

Compilation of Federal Statutes Related to Domestic Violence and Sexual Assault

Provided by the Coalition to End Domestic Violence
July 1, 2023

Below are the Summaries and actual text from federal statutes related to domestic violence and sexual assault.

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Violence Against Women Act

8 U.S.C § 1105a – (2005) Summary

Provides employment authorization for certain categories of an “alien spouse” who “demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse”

8 U.S.C § 1105a – (2005)

Employment authorization for battered spouses of certain nonimmigrants

(a) In general

In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 1101(a)(15) of this title who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H) of such section, respectively, the Secretary of Homeland Security may authorize the alien spouse to engage in employment in the United States and provide the spouse with an “employment authorized” endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject of extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 1154(a)(1)(A)(iii) of this title.

(b) Construction

The grant of employment authorization pursuant to this section shall not confer upon the alien any other form of relief.

8 U.S.C § 1375a (2005) (2013) Summary

Provides access to information on legal rights and resources for K nonimmigrants and immigrant victims of domestic violence.

Specifically, this code requires The Secretary of Homeland Security in consultation with the Attorney General and the Secretary of State to develop an information pamphlet that contains the legal rights and resources for immigrant victims of domestic violence for distribution.

This code also lists requirements for what information is to be included in pamphlets, how often it should be revised, how it should be spread, the requirement of availability in other languages, and the distribution.

It also provides regulations for international marriage brokers such as their obligations and penalties for violations. This includes the prohibition of marriage brokers to provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

International marriage brokers are also required to obtain a valid copy of each foreign national client's birth certificate or other proof of age document issued by an appropriate government entity;

indicate on such certificate or document the date it was received by the international marriage broker retain the original of such certificate or document for 7 years after such date of receipt; and produce such certificate or document upon request to an appropriate authority charged with the enforcement of this paragraph.

Other responsibilities of marriage brokers include searching the National Sex Offender Public Website, collect background information about the United States client to whom the personal contact information of a foreign national client would be provided. This code also further explains what qualifies as background information.

Additionally, international marriage brokers are not permitted to provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has meet certain requirements.

These requirements include:

1. performing a search of the National Sex Offender Public Website for information regarding the United States client, they have collected background information about the United States client required.
2. Providing to the foreign national client in the foreign national client's primary language, a copy of any records retrieved from the search required or documentation confirming that such search retrieved no records, a copy of the signed certification and accompanying documentation or attestation regarding the background information and
3. in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed and received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

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

An international marriage broker also shall not provide the personal contact information of any foreign national client to any person or entity other than a United States client. Such information

shall not be disclosed to potential United States clients or individuals who are being recruited to be United States clients or representatives.

This code further provides definitions of the terms: “crime of violence” “domestic violence” ““Foreign national client” and “international marriage broker” “K nonimmigrant visa” “personal contact information” “representative” “State” “United States” “United States client”

It also requires the Comptroller General of the United States to conduct a study on the impact of this section and section 832 on the K nonimmigrant visa process with specific requirements and release a report.

8 U.S.C § 1375a (2005) (2013)

(a) Information for K nonimmigrants on legal rights and resources for immigrant victims of domestic violence

(1) In general

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

(2) Information pamphlet

The information pamphlet developed under paragraph (1) shall include information on the following:

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

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

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

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

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

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

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

(H) Notification of the requirement under subsection (d)(3)(A) that international marriage brokers provide foreign national clients with background information gathered on United States clients from searches of the National Sex Offender Public Website and collected from United

States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate because the United States client may not have a criminal record or may not have truthfully reported their marital or criminal record.

(3) Summaries

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

(4) Translation

(A) In general

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

(B) Revision

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

(5) Availability and distribution

The information pamphlet developed under paragraph (1) shall be made available and distributed as follows:

(A) Mailings to K nonimmigrant visa applicants

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

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

(iii) The Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing described in clause (i), any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under subsection (d) or (r) of section 1184 of this title. The Secretary of State, in turn, shall share any such criminal background information that is in government records or databases with the K nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant.

(iv) The Secretary of Homeland Security shall conduct a background check of the National Crime Information Center's Protection Order Database on each petitioner for a visa under

subsection (d) or (r) of section 1184 of this title. Any appropriate information obtained from such background check—

(I) shall accompany the criminal background information provided by the Secretary of Homeland Security to the Secretary of State and shared by the Secretary of State with a beneficiary of a petition referred to in clause (iii); and

(II) shall not be used or disclosed for any other purpose unless expressly authorized by law.

(v) The Secretary of Homeland Security shall create a cover sheet or other mechanism to accompany the information required to be provided to an applicant for a visa under subsection (d) or (r) of section 1184 of this title by clauses (i) through (iv) of this paragraph or by clauses (i) and (ii) of subsection (r)(4)(B) of such section 1184 of this title, that calls to the applicant's attention—

(I) whether the petitioner disclosed a protection order, a restraining order, or criminal history information on the visa petition;

(II) the criminal background information and information about any protection order obtained by the Secretary of Homeland Security regarding the petitioner in the course of adjudicating the petition; and

(III) whether the information the petitioner disclosed on the visa petition regarding any previous petitions filed under subsection (d) or (r) of such section 1184 of this title is consistent with the information in the multiple visa tracking database of the Department of Homeland Security, as described in subsection (r)(4)(A) of such section 1184 of this title.

(B) Consular access

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

(C) Posting on Federal websites

The pamphlet developed under paragraph (1) shall be posted on the websites of the Department of State and the Department of Homeland Security, as well as on the websites of all consular posts processing applications for K nonimmigrant visas.

(D) International marriage brokers and victim advocacy organizations

The pamphlet developed under paragraph (1) shall be made available to any international marriage broker, government agency, or nongovernmental advocacy organization.

(6) Deadline for pamphlet development and distribution

The pamphlet developed under paragraph (1) shall be distributed and made available (including in the languages specified under paragraph (4)) not later than 120 days after January 5, 2006.

(b) Visa and adjustment interviews

(1) Fiancé(e)s, spouses and their derivatives

During an interview with an applicant for a K nonimmigrant visa, a consular officers shall—

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

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

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

(2) Family-based applicants

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

(c) Confidentiality

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

(d) Regulation of international marriage brokers

(1) Prohibition on marketing of or to children

(A) In general

An international marriage broker shall not provide any individual or entity with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(B) Compliance

To comply with the requirements of subparagraph (A), an international marriage broker shall—

(i) obtain a valid copy of each foreign national client's birth certificate or other proof of age document issued by an appropriate government entity;

(ii) indicate on such certificate or document the date it was received by the international marriage broker;

(iii) retain the original of such certificate or document for 7 years after such date of receipt; and

(iv) produce such certificate or document upon request to an appropriate authority charged with the enforcement of this paragraph.

(2) Requirements of international marriage brokers with respect to mandatory collection of background information

(A) In general

(i) Search of sex offender public website

Each international marriage broker shall search the National Sex Offender Public Website, as required under paragraph (3)(A)(i).

(ii) Collection of background information

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

(B) Background information

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

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

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

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

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

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

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

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

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

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

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

(3) Obligation of international marriage brokers with respect to informed consent

(A) Limitation on sharing information about foreign national clients

An international marriage broker shall not provide any United States client or representative with the personal contact information of any foreign national client unless and until the international marriage broker has—

(i) performed a search of the National Sex Offender Public Website for information regarding the United States client;

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

(iii) provided to the foreign national client—

(I) in the foreign national client's primary language, a copy of any records retrieved from the search required under paragraph (2)(A)(i) or documentation confirming that such search retrieved no records;

(II) in the foreign national client's primary language, a copy of the signed certification and accompanying documentation or attestation regarding the background information collected under paragraph (2)(B); and

(III) in the foreign national client's primary language (or in English or other appropriate language if there is no translation available into the client's primary language), the pamphlet developed under subsection (a)(1); and

(iv) received from the foreign national client a signed, written consent, in the foreign national client's primary language, to release the foreign national client's personal contact information to the specific United States client.

(B) Confidentiality

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

(4) Limitation on disclosure

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

(5) Penalties

(A) Federal civil penalty

(i) Violation

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

(ii) Procedures for imposition of penalty

At the discretion of the Attorney General, a penalty may be imposed under clause (i) either by a Federal judge, or by the Attorney General after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5 (popularly known as the Administrative Procedure Act).

(B) Federal criminal penalties

(i) Failure of international marriage brokers to comply with obligations

Except as provided in clause (ii), an international marriage broker that, in circumstances in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States—

(I) except as provided in subclause (II), violates (or attempts to violate) paragraph (1), (2), (3), or (4) shall be fined in accordance with title 18 or imprisoned for not more than 1 year, or both; or

(II) knowingly violates or attempts to violate paragraphs [1] (1), (2), (3), or (4) shall be fined in accordance with title 18 or imprisoned for not more than 5 years, or both.

(ii) Misuse of information

A person who knowingly discloses, uses, or causes to be used any information obtained by an international marriage broker as a result of a requirement under paragraph (2) or (3) for any purpose other than the disclosures required under paragraph (3) shall be fined in accordance with title 18 or imprisoned for not more than 1 year, or both.

(iii)Fraudulent failures of United States clients to make required self-disclosures

A person who knowingly and with intent to defraud another person outside the United States in order to recruit, solicit, entice, or induce that other person into entering a dating or matrimonial relationship, makes false or fraudulent representations regarding the disclosures described in clause (i), (ii), (iii), or (iv) of subsection (d)(2)(B), including by failing to make any such disclosures, shall be fined in accordance with title 18, imprisoned for not more than 1 year, or both.

(iv)Relationship to other penalties

The penalties provided in clauses (i), (ii), and (iii) are in addition to any other civil or criminal liability under Federal or State law to which a person may be subject for the misuse of information, including misuse to threaten, intimidate, or harass any individual.

(v)Construction

Nothing in this paragraph or paragraph (3) or (4) may be construed to prevent the disclosure of information to law enforcement or pursuant to a court order.

(C)Additional remedies

The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law including equitable remedies.

(6)Enforcement

(A)Authority

The Attorney General shall be responsible for the enforcement of the provisions of this section, including the prosecution of civil and criminal penalties provided for by this section.

(B)Consultation

The Attorney General shall consult with the Director of the Office on Violence Against Women of the Department of Justice to develop policies and public education designed to promote enforcement of this section.

(7) Nonpreemption

Nothing in this subsection shall preempt—

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

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

(8)Effective date

(A)In general

Except as provided in subparagraph (B), this subsection shall take effect on the date that is 60 days after January 5, 2006.

(B)Additional time allowed for information pamphlet

The requirement for the distribution of the pamphlet developed under subsection (a)(1) shall not apply until 30 days after the date of its development and initial distribution under subsection (a)(6).

(e) Definitions

In this section:

(1) Crime of violence

The term “crime of violence” has the meaning given such term in section 16 of title 18.

(2) Domestic violence

The term “domestic violence” has the meaning given such term in section 3 of this Act.[2]

(3) Foreign national client

The term “foreign national client” means a person who is not a United States citizen or national or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker. Such term includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker and any alien recruited by an international marriage broker or representative of such broker.

(4) International marriage broker

(A) In general

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

(B) Exceptions

Such term does not include—

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

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

(5) K nonimmigrant visa

The term “K nonimmigrant visa” means a nonimmigrant visa under clause (i) or (ii) of section 1101(a)(15)(K) of this title.

(6) Personal contact information

(A) In general

The term “personal contact information” means information, or a forum to obtain such information, that would permit individuals to contact each other, including—

- (i) the name or residential, postal, electronic mail, or instant message address of an individual;
- (ii) the telephone, pager, cellphone, or fax number, or voice message mailbox of an individual; or
- (iii) the provision of an opportunity for an in-person meeting.

(B) Exception

Such term does not include a photograph or general information about the background or interests of a person.

(7) Representative

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

(8) State

The term “State” includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(9) United States

The term “United States”, when used in a geographic sense, includes all the States.

(10) United States client

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

(f) GAO studies and reports

(1) Study

The Comptroller General of the United States shall conduct a study—

(A) on the impact of this section and section 832 2 on the K nonimmigrant visa process, including specifically—

- (i) annual numerical changes in petitions for K nonimmigrant visas;
- (ii) the annual number (and percentage) of such petitions that are denied under subsection (d)(2) or (r) of section 1184 of this title, as amended by this Act;
- (iii) the annual number of waiver applications submitted under such a subsection, the number (and percentage) of such applications granted or denied, and the reasons for such decisions;
- (iv) the annual number (and percentage) of cases in which the criminal background information collected and provided to the applicant as required by subsection (a)(5)(A)(iii) contains one or more convictions;
- (v) the annual number and percentage of cases described in clause (iv) that were granted or were denied waivers under section 1184(d)(2) of this title, as amended by this Act;
- (vi) the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have previously filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions;

(vii)the annual number of fiancé(e) and spousal K nonimmigrant visa petitions or family-based immigration petitions filed by petitioners or applicants who have concurrently filed other fiancé(e) or spousal K nonimmigrant visa petitions or family-based immigration petitions; and (viii)the annual and cumulative number of petitioners and applicants tracked in the multiple filings database established under paragraph (4) of section 1184(r) of this title, as added by this Act;

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

(C)that assesses the accuracy and completeness of information gathered under section 832 2 and this section from clients and petitioners by international marriage brokers, the Department of State, or the Department of Homeland Security;

(D)that examines, based on the information gathered, the extent to which persons with a history of violence are using either the K nonimmigrant visa process or the services of international marriage brokers, or both, and the extent to which such persons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B); and

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

(2)Report

Not later than 2 years after January 5, 2006, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3)Data collection

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

(4)Continuing impact study and report

(A)Study

The Comptroller General shall conduct a study on the continuing impact of the implementation of this section and of section of [3] 1184 of this title on the process for granting K nonimmigrant visas, including specifically a study of the items described in subparagraphs (A) through (E) of paragraph (1).

(B)Report

Not later than 2 years after March 7, 2013, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under subparagraph (A).

(C)Data collection

The Attorney General, the Secretary of Homeland Security, and the Secretary of State shall collect and maintain the data necessary for the Comptroller General to conduct the study required by paragraph (1)(A).

15 U.S.C. § 6851 Summary (2022)

Defines the terms “commercial pornographic content” “consent” “depicted individual” “disclose” “intimate visual depiction” “sexually explicit conduct”

Additionally, it discusses the opportunity for civil action against an individual whose intimate visual depiction is disclosed, affecting interstate or foreign commerce, or using any means of interstate or foreign commerce, without the consent of the individual.

For certain individuals who are under 18, incompetent, incapacitated, or deceased the legal guardian of the individual or representative may assume the identifiable individual’s rights under this section, but the defendant shall not be named as such representative or guardian.

Additionally, consent and relief are discussed. Specifically, the fact that the individual consented to the creation of the depiction or the fact that the individual disclosed the intimate visual depiction to someone else shall not establish that the person consented to the further disclosure of the intimate visual depiction by the person alleged. Further, an individual may recover the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred and any other relief available at law, order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the visual depiction.

Finally, court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym and certain exceptions that may prohibit a person from bringing an action for relief are discussed and listed. These include:

- 1) an intimate image that is commercial pornographic content, unless that content was produced by force, fraud, misrepresentation, or coercion of the depicted individual;
- 2) a disclosure made in good faith—
- 3) to a law enforcement officer or agency;
- 4) as part of a legal proceeding;
- 5) as part of medical education, diagnosis, or treatment; or
- 6) in the reporting or investigation of—
- 7) unlawful content; or
- 8) unsolicited or unwelcome conduct;
- 9) a matter of public concern or public interest; or
- 10) a disclosure reasonably intended to assist the identifiable individual.

