out “eligible” and inserted “qualified”.

Subsec. (g)(3)(D). Pub.L. 113-4, § 602(2)(D)(ii)(II), added subpar. (D).

2006 Amendments. Subsec. (a). Pub.L. 109-162, § 602(a)(1)(A), inserted “the Department of Housing and Urban Development, and the Department of Health and Human Services,” after “Department of Justice,”.

Pub.L. 109-162, § 602(a)(1)(B), inserted “, 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” 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 a new par. (1).

Subsec. (b)(1) to (3). Pub.L. 109-162, § 602(a)(2)(A), redesignated former pars. (1) and (2) as pars. (2) and (3), respectively.

Subsec. (b)(3). Pub.L. 109-162, § 602(a)(2)(B), inserted “, dating violence, sexual assault, or stalking” after “violence”.

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.” after “assistance.”

Subsec. (c)(1). Pub.L. 109-162, § 602(a)(3), struck out “18 months” and inserted “24 months”.

Subsec. (d)(2)(A). Pub.L. 109-162, § 602(a)(4)(A), struck out “and” at the end.

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

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

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

Subsec. (e)(2)(C)(ii). Pub.L. 109-162, § 602(a)(5)(B), struck out “and” at the end.

Subsec. (e)(2)(D). Pub.L. 109-162, § 602(a)(5)(C), struck out the period at the end and inserted “; and”.

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

Subsec. (f)(1). Pub.L. 109-162, § 3(b)(4), struck out “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.” and inserted “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.”. See Codifications and Repeals notes set out under this section.

Pub.L. 109-162, § 1135(e), which purported to strike out “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.” and insert “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 one month after the end of each even-numbered fiscal year.”, was not executed. Pub.L. 109-162, § 1135(e), was subsequently repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766. See Codifications and Repeals notes set out under this section.

Subsec. (g)(1). Pub.L. 109-162, § 602(a)(6)(A), struck out “\$30,000,000” and inserted “\$40,000, 000”.

Pub.L. 109-162, § 602(a)(6)(B), struck out “2004” and inserted “2007”.

Pub.L. 109-162, § 602(a)(6)(C), struck out “2008” and inserted “2011”.

Subsec. (g)(2). Pub.L. 109-162, § 602(a)(6)(D), struck out “not more than 3 percent” and inserted “up to 5 percent”.

Pub.L. 109-162, § 602(a)(6)(E), 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), rewrote cl. (i), which formerly read: “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 formerly read:

**“(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 3796gg-10 of this title. The requirements of this paragraph shall not apply to funds allocated for such program.”

Pub.L. 109-271, § 7(b)(2)(B), amended the credit for Pub.L. 109-162, § 906(f) by changing the credit to § 906(e), requiring no change in text.

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

#### Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title VI, § 602, shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Amendment by Pub.L. 109-162, §§ 602, 906, effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

## 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 [42 U.S.C.A. § 237a](#).

## Repeals

Pub.L. 109-162, Title XI, § 1135(e), Jan. 5, 2006, 119 Stat. 3109, cited as a credit to this section, was repealed by Pub.L. 109-271, §§ 2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.

## LIBRARY REFERENCES

American Digest System

[Attorney General](#) ¶6.

[United States](#) ¶82(1), 82(3.1) to 82(3.5), 82(7), 85.

Key Number System Topic Nos. [46](#), [393](#).

42 U.S.C.A. § 13975, 42 USCA § 13975

Current through P.L. 113-74 (excluding P.L. 113-66 and 113-73) approved 1-16-14



**Tribal Coalitions Program, as substantially amended by VAWA 2013**

[Excerpted from STOP program statute]

42 U.S.C.A. § 3796gg

**§ 3796gg. Purpose of program and grants**

\* \* \*

(d) Tribal coalition grants

(1) Purpose

The Attorney General shall award a grant to tribal coalitions for purposes of--

- (A) increasing awareness of domestic violence and sexual assault against Indian women;
- (B) enhancing the response to violence against Indian women at the Federal, State, and tribal levels;
- (C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and
- (D) assisting Indian tribes in developing and promoting State, local, and tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(2) Grants

The Attorney General shall award grants on an annual basis under paragraph (1) to--

- (A) each tribal coalition that--
  - (i) meets the criteria of a tribal coalition under [section 13925\(a\)](#) of this title;
  - (ii) is recognized by the Office on Violence Against Women; and
  - (iii) provides services to Indian tribes; and
- (B) organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

(3) Use of amounts

For each of fiscal years 2014 through 2018, of the amounts appropriated to carry out this subsection--

- (A) not more than 10 percent shall be made available to organizations described in paragraph (2)(B), provided that 1 or more organizations determined by the Attorney General to be qualified apply;

**(B)** not less than 90 percent shall be made available to tribal coalitions described in paragraph (2)(A), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

(4) Eligibility for other grants

Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this title to carry out the purposes described in paragraph (1).