15 U.S.C. § 6851 (2022)

Civil action relating to disclosure of intimate images

(a) Definitions

In this section:

(1) Commercial pornographic content

The term “commercial pornographic content” means any material that is subject to the record keeping requirements under section 2257 of Title 18.

(2) Consent

The term “consent” means an affirmative, conscious, and voluntary authorization made by the individual free from force, fraud, misrepresentation, or coercion.

(3) Depicted individual

The term “depicted individual” means an individual whose body appears in whole or in part in an intimate visual depiction and who is identifiable by virtue of the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, or from information displayed in connection with the visual depiction.

(4) Disclose

The term “disclose” means to transfer, publish, distribute, or make accessible.

(5) Intimate visual depiction

The term “intimate visual depiction”--

(A) means a visual depiction, as that term is defined in section 2256(5) of Title 18, that depicts--

(i) the uncovered genitals, pubic area, anus, or post-pubescent female nipple of an identifiable individual; or

(ii) the display or transfer of bodily sexual fluids--

(I) on to any part of the body of an identifiable individual;

(II) from the body of an identifiable individual; or

(III) an identifiable individual engaging in sexually explicit conduct and

(B) includes any visual depictions described in subparagraph (A) produced while the identifiable individual was in a public place only if the individual did not--

(i) voluntarily display the content depicted; or

(ii) consent to the sexual conduct depicted.

(6) Sexually explicit conduct

The term “sexually explicit conduct” has the meaning given the term in subparagraphs (A) and (B) of section 2256(2) of Title 18.

(b) Civil action

(1) Right of action

(A) In general

Except as provided in paragraph (4), an individual whose intimate visual depiction is disclosed, in or affecting interstate or foreign commerce or using any means or facility of interstate or foreign commerce, without the consent of the individual, where such disclosure was made by a person who knows that, or recklessly disregards whether, the individual has not consented to such disclosure, may bring a civil action against that person in an appropriate district court of the United States for relief as set forth in paragraph (3).

(B) Rights on behalf of certain individuals

In the case of an individual who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the individual or representative of the identifiable individual's estate, another family member, or any other person appointed as suitable by the court, may assume the identifiable individual's rights under this section, but in no event shall the defendant be named as such representative or guardian.

(2) Consent

For purposes of an action under paragraph (1)--

(A) the fact that the individual consented to the creation of the depiction shall not establish that the person consented to its distribution; and

(B) the fact that the individual disclosed the intimate visual depiction to someone else shall not establish that the person consented to the further disclosure of the intimate visual depiction by the person alleged to have violated paragraph (1).

(3) Relief

(A) In general

In a civil action filed under this section--

(i) an individual may recover the actual damages sustained by the individual or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred; and

(ii) the court may, in addition to any other relief available at law, order equitable relief, including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the visual depiction.

(B) Preservation of anonymity

In ordering relief under subparagraph (A), the court may grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym.

(4) Exceptions

An identifiable individual may not bring an action for relief under this section relating to--

(A) an intimate image that is commercial pornographic content, unless that content was produced by force, fraud, misrepresentation, or coercion of the depicted individual;

(B) a disclosure made in good faith--

(i) to a law enforcement officer or agency;

(ii) as part of a legal proceeding;

(iii) as part of medical education, diagnosis, or treatment; or

(iv) in the reporting or investigation of--

(I) unlawful content; or

(II) unsolicited or unwelcome conduct;

(C) a matter of public concern or public interest; or

(D) a disclosure reasonably intended to assist the identifiable individual.

18 U.S.C § 117 (2005) (2014) Summary

Discusses domestic assault by a habitual offender.

It also provides a definition for the term “domestic assault” and lists penalties for violations.

18 U.S.C § 117 (2005) (2014)

Domestic assault by a habitual offender

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

(1)any assault, sexual abuse, or serious violent felony against a spouse or intimate partner, or against a child of or in the care of the person committing the domestic assault; or

(2)an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

(b)Domestic Assault Defined.—

In this section, the term “domestic assault” means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.

18 U.S.C. § 250 (2022)

Discusses penalties for civil rights offenses. It further describes how it is unlawful for any person to, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631), to engage in, or cause another to engage in, sexual misconduct.

Additionally, penalties for specific violations are discussed and listed.

18 U.S.C. § 250 (2022)

Penalties for civil rights offenses involving sexual misconduct

(a) Offense.--It shall be unlawful for any person to, in the course of committing an offense under this chapter or under section 901 of the Fair Housing Act (42 U.S.C. 3631), engage in, or cause another to engage in, sexual misconduct.

(b) Penalties.--Any person who violates subsection (a) shall be--

(1) in the case of an offense involving aggravated sexual abuse, as defined in section 2241, or if the offense involved sexual abuse, as defined in section 2242, or if the offense involved an attempt to commit such aggravated sexual abuse or sexual abuse, fined under this title and imprisoned for any term of years or for life;

(2) in the case of an offense involving abusive sexual contact of a child who has not attained the age of 16, of the type prohibited by section 2244(a)(5), fined under this title and imprisoned for any term of years or for life;

(3) in the case of an offense involving a sexual act, as defined in section 2246, with another person without the other person's permission, and it does not amount to sexual abuse or aggravated sexual abuse, be fined under this title and imprisoned for not more than 40 years;

(4) in the case of an offense involving abusive sexual contact of the type prohibited by subsection (a)(1) or (b) of section 2244, but excluding abusive sexual contact through the clothing--

(A) fined under this title and imprisoned for not more than 10 years; and

(B) if the offense involves a child who has not attained the age of 12 years, imprisoned for not more than 30 years;

(5) in the case of an offense involving abusive sexual contact of the type prohibited by section 2244(a)(2)--

(A) fined under this title and imprisoned for not more than 3 years; and

(B) if the offense involves a child under the age of 12, imprisoned for not more than 20 years; and

(6) in the case of an offense involving abusive sexual contact through the clothing of the type prohibited by subsection (a)(3), (a)(4), or (b) of section 2244--

(A) fined under this title and imprisoned for not more than 2 years; and

(B) if the offense involves a child under the age of 12, imprisoned for not more than 10 years.

18 U.S.C. § 4051 (2022) Summary

Defines the terms “correctional officer” “covered institution, “Director” “post-partum recovery” “primary caretaker parent” “prisoner” “vulnerable person”

Establishes within the Bureau of Prisons an office that determines the placement of prisoners. Further, in determining the placement of a prisoner, the office established under paragraph (1) shall consider if the prisoner has children, consider placing the prisoner as close to the children as possible; and consider any other factor that the office determines to be appropriate.

Additionally, a prohibition on Placement of Pregnant Prisoners or Prisoners in Post-partum Recovery in Segregated Housing Units. Specifically, a covered institution may not place a prisoner who is pregnant or in post-partum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to the prisoner or others unless it is limited and temporary.

The requirement of the Director is also discussed. These requirements include:

1. to assess the need for family-focused programming at intake, such as questions about children, gauge interest in parenting resources, and concerns about their child or caregiving.
2. provide training, including cultural competency training, to each correctional officer and each employee of the Bureau of Prisons who regularly interacts with prisoners, including each instructor and health care professional,
3. provide training to correctional officers and employees of the Bureau of Prisons who engage with prisoners' families
4. ensure that all prisoners receive adequate health care.
5. make essential hygienic products, including shampoo, toothpaste, toothbrushes, and any other hygienic product that the Director determines appropriate and without charge to prisoners
6. make rules on the distribution and accessibility of sanitary products to prisoners, to ensure each prisoner who requires these products receives a quantity the prisoner deems sufficient; and providing that no visitor is prohibited from visiting a prisoner due to the visitor's use of sanitary products.
7. ensure that all prisoners have access to a gynecologist as appropriate.

Finally, Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003.

18 U.S.C. § 4051 (2022)

Treatment of primary caretaker parents and other individuals

(a) Definitions.--In this section--

- (1) the term "correctional officer" means a correctional officer of the Bureau of Prisons;
- (2) the term "covered institution" means a Federal penal or correctional institution;
- (3) the term "Director" means the Director of the Bureau of Prisons;
- (4) the term "post-partum recovery" means the first 12-week period of post-partum recovery after giving birth;
- (5) the term "primary caretaker parent" has the meaning given the term in section 31903 of the Family Unity Demonstration Project Act (34 U.S.C. 12242);

- (6) the term “prisoner” means an individual who is incarcerated in a Federal penal or correctional institution, including a vulnerable person; and
- (7) the term “vulnerable person” means an individual who--
- (A) is under 21 years of age or over 60 years of age;
 - (B) is pregnant;
 - (C) is victim or witness of a crime;
 - (D) has filed a nonfrivolous civil rights claim in Federal or State court; or
 - (E) during the period of incarceration, has been determined to have experienced or to be experiencing severe trauma or to be the victim of gender-based violence--
 - (i) by any court or administrative judicial proceeding;
 - (ii) by any corrections official;
 - (iii) by the individual's attorney or legal service provider; or
 - (iv) by the individual.
- (b) Geographic placement.--
- (1) Establishment of office.--The Director shall establish within the Bureau of Prisons an office that determines the placement of prisoners.
 - (2) Placement of prisoners.--In determining the placement of a prisoner, the office established under paragraph (1) shall--
 - (A) if the prisoner has children, consider placing the prisoner as close to the children as possible; and
 - (B) consider any other factor that the office determines to be appropriate.
- (c) Prohibition on placement of pregnant prisoners or prisoners in post-partum recovery in segregated housing units.--
- (1) Placement in segregated housing units.--A covered institution may not place a prisoner who is pregnant or in post-partum recovery in a segregated housing unit unless the prisoner presents an immediate risk of harm to the prisoner or others.
 - (2) Restrictions.--Any placement of a prisoner described in paragraph (1) in a segregated housing unit shall be limited and temporary.
- (d) Intake and assessments.--The Director shall assess the need for family-focused programming at intake, such as questions about children, gauge interest in parenting resources, and concerns about their child or caregiving, and administer ongoing assessment to better inform, identify, and make recommendations about the mother's parental role and familial needs.
- (e) Parenting classes.--The Director shall provide voluntary parenting classes to each prisoner who is a primary caretaker parent, and such classes shall be made available to prisoners with limited English proficiency in compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
- (f) Trauma screening.--The Director shall provide training, including cultural competency training, to each correctional officer and each employee of the Bureau of Prisons who regularly interacts with prisoners, including each instructor and health care professional, to enable those correctional officers and employees to--
- (1) identify a prisoner who may have a mental or physical health need relating to trauma the prisoner has experienced; and
 - (2) refer a prisoner described in paragraph (1) to the proper health care professional for diagnosis and treatment.
- (g) Family needs training.--The Director shall provide training to correctional officers and employees of the Bureau of Prisons who engage with prisoners' families on--

- (1) how to interact with children in an age-appropriate manner, and the children's caregivers;
- (2) basic childhood and adolescent development information; and
- (3) basic customer service skills.
- (h) Inmate health.--
 - (1) Health care access.--The Director shall ensure that all prisoners receive adequate health care.
 - (2) Hygienic products.--The Director shall make essential hygienic products, including shampoo, toothpaste, toothbrushes, and any other hygienic product that the Director determines appropriate, available without charge to prisoners. The Director shall make rules--
 - (A) on the distribution and accessibility of sanitary products to prisoners, to ensure each prisoner who requires these products receives a quantity the prisoner deems sufficient; and
 - (B) providing that no visitor is prohibited from visiting a prisoner due to the visitor's use of sanitary products.
 - (3) Gynecologist access.--The Director shall ensure that all prisoners have access to a gynecologist as appropriate.
 - (4) Relation to other laws.--Nothing in paragraph (1) shall be construed to affect the requirements under the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.).

18 U.S.C. § 925B (2022) Summary

Discusses the requirements of the Attorney General to fulfill when the national instant criminal background check system which provides a notice pursuant to section 922(t) that the receipt of a firearm by a person would violate subsection (g) or (n) of section 922 or State, local, or Tribal law.

These requirements include to report to the local law enforcement authority of the State or Tribe where the person sought to acquire the firearm and, if different, the local law enforcement authorities of the State or Tribe of residence of the person

1. that the notice was provided
2. the Federal, State, local or Tribal prohibition;
3. (C)the date and time the notice was provided;
4. (D)the location of the licensee where the firearm was sought to be transferred; and
5. (E)the identity of the person; and
6. (2)where practicable, report the incident to State and local prosecutors or Tribal prosecutors in the jurisdiction where the firearm transfer was sought

it further requires a report to be submitted and discusses the report requirements and amendments to the report.

Finally, it requires that nothing in the section shall be construed to require a report with respect to a person to be made to the same State authorities that made the original denial determination with respect to the transfer of the firearm.

18 U.S.C. § 925B (2022)

Reporting of background check denials to State authorities

(a) In general.--If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) (referred to in this section as “NICS”) provides a notice pursuant to section 922(t) that the receipt of a firearm by a person would violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall, in accordance with subsection (b) of this section--

(1) report to the local law enforcement authority of the State or Tribe where the person sought to acquire the firearm and, if different, the local law enforcement authorities of the State or Tribe of residence of the person--

(A) that the notice was provided;

(B) the Federal, State, local or Tribal prohibition;

(C) the date and time the notice was provided;

(D) the location of the licensee where the firearm was sought to be transferred; and

(E) the identity of the person; and

(2) where practicable, report the incident to State and local prosecutors or Tribal prosecutors in the jurisdiction where the firearm transfer was sought.

(b) Requirements for report.--A report is made in accordance with this subsection if the report is made under subsection (a) within 24 hours after the NICS denies a firearm transfer in accordance with section 922(t) of title 18, United States Code, except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.

(c) Amendment of report.--If a report is made in accordance with subsection (b) and, after such report is made, the Federal Bureau of Investigation determines that the receipt of a firearm by a person for whom the report was made would not violate subsection (g) or (n) of section 922 or State, local, or Tribal law, the Attorney General shall notify any law enforcement authority and any prosecutor to whom the report was made of that determination.

(d) Rule of construction.--Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that made the original denial determination with respect to the transfer of the firearm.

18 U.S.C. § 925C Summary (2022)

Discusses an annual report to Congress about each category of persons prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm or who are denied a firearm.

Other listed required information that must be included includes:

- 1) the number of denials;
- 2) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and explosives.
- 3) the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm;

- 4) the number of denials overturned through the appeals process of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);
 - 5) the number of denials with respect to which an investigation was opened by a field division of the bureau of alcohol, tobacco, firearms, and explosives;
 - 6) the number of persons charged with a Federal criminal offense in connection with a denial; and the number of convictions obtained by Federal authorities in connection with a denial.
- 7) The number of background check notices reported pursuant to section 925B (including the number of the notices that would have been so reported but for section 925B(c)).

18 U.S.C. § 925C (2022)

Annual report to Congress

Not later than 1 year after the date of enactment of this section, and annually thereafter, the Attorney General shall submit to Congress a report detailing the following, broken down by Federal judicial district:

- (1) With respect to each category of persons prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm who are so denied a firearm—
 - (A) the number of denials;
 - (B) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
 - © the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 or State law from receiving or possessing a firearm;
 - (D) the number of denials overturned through the appeals process of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);
 - © the number of denials with respect to which an investigation was opened by a field division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
 - (F) the number of persons charged with a Federal criminal offense in connection with a denial; and
 - (G) the number of convictions obtained by Federal authorities in connection with a denial.
- (2) The number of background check notices reported pursuant to section 925B (including the number of the notices that would have been so reported but for section 925B©).

18 U.S.C. § 925D (2022)

Discusses ways the Attorney General may improve the enforcement of paragraphs (8) and (9) of section 922(g). This includes:

- 1) appoint, in accordance with section 543 of title 28, qualified State, Tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs; and
- 2) deputize State, Tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs.