(5) Multiple purpose applications

Nothing in this subsection prohibits any tribal coalition or organization described in paragraph (2) from applying for funding to address sexual assault or domestic violence needs in the same application.

\* \* \*

42 U.S.C.A. § 3796gg-1

**§ 3796gg-1. State grants**

\* \* \*

(b) Amounts

Of the amounts appropriated for the purposes of this subchapter--

**(1)** 10 percent shall be available for grants under the program authorized by [section 3796gg-10](#) of this title, which shall not otherwise be subject to the requirements of this subchapter (other than [section 3796gg-2](#) of this title);

**(2)** 2.5 percent shall be available for grants for State domestic violence coalitions under [section 3796gg\(c\)](#) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands. [\[FN1\]](#), each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

**(3)** 2.5 percent shall be available for grants for State sexual assault coalitions under [section 3796gg\(c\)](#) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56 of the total amount made available under this paragraph for each fiscal year;

**(4)** 1/56 shall be available for grants under [section 3796gg\(d\)](#) of this title;

**(5)** \$600,000 shall be available for grants to applicants in each State; and

(6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

\* \* \*

➔ **§ 3796gg-10. Grants to Indian tribal governments**

(a) Grants

The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments 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, sex trafficking, 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, sex trafficking, and stalking;

(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, sexual assault, sex trafficking, and stalking;

(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;

(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, sex trafficking, 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, sex trafficking, or stalking to locate and secure permanent housing and integrate into a community;

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, sex trafficking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims;

(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of youth and children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing parent or the caretaker of the youth or child; and

(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(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.

#### CREDIT(S)

(Pub.L. 90-351, Title I, § 2015, formerly § 2007, as added [Pub.L. 109-162, Title IX, § 906\(a\)](#), Jan. 5, 2006, 119 Stat. 3080; renumbered and amended [Pub.L. 109-271](#), § 7(a)(1)(A), (C), (3), Aug. 12, 2006, 120 Stat. 763, 764; [Pub.L. 113-4, Title IX, § 901](#), Mar. 7, 2013, 127 Stat. 118.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

##### Codifications

This section was enacted as section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 and directed to be added at the end of Part T of Title I of that Act, and was added following [42 U.S.C.A. 3796gg-9](#), which is section 2014 of Pub.L. 90-351 (as added by Pub.L. 109-162, § 202) and the last enacted section of such Part T, as the probable intent of Congress. Pub.L. 109-271, § 7(a)(1)(A), (C), Aug. 12, 2006, 120 Stat. 763, redesignated this section as section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 and moved sections 2015 and 2016 so as to appear at the end of Part T.

##### Amendments

2013 Amendments. Subsec. (a)(2). Pub.L. 113-4, § 901(1), inserted "sex trafficking," following "sexual assault,".

Subsec. (a)(4). Pub.L. 113-4, § 901(2), inserted "sex trafficking," following "sexual assault,".

Subsec. (a)(5). Pub.L. 113-4, § 901(3), struck out "and stalking programs and to address the needs of children exposed to domestic violence;" and inserted "sexual assault, sex trafficking, and stalking;".

Subsec. (a)(7). Pub.L. 113-4, § 901(4), inserted "sex trafficking," following "sexual assault," each place it appeared, and struck out "and" at the end.

Subsec. (a)(8). Pub.L. 113-4, § 901(5), inserted "sex trafficking," following "stalking," and struck out the period at the end and inserted a semicolon.

Subsec. (a)(9). Pub.L. 113-4, § 901(6), added par. (9).

Subsec. (a)(10). Pub.L. 113-4, § 901(6), added par. (10).

2006 Amendments. Subsec. (a). Pub.L. 109-271, § 7(a)(3)(A)(i), in the matter preceding par. (1), struck out "and tribal organizations" and inserted "or authorized designees of Indian tribal governments".

Subsec. (a)(6). Pub.L. 109-271, § 7(a)(3)(A)(ii), struck out "and" at the end.

Subsec. (a)(7). Pub.L. 109-271, § 7(a)(3)(A)(iii), struck out the period at the end and inserted “; and” .

Subsec. (a)(8). Pub.L. 109-271, § 7(a)(3)(A)(iv), added par. (8).

Subsec. (c). Pub.L. 109-271, § 7(a)(3)(B), struck out subsec. (c), which formerly read:

**“(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.”

**Effective and Applicability Provisions**

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title IX, § 901, shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

2005 Acts. Section enacted effective beginning of fiscal year 2007, see Pub.L. 109-162, § 4, as added Pub.L. 109-271, § 1(b), Aug. 12, 2006, 120 Stat. 750, set out as an effective and applicability provision note under 42 U.S.C.A. § 3793.

**Safety for Indian Women**

Pub.L. 109-162, Title IX, §§ 901, 902, Jan. 5, 2006, 119 Stat. 3077, 3078, provided that:

**“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 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 [Pub.L. 109-162, Title IX (§§ 901 to 909), Jan. 5, 2006, 119 Stat. 3077, enacting this section, [18 U.S.C.A. § 117](#), and [42 U.S.C.A. §§ 3796gg-11](#) and [14045d](#), amending [18 U.S.C.A. § 921](#), [25 U.S.C.A. § 2803](#), [28 U.S.C.A. § 534](#), and [42 U.S.C.A. §§ 3796gg-1](#), [3796gg-6](#), [3796hh](#), [10420](#), [13971](#), and [13975](#), and enacting provisions set out as notes under this section and [28 U.S.C.A. § 534](#)] 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.”

**National Baseline Study of Violence Against Indian Women**

Pub.L. 109-162, Title IX, § 904(a), Jan. 5, 2006, 119 Stat. 3078, as amended Pub.L. 113-4, Title IX, § 907(a), Mar. 7, 2013, 127 Stat. 125, provided that:

**“(a) National baseline study.--**

**“(1) In general.**Not later than 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2013 [Mar. 7, 2013], 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 and in Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act ([43 U.S.C. 1602](#))).

**“(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;

**“(v)** murder; and

**“(vi)** sex trafficking.

**“(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 the Violence Against Women Reauthorization Act of 2013 [Mar. 7, 2013], 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 subsection \$1,000,000 for each of fiscal years 2014 and 2015, to remain available until expended.”

[Except as otherwise provided, amendments by Pub.L. 113-4, Title IX, § 901 et seq., shall take effect on Mar. 7, 2013, see Pub.L. 113-4, § 908, set out as a note under [25 U.S.C.A. § 1304](#).]

#### LIBRARY REFERENCES

American Digest System

[Attorney General](#) ¶6.

[Criminal Law](#) ¶1222.1.

[Indians](#) ¶139.

[United States](#) ¶82(2).

Key Number System Topic Nos. [46](#), [110](#), [209](#), [393](#).

42 U.S.C.A. § 3796gg-10, 42 USCA § 3796gg-10

Current through P.L. 113-36 (excluding P.L. 113-34) approved 9-18-13

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**Underserved Populations Program, as amended by VAWA 2013**

42 U.S.C. § 14045

**§ 14045. Grants for outreach and services to underserved populations**

(a) Grants authorized

(1) In general

Of the amounts appropriated under the grant programs identified in paragraph (2), the Attorney General shall take 2 percent of such appropriated amounts and combine them to award grants to eligible entities described in subsection (b) of this section to develop and implement outreach strategies targeted at adult or youth victims of domestic violence, dating violence, sexual assault, or stalking in underserved populations and to provide victim services to meet the needs of adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in underserved populations. The requirements of the grant programs identified in paragraph (2) shall not apply to this grant program.

(2) Programs covered

The programs covered by paragraph (1) are the programs carried out under the following provisions:

**(A)** [Section 3796gg](#) of this title (Grants to Combat Violent Crimes Against Women).

**(B)** [Section 3796hh](#) of this title (Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program).

(b) Eligible entities

Eligible entities under this section are--

**(1)** population specific organizations that have demonstrated experience and expertise in providing population specific services in the relevant underserved communities, or population specific organizations working in partnership with a victim service provider or domestic violence or sexual assault coalition;

**(2)** victim service providers offering population specific services for a specific underserved population; or

**(3)** victim service providers working in partnership with a national, State, tribal, or local organization that has demonstrated experience and expertise in providing population specific services in the relevant underserved population.