Additionally, it discusses ways the Attorney general can improve intimate partner and public safety. This includes:

- 1) identify not fewer than 75 jurisdictions among States, territories and Tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8) and (9) of section 922(g) and where local authorities lack the resources to address such violence;
- 2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates; and
- 3) establish, in order to receive and expedite requests for assistance from State, Tribal, territorial, and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact within—
- 4) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and each District Office of the United States Attorneys.

Finally, the term “qualified” is defined.

18 U.S.C. § 925D (2022)

Special assistant U.S. attorneys and cross-deputized attorneys

(a) In general.--In order to improve the enforcement of paragraphs (8) and (9) of section 922(g), the Attorney General may--

- (1) appoint, in accordance with section 543 of title 28, qualified State, Tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs; and
- (2) deputize State, Tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs.

- (b) Improve intimate partner and public safety.--The Attorney General shall--
- (1) identify not fewer than 75 jurisdictions among States, territories and Tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8) and (9) of section 922(g) and where local authorities lack the resources to address such violence;
 - (2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates; and
 - (3) establish, in order to receive and expedite requests for assistance from State, Tribal, territorial, and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact within--
- (A) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
- (B) each District Office of the United States Attorneys.
- (c) Qualified defined.--For purposes of this section, the term “qualified” means, with respect to an attorney, that the attorney is a licensed attorney in good standing with any relevant licensing authority.

18 U.S.C § 1597 (2013) Summary

Lists unlawful conduct with respect to immigration documents such as an attempt to or knowingly destroy, conceal, remove, confiscate, or possess, an actual or purported passport or other immigration document of another individual. It also includes penalties for violators such as fines and imprisonment.

18 U.S.C § 1597 (2013)

Unlawful conduct with respect to immigration documents

- (a) Destruction, Concealment, Removal, Confiscation, or Possession of Immigration Documents.—It shall be unlawful for any person to knowingly destroy, conceal, remove, confiscate, or possess, an actual or purported passport or other immigration document of another individual—
- (1) in the course of violating section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324);
 - (2) with intent to violate section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

(3)in order to, without lawful authority, maintain, prevent, or restrict the labor of services of the individual.

(b)Penalty.—

Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

(c)Obstruction.—

Any person who knowingly obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b).

18 U.S.C § 2241 (1986) (1994) (1996) (1998) (2005) (2006) (2007)

Summary

This code provides the definition of aggravated sexual abuse and provides penalties such as fines, imprisonment or both.

This code also defines “abuse with children” and lists penalties of fines and imprisonment.

It also discusses the state of mind proof requirement. Specifically, the Government does not need to prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

18 U.S.C § 2241 (1986) (1994) (1996) (1998) (2005) (2006) (2007)

Aggravated sexual abuse

(a)By Force or Threat.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act—

(1)by using force against that other person; or

(2)by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b)By Other Means.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

(1)renders another person unconscious and thereby engages in a sexual act with that other person; or

(2)administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—

(A)substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(c) With Children.—

Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) State of Mind Proof Requirement.—

In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

18 U.S.C § 2242 (1986) (1994) (2005) (2006) (2007) (2022) Summary

This code provides a definition for “sexual abuse” and lists penalties such as fines and imprisonment for any term of years or for life.

18 U.S.C § 2242 (1986) (1994) (2005) (2006) (2007) (2022)

Sexual abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping);

(2) engages in a sexual act with another person if that other person is—

(A) incapable of appraising the nature of the conduct; or

(B)physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or
(3)engages in a sexual act with another person without that other person’s consent, to include doing so through coercion;
or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.

18 U.S.C § 2243 (1986) (1990) (1996) (1998) (2005) (2006) (2007) (2022) Summary

Provides definitions for the terms “sexual abuse of a minor”, “a ward”, and “an individual in federal custody.” It also lists defenses penalties for offenders and discusses a state of mind requirement.

Penalties include imprisonment for not more than 15 years, fines, or both.

This code also discusses defenses. Where the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

In the State of Mind Proof Requirement Government does not need to prove that the defendant knew—

- (1)the age of the other person engaging in the sexual act; or
- (2)that the requisite age difference existed between the persons so engaging.

18 U.S.C § 2243 (1986) (1990) (1996) (1998) (2005) (2006) (2007) (2022)

Sexual abuse of a minor, a ward, or an individual in Federal custody

a)Of a Minor.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who—

- (1)has attained the age of 12 years but has not attained the age of 16 years; and
 - (2)is at least four years younger than the person so engaging;
- or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b)Of a Ward.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is—

(1)in official detention; and

(2)under the custodial, supervisory, or disciplinary authority of the person so engaging; or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(c)Of an Individual in Federal Custody.—

Whoever, while acting in their capacity as a Federal law enforcement officer, knowingly engages in a sexual act with an individual who is under arrest, under supervision, in detention, or in Federal custody, shall be fined under this title, imprisoned not more than 15 years, or both.

(d)Defenses.—

In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(e)State of Mind Proof Requirement.—In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew—

(1)the age of the other person engaging in the sexual act; or

(2)that the requisite age difference existed between the persons so engaging.

18 U.S.C § 2244 (1986) (1988) (1994) (1998) (2005) (2006) (2007) (2022) Summary

Provides different circumstances that qualify as abusive sexual conduct and offenses involving young children. It also lists penalties for violators.

18 U.S.C § 2244 (1986) (1988) (1994) (1998) (2005) (2006) (2007) (2022)

Abusive sexual contact

(a)Sexual Conduct in Circumstances Where Sexual Acts Are Punished by This Chapter.—

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if so to do would violate—

(1)subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;

(2)section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

(3)subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;

(4)subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;

(5)subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life; or

(6)subsection (c) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; [1]

(b)In Other Circumstances.—

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than two years, or both.

(c)Offenses Involving Young Children.—

If the sexual contact that violates this section (other than subsection (a)(5)) is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

18 U.S.C §2247 (1994) (1998) (2003) Summary

Provides the maximum term of imprisonment for a violation of this chapter after a prior sex offence conviction which it states as twice the term unless 3559 (e) applies.

It also defines prior sex offense conviction as the same definition given in 2426 (b)

18 U.S.C §2247 (1994) (1998) (2003)

Repeat offenders

(a)Maximum Term of Imprisonment.—

The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter unless section 3559(e) applies.

(b)Prior Sex Offense Conviction Defined.—

In this section, the term “prior sex offense conviction” has the meaning given that term in section 2426(b).

18 U.S.C §2248 (1994) (1996) Summary

Provides circumstances notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law where the court shall order restitution. This code also provides directions and discusses enforcement for restitution.

Further, the order of restitution directs the defendant to pay to the victim the full amount of the victim’s losses as determined by the court and is enforced in accordance with section 3664 in the same manner as an order under section 3663A.

Additionally, the issuance of a restitution order under this section is mandatory. A court may not decline to issue an order under this section because of the economic circumstances of the defendant; or the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

This Code also defines “full amount of the victim’s losses” and the term “victim”

18 U.S.C §2248 (1994) (1996)

Mandatory Restitution

(a)In General.—

Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b)Scope and Nature of Order.—

(1)Directions.—

The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).

(2)Enforcement.—

An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3)Definition.—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred by the victim for—

- (A)medical services relating to physical, psychiatric, or psychological care;
- (B)physical and occupational therapy or rehabilitation;
- (C)necessary transportation, temporary housing, and child care expenses;
- (D)lost income;
- (E)attorneys’ fees, plus any costs incurred in obtaining a civil protection order; and
- (F)any other losses suffered by the victim as a proximate result of the offense.

(4)Order mandatory.—

(A)The issuance of a restitution order under this section is mandatory.

(B)A court may not decline to issue an order under this section because of—

- (i)the economic circumstances of the defendant; or
- (ii)the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c)Definition.—

For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

18 U.S.C §2259 (1994) (1996) (2018) Summary

Provides circumstances where the court shall order restitution. This code also provides directions and enforcement for restitution and provides circumstances for restitution for trafficking child pornography.

Specifically, in restitution for trafficking child pornography the court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim. The court shall order restitution in an amount that reflects the defendant’s relative role in the causal process that underlies the victim’s losses, but which is no less than \$3,000. However, a victim’s total aggregate recovery pursuant to this section shall not exceed the full amount of the victim’s demonstrated losses.

Additionally, the issuance of a restitution order under this section is mandatory. A court may not decline to issue an order under this section because of the economic circumstances of the

defendant; or the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

This code also provides definitions for the terms “Child pornography production”, “trafficking in child pornography” “Victim” and “Monetary Assistance”

It further discusses monetary assistance , If a court determines that a claimant is a victim of trafficking in child pornography under subparagraph and the claimant chooses to receive defined monetary assistance, the court shall order payment to the victim from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

Additionally, this code discusses amount of defined monetary assistance.—The amount of defined monetary assistance payable under this subparagraph shall be equal to—
(i)for the first calendar year after the date of enactment of this subsection, \$35,000; and
(ii)for each calendar year after the year described in clause (i), \$35,000 multiplied by the ratio (not less than one) of—

Lastly, This code also discusses fees for attorney’s representing the victim and prohibits any collection of fees that in the aggregate exceeds 15 percent of any payment. Violators shall be fined under this title, imprisoned not more than 1 year, or both.

18 U.S.C §2259 (1994) (1996) (2018)

Mandatory restitution

(a)In General.—

Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b)Scope and Nature of Order.—

(1)Directions.—

Except as provided in paragraph (2), the order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses.

(2)Restitution for trafficking in child pornography.—If the defendant was convicted of trafficking in child pornography, the court shall order restitution under this section in an amount to be determined by the court as follows:

(A)Determining the full amount of a victim’s losses.—

The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim.

(B)Determining a restitution amount.—

After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant's relative role in the causal process that underlies the victim's losses, but which is no less than \$3,000.

(C) Termination of payment.—

A victim's total aggregate recovery pursuant to this section shall not exceed the full amount of the victim's demonstrated losses. After the victim has received restitution in the full amount of the victim's losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.

(3) Enforcement.—

An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(4) Order mandatory.—

(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

(i) the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) Definitions.—

(1) Child pornography production.—

For purposes of this section and section 2259A, the term “child pornography production” means conduct proscribed by subsections (a) through (c) of section 2251, section 2251A, section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this subsection), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography (as such term is defined in section 2256).

(2) Full amount of the victim's losses.—For purposes of this subsection, the term “full amount of the victim's losses” includes any costs incurred, or that are reasonably projected to be incurred in the future, by the victim, as a proximate result of the offenses involving the victim, and in the case of trafficking in child pornography offenses, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income;

(E) reasonable attorneys' fees, as well as other costs incurred; and

(F) any other relevant losses incurred by the victim.

(3) Trafficking in child pornography.—

For purposes of this section and section 2259A, the term “trafficking in child pornography” means conduct proscribed by section 2251(d), 2252, 2252A(a)(1) through (5), 2252A(g) (in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or 2260(b)), or 2260(b).

(4) Victim.—

For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter. In the case of a victim who is under 18 years of age,

incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the crime victim's rights under this section, but in no event shall the defendant be named as such representative or guardian.

(d)Defined Monetary Assistance.—

(1)Defined monetary assistance made available at victim's election.—

(A)Election to receive defined monetary assistance.—

Subject to paragraphs (2) and (3), when a defendant is convicted of trafficking in child pornography, any victim of that trafficking in child pornography may choose to receive defined monetary assistance from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)).

(B)Finding.—

To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant is a victim of the defendant who was convicted of trafficking in child pornography.

(C)Order.—

If a court determines that a claimant is a victim of trafficking in child pornography under subparagraph (B) and the claimant chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

(D)Amount of defined monetary assistance.—The amount of defined monetary assistance payable under this subparagraph shall be equal to—

(i)for the first calendar year after the date of enactment of this subsection, \$35,000; and

(ii)for each calendar year after the year described in clause (i), \$35,000 multiplied by the ratio (not less than one) of—

(I)the Consumer Price Index for all Urban Consumers (CPI–U, as published by the Bureau of Labor Statistics of the Department of Labor) for the calendar year preceding such calendar year; to

(II)the CPI–U for the calendar year 2 years before the calendar year described in clause (i).

(2)Limitations on defined monetary assistance.—

(A)In general.—

A victim may only obtain defined monetary assistance under this subsection once.

(B)Effect on recovery of other restitution.—

A victim who obtains defined monetary assistance under this subsection shall not be barred or limited from receiving restitution against any defendant for any offenses not covered by this section.

(C)Deduction.—

If a victim who received defined monetary assistance under this subsection subsequently seeks restitution under this section, the court shall deduct the amount the victim received in defined monetary assistance when determining the full amount of the victim's losses.

(3)Limitations on eligibility.—

A victim who has collected payment of restitution pursuant to this section in an amount greater than the amount provided for under paragraph (1)(D) shall be ineligible to receive defined monetary assistance under this subsection.

(4)Attorney fees.—

(A)In general.—

An attorney representing a victim seeking defined monetary assistance under this subsection may not charge, receive, or collect, and the court may not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any payment made under this subsection.

(B)Penalty.—

An attorney who violates subparagraph (A) shall be fined under this title, imprisoned not more than 1 year, or both.

18 U.S.C § 2261 – (1994) (1996) (2000) (2005) (2013) Summary

Provides definitions for circumstances that arise to a violation of interstate domestic violence and lists penalties for violators accordingly.

The Penalties in this code are imprisonment

(1)for life or any term of years, if death of the victim results;

(2)for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3)for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4)as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5)for not more than 5 years, in any other case,

or both fined and imprisoned.

(6)Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.

18 U.S.C § 2261 – (1994) (1996) (2000) (2005) (2013)

Interstate domestic violence

a)Offenses.—

(1)Travel or conduct of offender.—

A person who travels in interstate or foreign commerce or enters or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States with the intent to kill, injure, harass, or intimidate a spouse, intimate partner, or dating partner, and who, in the course of or as a result of such travel or presence, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner, shall be punished as provided in subsection (b).

(2)Causing travel of victim.—

A person who causes a spouse, intimate partner, or dating partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse, intimate partner, or dating partner, shall be punished as provided in subsection (b).

(b)Penalties.—A person who violates this section or section 2261A shall be fined under this title, imprisoned—

(1)for life or any term of years, if death of the victim results;

(2)for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3)for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4)as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5)for not more than 5 years, in any other case,
or both fined and imprisoned.

(6)Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.

18 U.S.C § 2261A (1996) (2000) (2005) (2013) (2018) (2020) Summary

Provides the definition for “stalking”

18 U.S.C § 2261A (1996) (2000) (2005) (2013) (2018) (2020)

Stalking

Whoever—

(1)travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that—

(A)places that person in reasonable fear of the death of, or serious bodily injury to—

(i)that person;

(ii)an immediate family member (as defined in section 115) of that person;

(iii)a spouse or intimate partner of that person; or

(iv) the pet, service animal, emotional support animal, or horse of that person; or
(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or
(2) with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—
(A) places that person in reasonable fear of the death of or serious bodily injury to a person, a pet, a service animal, an emotional support animal, or a horse described in clause (i), (ii), (iii), or (iv) of paragraph (1)(A); or
(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),
shall be punished as provided in section 2261(b) or section 2261B, as the case may be.

18 U.S.C §2262 (1994) (1996) (2000) (2005) (2013) (2018) Summary

Provides the circumstances that arise to an interstate violation of a protection order such as the travel or conduct of the offender or causing travel of the victim.

This code also provides penalties for violators and provides the definition of the term “offender.”

This code also provides penalties for violators such as being fined or imprisoned

18 U.S.C §2262 (1994) (1996) (2000) (2005) (2013) (2018)

Interstate violation of protection order

(a) Offenses.—

(1) Travel or conduct of offender.—

A person who travels in interstate or foreign commerce, or enters or leaves Indian country or is present within the special maritime and territorial jurisdiction of the United States, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

(2) Causing travel of victim.—

A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order

that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).

(b)Penalties.—A person who violates this section shall be fined under this title, imprisoned—

(1)for life or any term of years, if death of the victim results;

(2)for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3)for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4)as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5)for not more than 5 years, in any other case, including any case in which the offense is committed against a pet, service animal, emotional support animal, or horse, or both fined and imprisoned.

18 U.S.C §2263 (1994) Summary

In determining the pretrial release of a defendant, this code provides the alleged victim an opportunity to be heard regarding the danger posed by the defendant.

18 U.S.C §2263 (1994)

Pretrial release of defendant

In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

18 U.S.C §2264 (1994) (1996) (2018) Summary

Discusses restitution and its enforcement. This code requires a restitution order under this section to be mandatory. Therefore, A court may not decline to issue an order under this section because of the economic circumstances of the defendant; or the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source

This code also provides definitions for the terms “victim” and “full amount of the victim’s losses” which includes costs incurred by the victim for circumstances for restitution.

18 U.S.C 2264 (1994) (1996) (2018)

Restitution

(a) In General.—

Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b) Scope and Nature of Order.—

(1) Directions.—

The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).

(2) Enforcement.—

An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) Definition.—For purposes of this subsection, the term “full amount of the victim's losses” includes any costs incurred by the victim for—

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income;

(E) attorneys' fees, plus any costs incurred in obtaining a civil protection order;

(F) veterinary services relating to physical care for the victim's pet, service animal, emotional support animal, or horse; and

(G) any other losses suffered by the victim as a proximate result of the offense.

(4) Order mandatory.—

(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

(i) the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) Victim Defined.—

For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

18 U.S.C §2265 (1994) (2000) (2005) (2006) (2013) (2022) Summary

Provides the amount of credit given to protection orders and its enforcement. It also lists the requirements a protection order needs to have in order to be given full credit.

It also discusses cross or counter petitions and when they are not entitled to full faith and credit, the notification and registration requirements, limits on internet publication of registration information, and Tribal Court Jurisdiction.

18 U.S.C §2265 (1994) (2000) (2005) (2006) (2013) (2022)

Full faith and credit given to protection orders

(a) Full Faith and Credit.—

Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory [1] as if it were the order of the enforcing State or tribe.

(b) Protection Order.—A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) Cross or Counter Petition.—A protection order issued by a State, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

(d) Notification and Registration.—

(1) Notification.—

A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that

enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order.

(2)No prior registration or filing as prerequisite for enforcement.—

Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

(3)Limits on internet publication of registration information.—

A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes. The prohibition under this paragraph applies to all protection orders for the protection of a person residing within a State, territorial, or Tribal jurisdiction, whether or not the protection order was issued by that State, territory, or Tribe.

(e)Tribal Court Jurisdiction.—

For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.

20 U.S.C. § 1161l-6 Summary (2022)

Requires the development of an accessible online portal, a standardized online survey tool regarding postsecondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking. the online survey tool must also be fair and unbiased, be scientifically valid and reliable, meet the highest standards of survey research, and notify the participant that anonymized results of the survey may be published.

In developing the survey tool the Secretary of Education is required to:

1. use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;
2. consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including victims from culturally specific populations and victims with

- disabilities, regarding the development and design of such survey tool and the methodology for administration of such survey tool; and
3. ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

There also requirements listed for survey questions included in the survey tool. Some of these include:

1. be designed to gather information on student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including the experiences of victims of such incidents;
2. use trauma-informed language to prevent re-traumatization; and include questions that give students the option to report their demographic information;
3. questions designed to determine the incidence and prevalence of domestic violence, dating violence, sexual assault, sexual harassment, and stalking;
4. questions regarding whether students know about institutional policies and procedures related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking;
5. questions designed to determine, if victims reported domestic violence, dating violence, sexual assault, sexual harassment, or stalking- to whom the incident was reported and what response the victim may have received whether the victim was informed of, or referred to, national, State, local, Tribal, or on-campus resources; and whether the entity to whom the victim reported the incident conducted an investigation and the duration and final resolution of such an investigation;
6. questions regarding contextual factors, such as whether force, incapacitation, or coercion was involved;
7. questions to determine whether an accused individual was a student at the institution;
8. questions to determine whether a victim reported an incident to Federal, State, local, Tribal, or campus law enforcement;
9. questions to determine why the victim chose to report or not report an incident to the institution or State, local, or campus law enforcement;

Additional required elements for the survey tool and response requirements are also listed.

The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, and the Secretary of Health and Human Services, shall develop a mechanism by which institutions of higher education may, with respect to the survey tool developed pursuant to this section.

The Secretary of Education is also required to ensure that the survey tool is administered in such a way as to be readily accessible to and usable by individuals with disabilities, and may not require an institution of higher education to pay to modify the survey tool in accordance with paragraph (1)(B).

Further, The Secretary of Education shall make available to institutions the mechanism described in paragraph (1), and every 2 years thereafter, each institution of higher education that receives Federal educational assistance shall administer the survey tool developed pursuant to this section and shall require each institution of higher education that administers the survey tool developed pursuant to this section to ensure, to the maximum extent practicable, that an adequate, random, and representative sample size of students (as determined by the Secretary) enrolled at the institution complete the survey tool developed pursuant to this section.

Finally, The Secretary of Education is required to prepare a biennial report on the information gained from the standardized elements of the survey under this section and publish such report in an accessible format on the website of the Department of Education and submit this report to Congress. Additionally, the report shall include campus-level data for each institution and attributed by name of each campus in a manner that permits comparisons across institutions and campuses; and shall not publish any individual survey responses. Publication requirements are also listed.

20 U.S.C. § 1161l-6 (2022)

(a) In general

The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, the Secretary of Health and Human Services, and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking, shall develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding postsecondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

(b) Development of survey tool

In developing the survey tool required under subsection (a), the Secretary of Education shall--

(1) use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(2) consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including victims from culturally specific populations and victims with disabilities, regarding the development and design of such survey tool and the methodology for administration of such survey tool; and

(3) ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

(c) Elements

(1) In general

The survey tool developed pursuant to this section shall be fair and unbiased, be scientifically valid and reliable, meet the highest standards of survey research, and notify the participant that anonymized results of the survey may be published.

(2) Survey questions

Survey questions included in the survey tool developed pursuant to this section shall--

(A) be designed to gather information on student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including the experiences of victims of such incidents;

(B) use trauma-informed language to prevent re-traumatization; and

(C) include--

(i) questions that give students the option to report their demographic information;

(ii) questions designed to determine the incidence and prevalence of domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(iii) questions regarding whether students know about institutional policies and procedures related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(iv) questions designed to determine, if victims reported domestic violence, dating violence, sexual assault, sexual harassment, or stalking--

(I) to whom the incident was reported and what response the victim may have received;

(II) whether the victim was informed of, or referred to, national, State, local, Tribal, or on-campus resources; and

(III) whether the entity to whom the victim reported the incident conducted an investigation and the duration and final resolution of such an investigation;

(v) questions regarding contextual factors, such as whether force, incapacitation, or coercion was involved;

(vi) questions to determine whether an accused individual was a student at the institution;

(vii) questions to determine whether a victim reported an incident to Federal, State, local, Tribal, or campus law enforcement;

(viii) questions to determine why the victim chose to report or not report an incident to the institution or State, local, or campus law enforcement;

(ix) questions to determine the impact of domestic violence, dating violence, sexual assault, sexual harassment, and stalking on the victim's education, including diminished grades, dropped classes, leaves of absence, and negative financial consequences (such as costs associated with loss in paid tuition due to leaves of absence, loss in scholarship awards due to diminished grades, loss of foreign-student visas, and costs associated with counseling, medical services, or housing changes);

(x) questions to determine the impact and effectiveness of prevention and awareness programs and complaints processes;

(xi) questions to determine attitudes toward sexual violence and harassment, including the willingness of individuals to intervene as a bystander to sex-based (including against lesbian, gay, bisexual, or transgender (commonly referred to as "LGBT") individuals), race-based, national origin-based, and disability-based discrimination, harassment, assault, domestic violence, dating violence, sexual assault, sexual harassment, and stalking; and

(xii) other questions, as determined by the Secretary of Education.

(3) Additional elements

In addition to the standardized questions developed by the Secretary of Education under paragraph (2), subject to the review and approval of the Secretary of Education, an institution of higher education may request additional information from students that would increase the understanding of the institution of school climate factors unique to the campuses affiliated with the institution.

(4) Responses

The responses to the survey questions described in paragraph (2) shall--

- (A) be submitted confidentially;
- (B) not be included in crime statistics; and
- (C) in the case of such responses being included in a report, not include personally identifiable information.

(d) Administration of survey

(1) Federal administration

The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, and the Secretary of Health and Human Services, shall develop a mechanism by which institutions of higher education may, with respect to the survey tool developed pursuant to this section--

- (A) administer such survey tool; and
- (B) modify such survey tool to include additional elements or requirements, as determined by the institution, subject to the review and approval of the Secretary of Education.

(2) Costs

The Secretary of Education may not require an institution of higher education to pay to modify the survey tool in accordance with paragraph (1)(B).

(3) Accessibility

The Secretary of Education shall ensure that the survey tool is administered in such a way as to be readily accessible to and usable by individuals with disabilities.

(4) Institutional administration

Beginning not later than 1 year after the date on which the Secretary of Education makes available to institutions the mechanism described in paragraph (1), and every 2 years thereafter, each institution of higher education that receives Federal educational assistance shall administer the survey tool developed pursuant to this section.

(e) Completed surveys

The Secretary of Education shall require each institution of higher education that administers the survey tool developed pursuant to this section to ensure, to the maximum extent practicable, that an adequate, random, and representative sample size of students (as determined by the Secretary) enrolled at the institution complete the survey tool developed pursuant to this section.

(f) Report

(1) In general

Beginning not later than 2 years after March 15, 2022, the Secretary of Education shall--

- (A) prepare a biennial report on the information gained from the standardized elements of the survey under this section and publish such report in an accessible format on the website of the Department of Education, including as part of any online consumer tool offered or supported by the Department of Education that provides information to students regarding specific postsecondary educational institutions, such as the College Scorecard or any successor or similar tool; and
- (B) submit such report to Congress.

(2) Inclusions and exclusions

The report required to be prepared under paragraph (1)--

- (A) shall include campus-level data for each institution and attributed by name of each campus in a manner that permits comparisons across institutions and campuses; and
- (B) shall not publish any individual survey responses.

(g) Publication

Each institution of higher education shall publish, in a manner that is readily accessible and usable by individuals, including individuals with disabilities--

(1) the campus-level results of the standardized elements of the survey under this section on the website of the institution and in the biennial report required under subsection (f) for the campuses affiliated with the institution; and

(2) the campus-level results of the additional elements modifying the survey by the institution, if any, on the website of the institution.

20 U.S.C. § 1689 Summary (2022)

Establishes a task force on sexual violence in education. Duties of the task force is also listed and discussed. Some of these include:

- (1) provide pertinent information to the Secretary of Education, the Attorney General, Congress, and the public with respect to campus sexual violence prevention, investigations, and responses, including the creation of consistent, public complaint processes for violations of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and section 1092(f) of this title;
- (2) provide recommendations to educational institutions for establishing sexual assault prevention and response teams;
- (3) develop recommendations for educational institutions on providing survivor resources, including health care, sexual assault kits, sexual assault nurse examiners, culturally responsive and inclusive standards of care, trauma-informed services, and access to confidential advocacy and support services;
- (4) develop recommendations in conjunction with student groups for best practices for responses to and prevention of sexual violence and dating violence for educational institutions, taking into consideration an institution's size and resources;
- (5) develop recommendations for educational institutions on sex education, as appropriate, training for school staff, and various equitable discipline models;
- (6) develop recommendations on culturally responsive and inclusive approaches to supporting survivors, which include consideration of race, ethnicity, national origin, religion, immigrant status, lesbian, gay, bisexual, or transgender (commonly referred to as "LGBT") status, ability, disability, socio-economic status, exposure to trauma, and other compounding factors;
- (7) solicit periodic input from a diverse group of survivors, trauma specialists, advocates from national, State, and local anti-sexual violence advocacy organizations, institutions of higher education, and other public stakeholders;
- (8) assess the Department of Education's ability under section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) to levy intermediate fines for noncompliance with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the

advisability of additional remedies for such noncompliance, in addition to the remedies already available under Federal law;

Additionally, Federal agencies may detail an officer or employee of such component to the Task Force on Sexual Violence in Education or to the Secretary of Education to assist the Task Force with the duties described in subsection (a), as jointly agreed to by the head of such component and the Task Force.

Further, the task force is required to submit to Congress recommendations for recruiting, retaining, and training a highly-qualified workforce employed by the Department of Education to carry out investigation of complaints alleging a violation of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or section 1092(f) of this title, and enforcement of such title IX (20 U.S.C. 1681 et seq.) or 1092(f) of this title, with respect to sexual violence in education. Additional requirements to be included are listed.

The task force is also required to submit and make publicly available an annual report on its activities and any update of the plan required under subsection (c). Additional required information that must be included are:

- (1) the number of complaints received regarding sexual violence at educational institutions;
- (2) the number of open investigations of sexual violence at educational institutions;
- (3) the number of such complaints that continued to resolution;
- (4) the number of such complaints resolved using informal resolution;
- (5) the average time to complete such an investigation;
- (6) the number of such investigations initiated based on complaints; and
- (7) the number of such investigations initiated by the Department of Education.

Finally, the terms “educational institution” “elementary school” “institution of higher education”

20 U.S.C. § 1689 (2022)

Task Force on Sexual Violence in Education

(a) Task Force on Sexual Violence in Education

Not later than September 1, 2022, the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall establish a joint interagency task force to be known as the “Task Force on Sexual Violence in Education” that shall--

- (1) provide pertinent information to the Secretary of Education, the Attorney General, Congress, and the public with respect to campus sexual violence prevention, investigations, and responses, including the creation of consistent, public complaint processes for violations of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and section 1092(f) of this title;

- (2) provide recommendations to educational institutions for establishing sexual assault prevention and response teams;
- (3) develop recommendations for educational institutions on providing survivor resources, including health care, sexual assault kits, sexual assault nurse examiners, culturally responsive and inclusive standards of care, trauma-informed services, and access to confidential advocacy and support services;
- (4) develop recommendations in conjunction with student groups for best practices for responses to and prevention of sexual violence and dating violence for educational institutions, taking into consideration an institution's size and resources;
- (5) develop recommendations for educational institutions on sex education, as appropriate, training for school staff, and various equitable discipline models;
- (6) develop recommendations on culturally responsive and inclusive approaches to supporting survivors, which include consideration of race, ethnicity, national origin, religion, immigrant status, lesbian, gay, bisexual, or transgender (commonly referred to as "LGBT") status, ability, disability, socio-economic status, exposure to trauma, and other compounding factors;
- (7) solicit periodic input from a diverse group of survivors, trauma specialists, advocates from national, State, and local anti-sexual violence advocacy organizations, institutions of higher education, and other public stakeholders;
- (8) assess the Department of Education's ability under section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) to levy intermediate fines for noncompliance with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the advisability of additional remedies for such noncompliance, in addition to the remedies already available under Federal law; and
- (9) create a plan described in subsection (c).