(c) Planning grants

The Attorney General may use up to 25 percent of funds available under this section to make one-time planning grants to eligible entities to support the planning and development of specially designed and targeted programs for adult and youth victims in one or more underserved populations, including--

**(1)** identifying, building and strengthening partnerships with potential collaborators within underserved populations, Federal, State, tribal, territorial or local government entities, and public and private organizations;

**(2)** conducting a needs assessment of the community and the targeted underserved population or populations to determine what the barriers are to service access and what factors contribute to those barriers, using input from the targeted underserved population or populations;

**(3)** identifying promising prevention, outreach and intervention strategies for victims from a targeted underserved population or populations; and

**(4)** developing a plan, with the input of the targeted underserved population or populations, for implementing prevention, outreach and intervention strategies to address the barriers to accessing services, promoting community engagement in the prevention of domestic violence, dating violence, sexual assault, and stalking within the targeted underserved populations, and evaluating the program.

(d) Implementation grants

The Attorney General shall make grants to eligible entities for the purpose of providing or enhancing population specific outreach and services to adult and youth victims in one or more underserved populations, including--

**(1)** working with Federal, State, tribal, territorial and local governments, agencies, and organizations to develop or enhance population specific services;

**(2)** strengthening the capacity of underserved populations to provide population specific services;

**(3)** strengthening the capacity of traditional victim service providers to provide population specific services;

**(4)** strengthening the effectiveness of criminal and civil justice interventions by providing training for law enforcement, prosecutors, judges and other court personnel on domestic violence, dating violence, sexual assault, or stalking in underserved populations; or

**(5)** working in cooperation with an underserved population to develop and implement outreach, education, prevention, and intervention strategies that highlight available resources and the specific issues faced by victims of domestic violence, dating violence, sexual assault, or stalking from underserved populations.

(e) Application

An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) Reports

Each eligible entity receiving a grant under this section shall submit to the Director of the Office on Violence Against Women a report that describes the activities carried out with grant funds.

(g) Authorization of appropriations

In addition to the funds identified in subsection (a)(1), there are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2014 through 2018.

(h) Definitions and grant conditions

In this section the definitions and grant conditions in [section 13925](#) of this title shall apply.

CREDIT(S)

([Pub.L. 109-162, Title I, § 120](#), Jan. 5, 2006, 119 Stat. 2990; [Pub.L. 109-271](#), §§ 1(c)(2), 2(h), Aug. 12, 2006, 120 Stat. 750, 752; [Pub.L. 113-4, Title I, § 108](#), Mar. 7, 2013, 127 Stat. 78.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2006 Acts. [House Report No. 109-233](#), see 2005 U.S. Code Cong. and Adm. News, p. 1636.

Amendments

2013 Amendments. Pub.L. 113-4, § 108, rewrote the section, which formerly read:

**“§ 14045. Grants for outreach to underserved populations**

**“(a) Grants authorized**

**“(1) In general**

“From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) of this section to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

**“(2) Term**

“The Attorney General shall award grants under this section for a period of 1 fiscal year.

**“(b) Eligible entities**

“Eligible entities under this section are--

**“(1)** nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that--

**“(A)** have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

**“(B)** work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

**“(2)** a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

**“(c) Allocation of funds**

“Of the amounts appropriated for grants under this section--

**“(1)** not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

**“(2)** the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

**“(d) Use of funds**

"Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

**"(e) Application**

"An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

**"(f) Criteria**

"In awarding grants under this section, the Attorney General shall ensure--

**"(1)** reasonable distribution among eligible grantees representing various underserved and immigrant communities;

**"(2)** reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

**"(3)** that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

**"(g) Reports**

"Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women a report that describes the activities carried out with grant funds.

**"(h) Authorization of appropriations**

"There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2007 through 2011.

**"(i) Definitions and grant conditions**

"In this section the definitions and grant conditions in section 13925 of this title shall apply."

2006 Amendments. Subsec. (g). Pub.L. 109-271, § 2(h), struck out ", every 18 months," following "Office of Violence Against Women".

Subsec. (i). Pub.L. 109-271, § 1(c)(2), added subsec. (i).

Effective and Applicability Provisions

2013 Acts. Unless as otherwise specifically provided, amendments by Pub.L. 113-4, Title I, § 101 et seq., shall not take effect until the beginning of the fiscal year following Mar. 7, 2013, see Pub.L. 113-4, § 4, set out as a note under [18 U.S.C.A. § 2261](#).

42 U.S.C.A. § 14045, 42 USCA § 14045

Current through P.L. 113-52 approved 11-21-13

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