(b) Personnel details

(1) Authority to detail

Notwithstanding any other provision of law, the head of a component of any Federal agency for which appropriations are authorized under the Violence Against Women Act of 1994 (34 U.S.C. 13925 et seq.), or any amendments made by that Act, may detail an officer or employee of such component to the Task Force on Sexual Violence in Education or to the Secretary of Education to assist the Task Force with the duties described in subsection (a), as jointly agreed to by the head of such component and the Task Force.

(2) Terms of detail

A personnel detail made under paragraph (1) may be made--

- (A) for a period of not more than 3 years; and
- (B) on a reimbursable or nonreimbursable basis.

(c) Additional plan

Not later than 90 days after the date on which the Task Force on Sexual Violence in Education is established under subsection (a), the Task Force shall submit to Congress recommendations for recruiting, retaining, and training a highly-qualified workforce employed by the Department of Education to carry out investigation of complaints alleging a violation of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or section 1092(f) of this title, and enforcement of such title IX (20 U.S.C. 1681 et seq.) or such section 1092(f), with respect to sexual violence in education, which shall include--

- (1) an assessment to identify gaps or challenges in carrying out such investigation and enforcement, which may include surveying the current investigative workforce to solicit feedback on areas in need of improvement;
- (2) an examination of issues of recruiting, retention, and the professional development of the current investigative workforce, including the possibility of providing retention bonuses or other forms of compensation for the purpose of ensuring the Department of Education has the capacity, in both personnel and skills, needed to properly perform its mission and provide adequate oversight of educational institutions;
- (3) an assessment of the benefits of outreach and training with both law enforcement agencies and educational institutions with respect to such workforce;
- (4) an examination of best practices for making educational institutions aware of the most effective campus sexual violence prevention, investigation, and response practices and identifying areas where more research should be conducted; and
- (5) strategies for addressing such other matters as the Secretary of Education considers necessary to sexual violence prevention, investigation, and responses.

(d) Annual reporting

The Task Force on Sexual Violence in Education shall submit to Congress, and make publicly available, an annual report of its activities and any update of the plan required under subsection

(c), including--

- (1) the number of complaints received regarding sexual violence at educational institutions;
- (2) the number of open investigations of sexual violence at educational institutions;
- (3) the number of such complaints that continued to resolution;
- (4) the number of such complaints resolved using informal resolution;
- (5) the average time to complete such an investigation;
- (6) the number of such investigations initiated based on complaints; and
- (7) the number of such investigations initiated by the Department of Education.

(e) Definitions

In this section:

(1) Educational institution

The term “educational institution” includes an institution of higher education, an elementary school, or a secondary school.

(2) Elementary school; secondary school

The terms “elementary school” and “secondary school” have the meanings given the terms in section 7801 of this title.

(3) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1002 of this title.

18 U.S.C §2266– (1994) (2000) (2005) (2006) (2018) Summary

Defines the terms “bodily injury” “course of conduct” “enter or leave Indian country” “Indian country” “protection order” “serious bodily injury” “spouse or intimate partner” “State” “travel

in interstate or foreign converse” “dating partner” “pet” “emotional support animal” and “service animal.”

18 U.S.C §2266– (1994) (2000) (2005) (2006) (2018)

Definitions

In this chapter:

(1)Bodily injury.—

The term “bodily injury” means any act, except one done in self-defense, that results in physical injury or sexual abuse.

(2)Course of conduct.—

The term “course of conduct” means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

(3)Enter or leave indian country.—

The term “enter or leave Indian country” includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

(4)Indian country.—

The term “Indian country” has the meaning stated in section 1151 of this title.

(5)Protection order.—The term “protection 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 order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal 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 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, sexual assault, dating violence, or stalking.

(6)Serious bodily injury.—

The term “serious bodily injury” has the meaning stated in section 2119(2).

(7)Spouse or intimate partner.—The term “spouse or intimate partner” includes—

(A)for purposes of—

(i)sections other than 2261A—

(I)a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

(II)a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship; and

(ii)section 2261A—

(I) a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; or

(II) a person who is or has been in a social relationship of a romantic or intimate nature with the target of the stalking, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.[1]

(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

(8) State.—

The term “State” includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

(9) Travel in interstate or foreign commerce.—

The term “travel in interstate or foreign commerce” does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.

(10) 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. The existence of such a relationship is based on a consideration of—

(A) the length of the relationship; and

(B) the type of relationship; and

(C) the frequency of interaction between the persons involved in the relationship.

(11) Pet.—

The term “pet” means a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, or other animal that is kept for pleasure rather than for commercial purposes.

(12) Emotional support animal.—

The term “emotional support animal” means an animal that is covered by the exclusion specified in section 5.303 of title 24, Code of Federal Regulations (or a successor regulation), and that is not a service animal.

(13) Service animal.—

The term “service animal” has the meaning given the term in section 36.104 of title 28, Code of Federal Regulations (or a successor regulation).

22 U.S.C § 7103a – (2013) Summary

Supports collaboration between the United States Government and governments listed on the annual Trafficking in Persons Report; between foreign governments and civil society actors; and between the United States Government and private sector entities.

It also discusses partnerships between officials at the Department of State, officials at the Department of Labor, and relevant officials of the United States Government, shall promote, build, and sustain partnerships between the United States Government and private entities, to ensure U.S citizens do not use any products extracted with the labor from victims from any sort of trafficking and such entities don't contribute to trafficking sexual exploitation.

It also addresses emergency situations including a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking.

discusses child protection compacts to provide assistance to each country that enters into a child protection compact with the United States to support policies and programs that prevent and respond to violence and reduce the trafficking of minors.

Lastly, it discusses the elements of child compacts, forms of assistance, eligible countries, selection criteria, and suspension and termination of assistance.

22 U.S.C § 7103a – (2013)

Creating, building, and strengthening partnerships against significant trafficking in persons
(a)Declaration of purpose

The purpose of this section is to promote collaboration and cooperation—

(1)between the United States Government and governments listed on the annual Trafficking in Persons Report;

(2)between foreign governments and civil society actors; and

(3)between the United States Government and private sector entities.

(b)Partnerships

The Director of the office established pursuant to section 7103(e)(1) of this title, in coordination and cooperation with other officials at the Department of State, officials at the Department of Labor, and other relevant officials of the United States Government, shall promote, build, and sustain partnerships between the United States Government and private entities, including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations, to ensure that—

(1)United States citizens do not use any item, product, or material produced or extracted with the use and labor from victims of severe forms of trafficking; and

(2)such entities do not contribute to trafficking in persons involving sexual exploitation.

(c)Program to address emergency situations

The Secretary of State, acting through the Director established pursuant to section 7103(e)(1) of this title, is authorized to establish a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking in persons, protection of victims, and prosecution of trafficking offenders.

(d)Child protection compacts

(1)In general

The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Labor, and the heads of other relevant agencies, is authorized to provide assistance under this section for each country that enters into a child protection compact with the United States to support policies and programs that—

(A)prevent and respond to violence, exploitation, and abuse against children; and

(B)measurably reduce the trafficking of minors by building sustainable and effective systems of justice, prevention, and protection.

(2)Elements

A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this chapter. The compact should take into account, if applicable, the national child protection strategies and national action plans for human trafficking of a country, and shall describe—

(A)the specific objectives the foreign government and the United States Government expect to achieve during the term of the compact;

(B)the responsibilities of the foreign government and the United States Government in the achievement of such objectives;

(C)the particular programs or initiatives to be undertaken in the achievement of such objectives and the amount of funding to be allocated to each program or initiative by both countries;

(D)regular outcome indicators to monitor and measure progress toward achieving such objectives;

(E)a multi-year financial plan, including the estimated amount of contributions by the United States Government and the foreign government, and proposed mechanisms to implement the plan and provide oversight;

(F)how a country strategy will be developed to sustain progress made toward achieving such objectives after expiration of the compact; and

(G)how child protection data will be collected, tracked, and managed to provide strengthened case management and policy planning.

(3)Form of assistance

Assistance under this subsection may be provided in the form of grants, cooperative agreements, or contracts to or with national governments, regional or local governmental units, or non-governmental organizations or private entities with expertise in the protection of victims of severe forms of trafficking in persons.

(4)Eligible countries

The Secretary of State, in consultation with the agencies set forth in paragraph (1) and relevant officers of the Department of Justice, shall select countries with which to enter into child protection compacts. The selection of countries under this paragraph shall be based on—

(A)the selection criteria set forth in paragraph (5); and

(B)objective, documented, and quantifiable indicators, to the maximum extent possible.

(5)Selection criteria

A country shall be selected under paragraph (4) on the basis of criteria developed by the Secretary of State in consultation with the Administrator of the United States Agency for International Development and the Secretary of Labor. Such criteria shall include—

(A)a documented high prevalence of trafficking in persons within the country; and

(B)demonstrated political motivation and sustained commitment by the government of such country to undertake meaningful measures to address severe forms of trafficking in persons, including prevention, protection of victims, and the enactment and enforcement of anti-trafficking laws against perpetrators.

(6)Suspension and termination of assistance

(A)In general

The Secretary may suspend or terminate assistance provided under this subsection in whole or in part for a country or entity if the Secretary determines that—

(i)the country or entity is engaged in activities that are contrary to the national security interests of the United States;

(ii)the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or

(iii)the country or entity has failed to adhere to its responsibilities under the Compact.

(B)Reinstatement

The Secretary may reinstate assistance for a country or entity suspended or terminated under this paragraph only if the Secretary determines that the country or entity has demonstrated a commitment to correcting each condition for which assistance was suspended or terminated under subparagraph (A).

22 U.S.C § 7103 (2000, 2003, 2006, 2008, 2013, 2015, 2018, 2019)

Summary (see blue text)

Establishes an Interagency task force to monitor and combat trafficking and allows the President to appoint its members. It discusses the numerous activities and responsibilities of the task force such as measuring and evaluating the progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. Other activities include examining the role of the international “sex tourism” industry in the trafficking of persons and in [the sexual exploitation of women and children around the world](#).

It also establishes an office to monitor and combat trafficking which provides assistance to the task force headed by a director, appointed by the president. It further lists the responsibilities of the director

Additionally, it discusses regional strategies for combatting trafficking in persons by requiring each regional bureau in the Department of State, in cooperation with the Office to Monitor and Combat Trafficking in Persons, to submit a list of anti-trafficking goals and objectives to the Secretary of State for each country in the geographic area of responsibilities of the regional bureau each year.

It also establishes a senior policy operating group and lists its duties.

Lastly, this code discusses the regulations and the availability of information.

22 U.S.C § 7103 (2000, 2003, 2006, 2008, 2013, 2015, 2018, 2019)

Interagency Task Force to Monitor and Combat Trafficking

(a) Establishment

The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(b) Appointment

The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Education, the Secretary of Commerce, the Secretary of the Treasury, the United States Trade Representative, and such other officials as may be designated by the President.

(c) Chairman

The Task Force shall be chaired by the Secretary of State.

(d) Activities of the Task Force

The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this chapter.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 7107 of this title.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies. Any data collection procedures and reporting requirements established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual [exploitation of women and children around the world](#).

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this chapter, and make reasonable efforts to distribute information to enable all relevant Federal Government agencies to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States.

(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the Committee on Foreign Affairs [1] the Committee on Financial Services,, [2] and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this chapter, or any amendment made by this chapter, which shall include, at a minimum, information on—

(A) the number of persons who received benefits or other services under subsections (b) and (f) [3] of section 7105 of this title in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Attorney General, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

(B) the number of persons who have been granted continued presence in the United States under section 7105(c)(3) of this title during the preceding fiscal year and the mean and median time taken to adjudicate applications submitted under such section, including the time from the receipt of an application by law enforcement to the issuance of continued presence, and a description of any efforts being taken to reduce the adjudication and processing time while ensuring the safe and competent processing of the applications;

(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 1101(a)(15) of title 8 during the preceding fiscal year;

(D) the number of persons who have applied for, been granted, or been denied a visa or status under clause (ii) of section 1101(a)(15)(T) of title 8 during the preceding fiscal year, broken down by the number of such persons described in subclauses (I), (II), and (III) of such clause (ii);

(E) the amount of Federal funds expended in direct benefits paid to individuals described in subparagraph (D) in conjunction with T visa status;

(F) the number of persons who have applied for, been granted, or been denied a visa or status under section 1101(a)(15)(U)(i) of title 8 during the preceding fiscal year;

(G) the mean and median time in which it takes to adjudicate applications submitted under the provisions of law set forth in subparagraph (C), including the time between the receipt of an application and the issuance of a visa and work authorization;

(H) any efforts being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing of the applications;

(I) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18 during the preceding fiscal year and the sentences imposed against each such person;

(J) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 7104 and 7105 of this title, or section 2152d of this title, during the preceding fiscal year;

(K) the nature of training conducted pursuant to section 7105(c)(4) of this title during the preceding fiscal year;

(L)the amount, recipient, and purpose of each grant under sections 20702 and 20705 of title 34; 3

(M)activities by the Department of Defense to combat trafficking in persons, including—

- (i)educational efforts for, and disciplinary actions taken against, members of the United States Armed Forces;
- (ii)the development of materials used to train the armed forces of foreign countries;
- (iii)all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;
- (iv)efforts to ensure that United States Government contractors and their employees or United States Government subcontractors and their employees do not engage in trafficking in persons; and
- (v)all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition and Sustainment;

(N)activities or actions by Federal departments and agencies to enforce—

- (i)section 7104(g) of this title and any similar law, regulation, or policy relating to United States Government contractors and their employees or United States Government subcontractors and their employees that engage in severe forms of trafficking in persons, the procurement of commercial sex acts, or the use of forced labor, including debt bondage;
- (ii)section 1307 of title 19 (relating to prohibition on importation of convict-made goods), including any determinations by the Secretary of Homeland Security to waive the restrictions of such section; and
- (iii)prohibitions on the procurement by the United States Government of items or services produced by slave labor, consistent with Executive Order 13107 (December 10, 1998);

(O)the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under subsection (g); and [4]

(P)the activities undertaken by Federal agencies to train appropriate State, tribal, and local government and law enforcement officials to identify victims of severe forms of trafficking, including both sex and labor trafficking;

(Q)the activities undertaken by Federal agencies in cooperation with State, tribal, and local law enforcement officials to identify, investigate, and prosecute offenses under sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, 1594, 2251, 2251A, 2421, 2422, and 2423 of title 18, or equivalent State offenses, including, in each fiscal year—

- (i)the number, age, gender, country of origin, and citizenship status of victims identified for each offense;
- (ii)the number of individuals charged, and the number of individuals convicted, under each offense;
- (iii)the number of individuals referred for prosecution for State offenses, including offenses relating to the purchasing of commercial sex acts;
- (iv)the number of victims granted continued presence in the United States under section 7105(c)(3) of this title;
- (v)the number of victims granted a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 1101(a)(15) of title 8;
- (vi)the number of individuals required by a court order to pay restitution in connection with a violation of each offense under title 18, the amount of restitution required to be paid under each such order, and the amount of restitution actually paid pursuant to each such order;
- (vii)the age, gender, race, country of origin, country of citizenship, and description of the role in the offense of individuals convicted under each offense;

(viii)the number of convictions obtained under chapter 77 of title 18, aggregated separately by the form of offense committed with respect to the victim, including recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a human trafficking victim; and 4

(R)the activities undertaken by the Department of Justice and the Department of Health and Human Services to meet the specific needs of minor victims of domestic trafficking, including actions taken pursuant to subsection (f) and section 20702(a) 3 of title 34, and the steps taken to increase cooperation among Federal agencies to ensure the effective and efficient use of programs for which the victims are eligible; and

(S) [5] tactics and strategies employed by human trafficking task forces sponsored by the Department of Justice to reduce demand for trafficking victims.

(S) 5 the efforts of the United States to eliminate money laundering related to human trafficking and the number of investigations, arrests, indictments, and convictions in money laundering cases with a nexus to human trafficking.

(e)Office To Monitor and Combat Trafficking

(1)In general

The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this chapter and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

(2)United States assistance

The Director shall be responsible for—

(A)all policy, funding, and programming decisions regarding funds made available for trafficking in persons programs that are centrally controlled by the Office to Monitor and Combat Trafficking; and

(B)coordinating any trafficking in persons programs of the Department of State or the United States Agency for International Development that are not centrally controlled by the Director.

(f)Regional strategies for combating trafficking in persons

Each regional bureau in the Department of State shall contribute to the realization of the anti-trafficking goals and objectives of the Secretary of State. Each year, in cooperation with the Office to Monitor and Combat Trafficking in Persons, each regional bureau shall submit a list of anti-trafficking goals and objectives to the Secretary of State for each country in the geographic area of responsibilities of the regional bureau. Host governments shall be informed of the goals and objectives for their particular country and, to the extent possible, host government officials should be consulted regarding the goals and objectives.

(g)Senior Policy Operating Group

(1)Establishment

There shall be established within the executive branch a Senior Policy Operating Group.

(2)Membership; related matters

(A)In general

The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order No. 13257 of February 13, 2002).

(B)Chairperson

The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

(C)Meetings

The Operating Group shall meet on a regular basis at the call of the Chairperson.

(3)Duties

The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this chapter.

(4)Availability of information

Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this chapter.

(5)Regulations

Not later than 90 days after December 19, 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).

22 U.S.C § 7113 (2013) (2018) Summary

Requires the Inspector General of the Department of Justice to conduct audits of recipients of grants under this title to prevent waste, fraud, and abuse of funds by grantees. Additionally, the Inspector General shall determine the appropriate number of grantees to be audited each year.

It also discusses mandatory exclusion as any recipient of grant that is found to have an unresolved audit finding shall not be eligible to receive grant funds.

In awarding grants priority is given to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant.

This code also provides definitions for the terms “unresolved audit finding” “nonprofit organization” and “grant awarded by the Attorney General under this title or an Act amended by this title”

Also discusses grants for nonprofit organizations, including the requirements, the definition, prohibition, and disclosure for grants.

There is also a limitation of no more than 20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

This code also requires a written approval which is a written estimate of all the costs associated with the conference and an annual report to committee on Judiciary of the Senate and Committee on the Judiciary of the House of Representatives on all conference expenditures

Lastly, there is an Annual certification - 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.

22 U.S.C § 7113 (2013) (2018)

Accountability

(a)In general

For fiscal year 2013, and each fiscal year thereafter, all grants awarded by the Attorney General under this title or an Act amended by this title shall be subject to the following accountability provisions:

(1)Audit requirement

(A)Definition

In this paragraph, the term “unresolved audit finding” means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued [1]

(B)Requirement

Beginning in the first fiscal year beginning after March 7, 2013, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients

of grants under this title or an Act amended by this title 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.

(C)Mandatory exclusion

A recipient of grant funds under this title or an Act amended by this title that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this title or an Act amended by this title during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D)Priority

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

(E)Reimbursement

If an entity is awarded grant funds under this title or an Act amended by this title during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

- (i)deposit an amount equal to the amount of 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.

(2)Nonprofit organization requirements

(A)Definition

For purposes of this paragraph and the grant programs under this title or an Act amended by this title, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

(B)Prohibition

The Attorney General may not award a grant under this title or an Act amended by this title to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

(C)Disclosure

Each nonprofit organization that is awarded a grant under this title or an Act amended by this title 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 subparagraph available for public inspection.

(3)Conference expenditures

(A)Limitation

No amounts authorized to be appropriated to the Department of Justice under this title or an Act amended by this title may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this title or an Act amended by this title, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General) provides prior written authorization that the funds may be expended to host the conference.

(B)Written approval

Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C)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 conference expenditures approved under this paragraph.

(4)Annual certification

Beginning in the first fiscal year beginning after March 7, 2013, 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 indicating whether—

(A)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;

(B)all mandatory exclusions required under paragraph (1)(C) have been issued;

(C)all reimbursements required under paragraph (1)(E) have been made; and

(D)includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(b)Application to additional grants

For purposes of subsection (a), for fiscal year 2018, and each fiscal year thereafter, the term “grant awarded by the Attorney General under this title or an Act amended by this title” includes a grant under any of the following:

(1)Section 20333 of title 34.

(2)The program under section 20709c of title 34.

25 U.S.C. § 1305 (2022) Summary

The terms “victim” is defined.

Discusses tribal jurisdiction in Alaska and recognizes and affirms the inherent authority of any Indian tribe occupying a Village in the State to exercise criminal and civil jurisdiction over all Indians present in the Village.

Additionally, it recognizes the full civil jurisdiction of any court of any Indian Tribe to enforce protection orders. This includes the authority to enforce protection orders through civil contempt proceedings, exclusion of violators from the Village of the Indian tribe, and other appropriate mechanisms. It further includes special Tribal criminal jurisdiction over a defendant for a covered crime that occurs in the Village of the participating Tribe.

There is an exemption if victim and defendant are both non-Indians. Additionally, a participating Tribe may not exercise special Tribal criminal jurisdiction over an alleged offense of a covered crime, other than obstruction of justice or assault of Tribal justice personnel, if neither the defendant nor the alleged victim is an Indian.

This code also discusses a pilot program for special Tribal criminal jurisdiction over persons who are not Indians. It further discusses the designation of participating tribes. Specifically, the Attorney General, in consultation with the Secretary of the Interior and affected Indian tribes, shall establish a process to designate Indian tribes to participate in the pilot program. Requirements of this process is also listed.

Intertribal patriation in the pilot program and intertribal partnerships are also discussed.

Additionally, not more than 30 Indian tribes to participate in the pilot program unless the Attorney General submits to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, and publishes in the Federal Register, a written notice of the intention to designate additional Indian tribes as participating Tribes and the rationale. Indian tribes selected to participate in the pilot program as a participating Tribe may exercise special Tribal criminal jurisdiction with respect to covered crimes.

Further, in exercising special Tribal criminal jurisdiction with respect to a covered crime, the Indian court may require the defendant to serve a sentence with listed requirements.

The Attorney General and the Secretary of the Interior may also enter into a memoranda of agreement with participating Tribes and the State for purposes such as o coordinate respective law enforcement activities for purposes such as:

1. to share equipment and other resources;
2. to establish cross-deputization arrangements;
3. to coordinate appropriate training activities; and
4. to address any other matters that will facilitate the successful implementation of the pilot program, including intergovernmental agreements regarding the incarceration of convicted persons; and cooperation in the investigation and prosecution of crimes

However, Nothing in this subtitle will

1. limit, alter, expand, or diminish the civil or criminal jurisdiction of the United States, the State, any subdivision of the State, or any Indian tribe in the State;
2. create or eliminate any Federal or State criminal jurisdiction over a Village; or

3. affect the authority of the United States or any authority delegated by the United States to the State to investigate and prosecute a criminal violation in a Village.

The Alaska “Alaska Tribal Public Safety Advisory Committee” (referred to in this subsection as the “Committee”) The committee membership, duties ,and travel expenses are also listed and discussed.

It is also authorized to sums as may be necessary for the period of fiscal years 2023 through 2027, to remain available until expended.

Finally, a report to Congress is required describing the results of the pilot program, including an explanation of any modifications to law necessary to facilitate improved law enforcement in Villages.

25 U.S.C. § 1305 (2022)

Tribal jurisdiction in Alaska

(a) In general

Subject to title II of Public Law 90-284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”), Congress recognizes and affirms the inherent authority of any Indian tribe occupying a Village in the State to exercise criminal and civil jurisdiction over all Indians present in the Village.

(b) Tribal civil jurisdiction to enforce protection orders

(1) In general

A court of any Indian tribe in the State shall have full civil jurisdiction to issue and enforce protection orders involving any person in matters--

- (A) arising within the Village of the Indian tribe; or
- (B) otherwise within the authority of the Indian tribe.

(2) Inclusions

The full civil jurisdiction to issue and enforce protection orders under paragraph (1) includes the authority to enforce protection orders through--

- (A) civil contempt proceedings;
- (B) exclusion of violators from the Village of the Indian tribe; and
- (C) other appropriate mechanisms.

(c) Special Tribal criminal jurisdiction

(1) In general

Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed under subsection (a), the powers of self-government of a participating Tribe include the inherent power of the participating Tribe, which is hereby recognized and

affirmed, to exercise special Tribal criminal jurisdiction over a defendant for a covered crime that occurs in the Village of the participating Tribe.

(2) Concurrent jurisdiction

The exercise of special Tribal criminal jurisdiction by a participating Tribe shall be concurrent with the jurisdiction of the United States, the State, or both.

(3) Exception if victim and defendant are both non-Indians

(A) In general

A participating Tribe may not exercise special Tribal criminal jurisdiction over an alleged offense of a covered crime, other than obstruction of justice or assault of Tribal justice personnel, if neither the defendant nor the alleged victim is an Indian.

(B) Definition of victim

In this paragraph and with respect to a criminal proceeding in which a participating Tribe exercises special Tribal criminal jurisdiction based on a violation of a protection order, the term “victim” means a person specifically protected by the protection order that the defendant allegedly violated.

(d) Pilot program for special Tribal criminal jurisdiction over persons who are not Indians

(1) Establishment

Subject to title II of Public Law 90-284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”), there is established a pilot program under which the Attorney General, subject to paragraph (5), shall designate not more than 5 Indian tribes per calendar year as participating Tribes to exercise the special Tribal criminal jurisdiction described in paragraph (6) over all persons present in the Village of the Indian tribe.

(2) Procedure

At any time during the 1-year period beginning on March 15, 2022, and annually thereafter, an Indian tribe may request the Attorney General to designate the Indian tribe as a participating Tribe under paragraph (1).

(3) Designation of participating Tribes

(A) In general

The Attorney General, in consultation with the Secretary of the Interior and affected Indian tribes, shall establish a process to designate Indian tribes to participate in the pilot program, which process shall--

(i) require that preference shall be given to Indian tribes occupying Villages--

(I) the populations of which are predominantly Indian; and

(II) that lack a permanent State law enforcement physical presence;

(ii) require that for each Indian tribe requesting to be designated as a participating Tribe, the Attorney General makes a determination that the criminal justice system of the Indian tribe has adequate safeguards in place to protect defendants' rights, consistent with section 204(d) of Public Law 90-284 (25 U.S.C. 1304(d)) (commonly known as the “Indian Civil Rights Act of 1968”); and

(iii) be subject to such other criteria as the Attorney General considers to be appropriate to achieve the purposes of this subtitle.

(B) Designation

The Attorney General shall designate Indian tribes to participate in the pilot program under paragraph (1) using the process established under subparagraph (A).

(4) Intertribal participation

(A) In general

2 or more participating Tribes (or the Tribal organization (as defined in section 5304 of this title) of the participating Tribe, if the Tribal organization is exercising delegated authority from the participating Tribe)--

(i) may elect to participate jointly in the pilot program by providing shared resources to carry out the purposes of the pilot program; and

(ii) on making an election pursuant to clause (i), shall be considered to be a single participating Tribe for purposes of the maximum number of participating Tribes under paragraphs (1) and (5).

(B) Additional participating Tribes

(i) In general

Additional participating Tribes may elect to join an established intertribal partnership under subparagraph (A) at any time after the intertribal partnership is established.

(ii) Application

An intertribal partnership that additional participating Tribes elect to join pursuant to clause (i) shall be considered to be a single participating Tribe for purposes of the maximum number of participating Tribes under paragraphs (1) and (5).

(5) Maximum number of participating Tribes

(A) In general

Except as provided in subparagraph (B), the Attorney General may designate not more than 30 Indian tribes to participate in the pilot program.

(B) Exception

The limitation under subparagraph (A) shall not apply if the Attorney General submits to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, and publishes in the Federal Register, a written notice of the intention to designate additional Indian tribes as participating Tribes, including the rationale for the designation, by not later than the date that is 180 days before the date of designation.

(6) Description of jurisdiction

Congress recognizes and affirms that an Indian tribe selected to participate in the pilot program as a participating Tribe may exercise, subject to paragraph (7), special Tribal criminal jurisdiction with respect to covered crimes.

(7) Rights of defendants

In exercising special Tribal criminal jurisdiction under the pilot program, a participating Tribe shall provide to each defendant all rights described in section 204(d) of Public Law 90-284 (25 U.S.C. 1304(d)) (commonly known as the “Indian Civil Rights Act of 1968”).

(e) Sentences

In a criminal proceeding in which an Indian court of a participating Tribe, in exercising special Tribal criminal jurisdiction with respect to a covered crime, imposes a sentence of imprisonment of more than 1 year on a defendant pursuant to section 202(b) of Public Law 90-284 (25 U.S.C. 1302(b)) (commonly known as the “Indian Civil Rights Act of 1968”), the Indian court may require the defendant--

(1) to serve a sentence--

(A) in a Tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines set by the Bureau of Indian Affairs;

(B) at the expense of the United States, in the nearest appropriate Federal facility pursuant to the Bureau of Prisons Tribal Prisoner Program established under section 234(c)(1) of the Tribal Law and Order Act of 2010 (25 U.S.C. 1302 note; Public Law 111-211); or

(C) at the expense of the participating Tribe and, subject to section 204(f)(1) of Public Law 90-284 (25 U.S.C. 1304(f)(1)) (commonly known as the “Indian Civil Rights Act of 1968”), reimbursable by the Attorney General, in a detention or correctional center approved by the State or a local government of the State pursuant to a memorandum of agreement between the participating Tribe and the State or local government of the State; or

(2) to serve another alternative form of punishment, as determined by the Indian court pursuant to Tribal law.

(f) Memoranda of agreement

The Attorney General and the Secretary of the Interior may enter into such memoranda of agreement with participating Tribes and the State as are necessary and appropriate--

(1) to coordinate respective law enforcement activities;

(2) to share equipment and other resources;

(3) to establish cross-deputization arrangements;

(4) to coordinate appropriate training activities; and

(5) to address any other matters that will facilitate the successful implementation of the pilot program, including intergovernmental agreements regarding--

(A) the incarceration of convicted persons; and

(B) cooperation in the investigation and prosecution of crimes.

(g) Alaska Tribal Public Safety Advisory Committee

(1) Establishment

Not later than 1 year after March 15, 2022, the Attorney General, in consultation with the Secretary of the Interior, affected Indian tribes, and the State, shall establish a committee, to be known as the “Alaska Tribal Public Safety Advisory Committee” (referred to in this subsection as the “Committee”).

(2) Membership

The Committee shall consist of 1 or more representatives from--

(A) participating Tribes and Indian tribes aspiring to participate in the pilot program;

(B) Federal, Tribal, State, and local law enforcement; and

(C) Tribal nonprofit organizations providing victim services.

(3) Duties

The Committee shall focus on--

(A) improving the justice systems, crime prevention, and victim services of Indian tribes and the State; and

(B) increasing coordination and communication among Federal, Tribal, State, and local law enforcement agencies.

(4) Travel expenses

A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of Title 5, while away from their homes or regular places of business in the performance of services for the Committee.

(5) Nonapplicability of FACA

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(6) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection such sums as may be necessary for the period of fiscal years 2023 through 2027, to remain available until expended.

(h) Report to Congress

Not later than 5 years after March 15, 2022, the Attorney General, in consultation with the Secretary of the Interior and affected Indian tribes, shall submit to Congress a report describing the results of the pilot program, including an explanation of any modifications to law necessary to facilitate improved law enforcement in Villages.

(i) Applicability

Nothing in this subtitle--

- (1) limits, alters, expands, or diminishes the civil or criminal jurisdiction of the United States, the State, any subdivision of the State, or any Indian tribe in the State;
- (2) creates or eliminates any Federal or State criminal jurisdiction over a Village; or
- (3) affects the authority of the United States or any authority delegated by the United States to the State to investigate and prosecute a criminal violation in a Village.

34 U.S.C. § 10112 Summary

Establishes a Senior Policy Advisor on Culturally Specific Communities within the Office of Justice Programs and discuss their duties. Some of these include:

- 1) advise on the administration of grants related to culturally specific (as defined in section 12291(a) of this title) services and contracts with culturally specific organizations;
- 2) coordinate development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in section 12291(a) of this title), in culturally specific communities;
- 3) advise the Assistant Attorney General for the Office of Justice Programs concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;
- 4) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;

Qualifications for the Senior Policy Advisor and their initial appointment are also discussed.

34 U.S.C. § 10112

Senior Policy Advisor on Culturally Specific Communities within the Office of Justice Programs

a) Establishment; duties

There shall be a Senior Policy Advisor on Culturally Specific Communities within the Office of Justice Programs who shall, under the guidance and authority of the Assistant Attorney General of the Office of Justice Programs--

- (1) advise on the administration of grants related to culturally specific (as defined in section 12291(a) of this title) services and contracts with culturally specific organizations;
- (2) coordinate development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in section 12291(a) of this title), in culturally specific communities;
- (3) advise the Assistant Attorney General for the Office of Justice Programs concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;
- (4) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;
- (5) ensure that appropriate technical assistance, developed and provided by entities having expertise in culturally specific communities, is made available to grantees and potential grantees proposing to serve culturally specific communities; and
- (6) ensure access to grants and technical assistance for culturally specific organizations and analyze the distribution of funding in order to identify barriers for culturally specific organizations.

(b) Qualifications

The Senior Policy Advisor on Culturally Specific Communities shall be an individual with--

- (1) personal, lived, and work experience from a culturally specific community; and
- (2) a demonstrated history of and expertise in addressing domestic violence or sexual assault in a nongovernmental agency.

(c) Initial appointment

Not later than 120 days after March 15, 2022, the Assistant Attorney General of the Office of Justice Programs shall appoint an individual as Senior Policy Advisor on Culturally Specific Communities.

34 U.S.C. § 10238 (2000) Summary

This code requires grant recipients to submit a report on the effectiveness of the activities carried out with amounts made available to carry out that program. It further describes additional information that should be included.

34 U.S.C. § 10238 (2000)

Accountability and oversight

(a) Report by grant recipients

The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) Report to Congress

The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

34 U.S.C §10441 (1994) (2004) (2005) (2010) (2013) (2022) Summary (see blue text)

Discusses grants to the government to develop and strengthen 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.

It further discusses the purposes for which grants may be used. Some of these include:

1. training law enforcement officers, judges, other court personnel, and prosecutors to 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. 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.
2. developing 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.
3. Developing 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;
4. 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 and legal assistance 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;

5. 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;
6. supporting 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;
7. 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;
8. developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of individuals 50 years of age or over, individuals with disabilities, and Deaf individuals 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, legal assistance, and other victim services to such individuals;
9. providing assistance to victims of domestic violence and sexual assault in immigration matters;
10. maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families, including rehabilitative work with offenders;
11. supporting the placement of special victim assistants (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 in certain activities.

Some of these activities include:

1. 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;
2. 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 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,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;
3. 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.
4. the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

5. Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (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;
6. 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;
7. developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;
8. 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;
9. developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;
10. 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;
11. 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;
12. developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, stalking, or female genital mutilation or cutting, with not more than 5 percent of the amount allocated to a State to be used for this purpose;
13. developing, enhancing, or strengthening programs and projects to improve evidence collection methods for victims of domestic violence, dating violence, sexual assault, or stalking, including through funding for technology that better detects bruising and injuries across skin tones and related training;
14. developing, enlarging, or strengthening culturally specific victim services programs to provide culturally specific victim services and responses to female genital mutilation or cutting;
15. providing victim advocates in State or local law enforcement agencies, prosecutors' offices, and courts to provide supportive services and advocacy to Indian victims of domestic violence, dating violence, sexual assault, and stalking.

It also discusses state coalition grants which should be used 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.

It also describes the circumstances that awards will be granted to each coalition, the use for the amount of award

34 U.S.C §10441 (1994) (2004) (2005) (2010) (2013) (2022)

(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, including implementation of the grant conditions in section 12291(b) of this title;

(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 and legal assistance 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 individuals 50 years of age or over, individuals with disabilities, and Deaf individuals 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, legal assistance, and other victim services to such 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, including rehabilitative work with offenders;
- (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,” to provide 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;

(20)developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, stalking, or female genital mutilation or cutting, with not more than 5 percent of the amount allocated to a State to be used for this purpose;

(21)developing, enhancing, or strengthening programs and projects to improve evidence collection methods for victims of domestic violence, dating violence, sexual assault, or stalking, including through funding for technology that better detects bruising and injuries across skin tones and related training;

(22)developing, enlarging, or strengthening culturally specific victim services programs to provide culturally specific victim services and responses to female genital mutilation or cutting;

(23)providing victim advocates in State or local law enforcement agencies, prosecutors’ offices, and courts to provide supportive services and advocacy to Indian victims of domestic violence, dating violence, sexual assault, and stalking; and

(24)paying any fees charged by any governmental authority for furnishing a victim or the child of a victim with any of the following documents:

(A)A birth certificate or passport of the individual, as required by law.

(B)An identification card issued to the individual by a State or Tribe, that shows that the individual is a resident of the State or a member of the Tribe.

(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 title 42; 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 subsection 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).

(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 12291(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 2023 through 2027, 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 chapter 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.

34 U.S.C § 10442 – (2002) (2022) Summary

Establishes the office of violence against women as a separate office within the Department of Justice and discusses the office’s jurisdiction.

34 U.S.C § 10442 – (2002) (2022)

Establishment of Office on Violence Against Women

(a)In general

There is hereby established within the Department of Justice, under the general authority of the Attorney General, an Office on Violence Against Women (in this subchapter referred to as the “Office”).

(b)Separate office

The Office shall be a separate and distinct office within the Department of Justice, not subsumed by any other office, headed by a Director, who shall report to the Attorney General and serve as Counsel to the Attorney General on the subject of violence against women, and who shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office.

(c)Jurisdiction

Under the general authority of the Attorney General, the Office—

(1)shall have sole jurisdiction over all duties and functions described in section 10444 of this title; and

(2) shall be solely responsible for coordination with other departments, agencies, or offices of all activities authorized or undertaken under—

(A) the Violence Against Women Act of 1994 (title IV of Public Law 103–322);

(B) the Violence Against Women Act of 2000 (division B of Public Law 106–386);

(C) the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960);

(D) the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54); and

(E) the Violence Against Women Act Reauthorization Act of 2022.

34 U.S.C § 10443 (2002) (2022) Summary

This code discusses the appointment of the director of office on violence against women by the President along with the advice and consent of the Senate.

Also discusses the limitations for the director. Such as engaging in any employment other than that of serving as Director; or hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994, the Violence Against Women Act of 2000, the Violence Against Women and Department of Justice Reauthorization Act of 2005, the Violence Against Women Reauthorization Act of 2013, or the Violence Against Women Act Reauthorization Act of 2022.

Also discusses compensation or the role and gives instructions for instances of the position becoming vacant.

34 U.S.C § 10443 – (2002) (2022)

Director of Office on Violence Against Women

(a) Appointment

The President, by and with the advice and consent of the Senate, shall appoint a Director for the Office on Violence Against Women (in this subchapter referred to as the “Director”) to be responsible, under the general authority of the Attorney General, for the administration, coordination, and implementation of the programs and activities of the Office.

(b) Other employment

The Director shall not—

(1) engage in any employment other than that of serving as Director; or

(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Violence Against Women Act of 2000 (division B of Public Law 106–386), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960), the Violence Against

Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54), or the Violence Against Women Act Reauthorization Act of 2022.

(c) Vacancy

In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

(d) Compensation

The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

34 U.S.C § 10444 (2002) (2022)

This code discusses the duties and functions of the director of office on violence against women.

Some of these duties include:

1. Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.
2. Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.
3. Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.
4. Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.
5. Carrying out the functions of the Director of the Department of Justice under the Violence Against Women Act of 1994, the Violence Against Women Act of 2000, the Violence Against Women and Department of Justice Reauthorization Act of 2005, the Violence Against Women Reauthorization Act of 2013 and the Violence Against Women Act Reauthorization Act of 2022.

34 U.S.C § 10444 (2002) (2022)

Duties and functions of Director of Office on Violence Against Women

The Director shall have the following duties:

- (1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

- (2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.
- (3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.
- (4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.
- (5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103–322), the Violence Against Women Act of 2000 (division B of Public Law 106–386), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960), the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54), and the Violence Against Women Act Reauthorization Act of 2022, including with respect to those functions—
 - (A) the development of policy, protocols, and guidelines;
 - (B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and
 - (C) the award and termination of grants, cooperative agreements, and contracts.
- (6) Providing technical assistance, coordination, and support to—
 - (A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;
 - (B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, synchronize Federal definitions and protocols, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and
 - (C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.
- (7) Exercising such other powers and functions as may be vested in the Director pursuant to this subchapter or by delegation of the Attorney General.
- (8) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

34 U.S.C § 10445 (2002) (2022) Summary

This requires the attorney general to ensure the director has adequate staff to carry out responsibilities.

34 U.S.C § 10445 (2002) (2022) Staff of Office on Violence Against Women

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this subchapter.

34 U.S.C § 10446 (1994) (2000) (2002) (2004) (2005) (2006) (2013) (2022) Summary

This code discusses grants and specifies the percentages or amount of the grant that shall be distributed based on the purpose.

Specifically, 2.5 percent shall be available for grants for State domestic violence coalitions under section 10441(c) of this title,

2.5 percent shall be available for grants for State sexual assault coalitions under section 10441(c) of this title,

1/56 shall be available for grants under section 10441(d) of this title, \$600,000 shall be available for grants to applicants in each State; and discusses how the remaining amount should be distributed based on population.

It also discusses the qualification for funding including specific purposes such as develop a plan for implementation which also has specific requirements for percentages allocated to different sources. Implementation plans must also identify how the State will use the funds awarded under this subchapter, including how the State will meet the requirements of subsection (c)(5) and the requirements under section 12291(b) of this title and submit to the Attorney General the required documents.

This code also discusses application requirements, disbursement, regulations, conditions, implementation plans, the federal share, Indian tribes, grantee reporting, reallocation of funds, the supervision of funds, and authorizes \$5,000,000 for each fiscal year from 2023 through 2027.

It further defines "child custody proceeding" and discusses grant increases for States with certain child custody proceeding laws and standards. Specifically, it allows for an increase in the amount of a grant awarded under subsection (a) to an eligible State that submits an application by an amount that is not more than 10 percent of the average of the total amount of funding provided to the State under subsection (a) under the 3 most recent awards to the State.

Child custody proceeding laws are also described in greater detail.

It also provides a definition for the terms "child custody proceeding" "eligible state" "reunification treatment"

Lastly, this code discusses an ongoing training and education program that focuses on domestic and sexual violence and child abuse, including child sexual abuse, physical abuse, emotional abuse, coercive control, implicit and explicit bias, including biases relating to parents with disabilities, trauma, long- and short-term impacts of domestic violence and child abuse on

children; and victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence. It also discusses who the program should be provided by.

34 U.S.C §10446 (1994) (2000) (2002) (2004) (2005) (2006) (2013) (2022)

(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 10441(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 10452 of this title, which shall not otherwise be subject to the requirements of this subchapter (other than section 10447 of this title);

(2)2.5 percent shall be available for grants for State domestic violence coalitions under section 10441(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.,[1] 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 10441(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 10441(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), 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 10441(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 title 42 and the programs described in section 20103 of this title and section 280b–1b of title 42.[2]
- (4) [3] 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]
- (4) 3 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.2, [5]
- (5) not later than 2 years after the date of enactment of this Act,5 and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter 5 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 10449 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 10450 of this title;
 - (4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in section 10451 of this title;
 - (5) proof of compliance with the requirements regarding training for victim-centered prosecution described in section 10454 of this title;
 - (6) certification of compliance with the grant conditions under section 12291(b) of this title, as applicable;
 - (7) an implementation plan required under subsection (i); and
 - (8) 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 10181 5 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 5 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 12291(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 the requirements under section 12291(b) of this title, as applicable; 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, sexual orientation, gender identity, 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).

(k)Grant increases for States with certain child custody proceeding laws and standards

(1)Definitions

In this subsection:

(A)Child custody proceeding

The term “child custody proceeding”—

(i)means a private family court proceeding in State or local court that, with respect to a child, involves the care or custody of the child in a private divorce, separation, visitation, paternity,

child support, legal or physical custody, or civil protection order proceeding between the parents of the child; and

(ii)does not include—

(I)any child protective, abuse, or neglect proceeding;

(II)a juvenile justice proceeding; or

(III)any child placement proceeding in which a State, local, or Tribal government, a designee of such a government, or any contracted child welfare agency or child protective services agency of such a government is a party to the proceeding.

(B)Eligible State

The term “eligible State” means a State that—

(i)receives a grant under subsection (a); and

(ii)has in effect—

(I)each law described in paragraph (3);

(II)the standards described in paragraph (4); and

(III)the training program described in paragraph (5).

(C)Reunification treatment

The term “reunification treatment” means a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child.

(2)Increase

(A)In general

The Attorney General shall increase the amount of a grant awarded under subsection (a) to an eligible State that submits an application under paragraph (6) by an amount that is not more than 10 percent of the average of the total amount of funding provided to the State under subsection (a) under the 3 most recent awards to the State.

(B)Term of increase

An increase of a grant under subparagraph (A) shall be for 1 fiscal year.

(C)Renewal

An eligible State that receives an increase under subparagraph (A) may submit an application for renewal of the increase at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(D)Limit

An eligible State may not receive an increase under subparagraph (A) for more than 4 fiscal years.

(3)Laws

The laws described in this paragraph are the following:

(A)A law that ensures that, with respect to a child custody proceeding in which a parent has been alleged to have committed domestic violence or child abuse, including child sexual abuse—

(i)expert evidence from a court-appointed or outside professional relating to the alleged abuse may be admitted only if the professional possesses demonstrated expertise and clinical

experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature; and

(ii) in making a finding regarding any allegation of domestic violence or child abuse, including child sexual abuse, in addition to any other relevant admissible evidence, evidence of past sexual or physical abuse committed by the accused parent shall be considered, including—

(I) any past or current protection or restraining orders against the accused parent;

(II) sexual violence abuse protection orders against the accused parent;

(III) arrests of the accused parent for domestic violence, sexual violence, or child abuse; or

(IV) convictions of the accused parent for domestic violence, sexual violence, or child abuse.

(B) A law that ensures that, during a child custody proceeding—

(i) a court may not, solely in order to improve a deficient relationship with the other parent of a child, remove the child from a parent or litigating party—

(I) who is competent, protective, and not physically or sexually abusive; and

(II) with whom the child is bonded or to whom the child is attached;

(ii) a court may not, solely in order to improve a deficient relationship with the other parent of a child, restrict contact between the child and a parent or litigating party—

(I) who is competent, protective, and not physically or sexually abusive; and

(II) with whom the child is bonded or to whom the child is attached;

(iii) a court may not order a reunification treatment, unless there is generally accepted and scientifically valid proof of the safety, effectiveness, and therapeutic value of the reunification treatment;

(iv) a court may not order a reunification treatment that is predicated on cutting off a child from a parent with whom the child is bonded or to whom the child is attached; and

(v) any order to remediate the resistance of a child to have contact with a violent or abusive parent primarily addresses the behavior of that parent or the contributions of that parent to the resistance of the child before ordering the other parent of the child to take steps to potentially improve the relationship of the child with the parent with whom the child resists contact.

(C) A law that requires judges and magistrates who hear child custody proceedings and other relevant court personnel involved in child custody proceedings, including guardians ad litem, best interest attorneys, counsel for children, custody evaluators, masters, and mediators to complete, with respect to the training program described in paragraph (5)—

(i) not less than 20 hours of initial training; and

(ii) not less than 15 hours of ongoing training every 5 years.

(4) Uniform required standards

The standards described in this paragraph are uniform required standards that—

(A) apply to any neutral professional appointed by a court during a child custody proceeding to express an opinion relating to abuse, trauma, or the behaviors of victims and perpetrators of abuse and trauma; and

(B) require that a professional described in subparagraph (A) possess demonstrated expertise and clinical experience in working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely of a forensic nature.

(5) Training and education program

The training program described in this paragraph is an ongoing training and education program that—

(A) focuses solely on domestic and sexual violence and child abuse, including—

(i) child sexual abuse;

- (ii) physical abuse;
- (iii) emotional abuse;
- (iv) coercive control;
- (v) implicit and explicit bias, including biases relating to parents with disabilities;
- (vi) trauma;
- (vii) long- and short-term impacts of domestic violence and child abuse on children; and
- (viii) victim and perpetrator behavior patterns and relationship dynamics within the cycle of violence;

(B) is provided by—

(i) a professional with substantial experience in assisting survivors of domestic violence or child abuse, including a victim service provider (as defined in section 12291 of this title); and

(ii) if possible, a survivor of domestic violence or child physical or sexual abuse;

(C) relies on evidence-based and peer-reviewed research by recognized experts in the types of abuse described in subparagraph (A);

(D) does not include theories, concepts, or belief systems unsupported by the research described in subparagraph (C); and

(E) is designed to improve the ability of courts to—

(i) recognize and respond to child physical abuse, child sexual abuse, domestic violence, and trauma in all family victims, particularly children; and

(ii) make appropriate custody decisions that—

(I) prioritize child safety and well-being; and

(II) are culturally sensitive and appropriate for diverse communities.

(6) Application

(A) In general

An eligible State desiring a grant increase 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 may reasonably require.

(B) Contents

An application submitted by an eligible State under subparagraph (A) shall include information relating to—

(i) the laws described paragraph (3);

(ii) the standards described in paragraph (4); and

(iii) the training program described in paragraph (5).

(7) Use of funds

An eligible State that receives a grant increase under paragraph (2)(A) shall use the total amount of the increase for the purposes described in subparagraph (C) or (D) of subsection (c)(4).

(8) Rule of construction

Nothing in this subsection shall be interpreted as discouraging States from adopting additional provisions to increase safe outcomes for children. Additional protective provisions are encouraged.

(9) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C §10447 (2005)

In this subchapter the definitions and grant conditions in section 12291 of this title shall apply.

34 U.S.C §10448 (1994) (2000) (2002) (2004) (2005) (2006) Summary

This code allows The Attorney General to request any Federal agency to use its authorities and the resources granted to it (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) for State, tribal, and local assistance efforts.

It also requires the Attorney General to submit a report no later than 1 month after the end of each even-numbered fiscal year, to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. This code also lists the requirements that need to be included in the report.

This code also discusses regulations or guidelines such as 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.

34 U.S.C §10448 (1994) (2000) (2002) (2004) (2005) (2006)

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.

34 U.S.C §10449 (1994) (2002) (2004) (2005) (2006) (2013) Summary

This code discusses the payment for rape exams.

Specifically, a state, Indian tribal government, or unit of local government shall incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if they provides such exams or arranges for victims to obtain such exams. If the entity does incur the full costs of forensic medical exams and coordinates with health care providers in the region to notify victims of sexual assault of availability of rape exams at no cost to the victims, they are not entitled to receive funding. Additionally, 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.

A State or unit of local government shall also not be entitled to funds under this subchapter unless the State or unit of local government 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 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 the period ending on the date on which the next session of the State legislature ends; or 2 years.

Further, to be in compliance with this section, a State, Indian tribal government, or unit of local government shall cover medical costs without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement and shall have 3 years from the date of enactment of this Act 1 to come into compliance with this section.

This code also discusses redistribution, specifically funds withheld from a State or unit of local government or Indian tribal government shall be distributed to other States or units of local government pro rata.

Lastly, Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, pro rata

34 U.S.C §10449 (1994) (2002) (2004) (2005) (2006) (2013)

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 [1] 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.

(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 1 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) shall be distributed to other States and units of local government, pro rata.

34 U.S.C §10450 (1994) (2000) (2002) (2004) (2013) Summary

This code discusses the costs and criminal charges and protection orders

Specifically, it allots funding only if certain requirements are met.

1. This includes certifying 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 previous listed requirements within the later of the period ending on the date on which the next session of the State legislature ends; or 2 years after October 28, 2000.

Additionally, funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

Also the term “protection order” is given the same definition as the one given in section 2266 of title 18.

34 U.S.C §10450 (1994) (2000) (2002) (2004) (2013)

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

(b) Redistribution

Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) 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.

houses and psychiatric institutions.

34 U.S.C § 10451 (2005) Summary

This code discusses the eligibility for grants concerning polygraph testing. To be eligible to receive grants, a government entity must certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that no 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.

34 U.S.C § 10451 (2005)

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.

34 U.S.C § 10452 (2005) (2006) (2013) (2020) Summary (see blue text)

This code discusses the twelve circumstances that allow the Attorney General to make grants to Indian tribal governments. It also requires that all applicants to 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. Applicants can also meet this requirement through consultation with women in the community to be served.

Some purposes that grants can be granted for include:

1. to 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,[1] 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;

34 U.S.C § 10452 (2005) (2006) (2013) (2020) (see blue text)

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, [1] 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 non-abusing parent or the caretaker of the youth or child;
- (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;
- (11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5704 of title 25; and
- (12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 5705 of title 25.

(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.

34 U.S.C § 10453 (2005) (2006) Summary (see blue text)

This code establishes a deputy director in the office on violence against women for tribal affairs. It also lists the duties, authority, and accountability of the deputy.

Duties include:

1. oversight and management of the grants and contracts with Indian tribes, tribal courts, organizations, or nonprofit organizations.
2. They also are required to ensure that grants under this Act or a contract is made to an organization to perform services that benefit more than 1 Indian tribe,
3. coordinate [development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women](#),
4. [advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women](#);
5. represent the Office on Violence Against Women in the annual consultations,
6. provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;
7. [maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women](#);
8. support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and
9. ensure that adequate tribal technical assistance that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all [programs relating to violence against Indian women](#).

The Deputy Director shall also ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994, or the Violence Against Women Act of 2000, is used to enhance the capacity of Indian tribes to [address the safety of Indian women](#) and ensure that some portion of the tribal set-aside funds from any grant made under this subchapter is used to hold offenders accountable. This code also lists numerous ways to hold offenders accountable.

Some of these include :

1. enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;
2. development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;
3. development of tribal educational awareness programs and materials;
4. support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and
5. development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

34 U.S.C § 10453 (2005) (2006) (see blue text)

Tribal Deputy

a) Establishment

There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

(b) Duties

(1) [1] In general

The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

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

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

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

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

(E) represent the Office on Violence Against Women in the annual consultations under section 20126 [2] of this title;

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

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

(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and
(I) ensure that adequate tribal technical assistance that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

(c) Authority

(1) In general

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

(2) Accountability

The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this subchapter is used to hold offenders accountable through—

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

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

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

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

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

34 U.S.C § 10454 (2022) Summary

This discusses eligibility for grants compelling victim testimony.

To be eligible to receive grants the head of the office shall certify, that the office will, during the 3-year period beginning on the date on which the grant is awarded, engage in planning, developing and implementing training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases; policies that support a victim-centered approach, informed by such training; and a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that shall be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim.

34 U.S.C § 10454 (2022)

Grant eligibility regarding compelling victim testimony

In order for a prosecutor's office to be eligible to receive grant funds under this subchapter, the head of the office shall certify, to the State, Indian Tribal government, or territorial government receiving the grant funding, that the office will, during the 3-year period beginning on the date on which the grant is awarded, engage in planning, developing and implementing—

- (1) training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases;
- (2) policies that support a victim-centered approach, informed by such training; and
- (3) a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that shall be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim.

34 U.S.C § 10455 (2022) Summary

This establishes in the Office on Violence Against Women a Senior Policy Advisor for Culturally Specific Communities. It discusses their duties and qualifications.

The duties of this title include: advising the administration of grants related to culturally specific services and contracts with culturally specific organizations, coordinate development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities. Advise the Director on policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities, provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities, ensure that appropriate technical assistance, developed and provided by entities with expertise in culturally specific communities, is made available to grantees and potential grantees proposing to serve culturally specific communities, ensure access to grants and technical assistance for culturally specific organizations; and analyze the distribution of grant funding in order to identify barriers for culturally specific organizations.

It also discusses the qualifications for a senior policy advisor such as an individual with lived and work experience from a culturally specific community, and a demonstrated history and expertise addressing domestic violence or sexual assault in a nongovernmental agency.

34 U.S.C § 10455 (2022)

Senior Policy Advisor for Culturally Specific Communities

(a) Establishment

There is established in the Office on Violence Against Women a Senior Policy Advisor for Culturally Specific Communities.

(b) Duties

The Senior Policy Advisor for Culturally Specific Communities, under the guidance and authority of the Director, shall—

- (1) advise on the administration of grants related to culturally specific services and contracts with culturally specific organizations;
- (2) coordinate development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;
- (3) advise the Director on policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;
- (4) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to domestic violence, dating violence, sexual assault, and stalking in culturally specific communities;
- (5) ensure that appropriate technical assistance, developed and provided by entities with expertise in culturally specific communities, is made available to grantees and potential grantees proposing to serve culturally specific communities;
- (6) ensure access to grants and technical assistance for culturally specific organizations; and
- (7) analyze the distribution of grant funding in order to identify barriers for culturally specific organizations.

(c) Qualifications

Not later than 120 days after March 15, 2022, the Director shall hire for the position established under subsection (a) an individual with personal, lived, and work experience from a culturally specific community, and a demonstrated history and expertise addressing domestic violence or sexual assault in a nongovernmental agency.

34 U.S.C §10461 (1994) (2000) (2005) (2006) (2013) (2022) Summary

Grants to improve the criminal justice response to domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law, and to seek safety and autonomy for victims.

It also lists the 26 purposes the grants must be used for and the qualifications for eligible grantees.

Some of the purposes the grants must be used for include:

1. To implement offender accountability and homicide reduction programs and policies in police departments, 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.
2. Develop Policies, educational programs, protection order registries, and training shall also incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.
3. To centralize and coordinate police enforcement, prosecution, 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 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.
6. 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.
7. To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence [1] dating violence, sexual assault, and stalking against individuals 50 years of age or over, Deaf individuals, and individuals with disabilities.
8. 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.

This code also lists qualifications for eligible grantees

Some of these are:

1. States, Indian tribal governments that, certify that their laws or official policies, encourage arrests of domestic violence, dating violence, sexual assault, and stalking offenders based on probable cause that an offense has been committed; and encourage arrest of offenders who violate the terms of a valid and outstanding protection order,

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

2. 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;
3. 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

This code also discusses speedy notice to victims. Specifically, it states an entity shall not be entitled to 5 percent of the funds allocated under this subchapter unless the State or unit of local government certifies that it has a law, policy, or regulation that requires the unit of government at the request of a victim to administer to a defendant, 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; as soon as practicable notification to the victim, and 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. It must also give the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of the period ending on the date on which the next session of the State legislature ends; or 2 years.

Finally, this code discusses the allotment for Indian tribes, sexual assault, and tribal coalitions.

34 U.S.C §10461 (1994) (2000) (2005) (2006) (2013) (2022)

a)Purpose

The purpose of this subchapter is to assist States, Indian Tribal governments, State and local courts (including juvenile courts), Tribal courts, and units of local government to improve the criminal justice response to domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law, and to seek safety and autonomy for victims.

(b)Grant authority

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

(1)To implement offender accountability and homicide reduction 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 and legal assistance 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 [1] dating violence, sexual assault, and stalking against individuals 50 years of age or over, Deaf individuals, and individuals with disabilities (as defined in section 12102(2) of title 42).

(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, including victims among underserved populations (as defined in section 12291(a) of this title).
- (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.
- (23)To develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5704 of title 25.
- (24)To compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 5705 of title 25.
- (25)To develop Statewide databases with information on where sexual assault nurse examiners are located.

(26) To develop and implement alternative methods of reducing crime in communities, to supplant punitive programs or policies. For purposes of this paragraph, a punitive program or policy is a program or policy that—

(A) imposes a penalty on a victim of domestic violence, dating violence, sexual assault, or stalking, on the basis of a request by the victim for law enforcement or emergency assistance; or

(B) imposes a penalty on such a victim because of criminal activity at the property in which the victim resides.

(c) Eligibility

Eligible grantees are—

(1) States, Indian tribal governments, 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 arrests of domestic violence, dating violence, sexual assault, and stalking offenders based on probable cause that an offense has been committed; and

(ii) encourage arrest of 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, [2] 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;

(F) except for a court, not later than 3 years after the date on which an eligible grantee receives the first award under this subchapter after March 15, 2022, certify that the laws, policies, and practices of the State or the jurisdiction in which the eligible grantee is located ensure that prosecutor's offices engage in planning, developing, and implementing—

(i) training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases;

(ii) policies that support a victim-centered approach, informed by such training; and

(iii) a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that shall be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim; and
(G) except for a court, certify that the laws, policies, and practices of the State or the jurisdiction in which the eligible grantee is located prohibits the prosecution of a minor under the age of 18 with respect to prostitution; 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 10452 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 10441 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.

34 U.S.C §10462 (1994) (2000) (2005) (2013) Summary

This code discusses the criteria needed for eligible grantees in their applications.

The criteria includes:

1. a certification by the chief executive officer of the State, Indian tribal government, court, or local government entity that the conditions of section 10461(c) of this title are met,
2. describes plans to further the purposes stated in section 10461(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.

It also discusses which applicants will be given priority and the requirement of the attorney general to annually compile and broadly disseminate information about successful data collection and communication systems that meet the purposes described in this section.

34 U.S.C §10462 (1994) (2000) (2005) (2013)

§10462. 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 10461(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 1 10461(c)(4) 2 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 10461(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 10461(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.

34 U.S.C. § 10462a Summary (2022)

Defines the term “eligible entity”

Awards grants to eligible entities to carry out certain activities. However, the Attorney General may only award 10 grants under paragraph (1) and the amount of the grant awarded may not be more than 1,500,000.

The activities that eligible entities must use the grants for are also listed. Some of these activities include:

- (1) develop and implement a program for properly and legally serving protection orders through electronic communication methods to—
- (2) modernize the service process and make the process more effective and efficient;
- (3) provide for improved safety of victims; and
- (4) make protection orders enforceable as quickly as possible;
- (5) develop best practices relating to the service of protection orders through electronic communication methods;
- (6) ensure that the program developed under subparagraph (A) complies with due process requirements and any other procedures required by law or by a court; and
- (7) implement any technology necessary to carry out the program developed under subparagraph (A), such as technology to verify and track the receipt of a protection order by the intended party.

There are also timeline for grant usage requirements.

Additionally, this code also requires the Attorney General to award grants to eligible entities in a variety of areas and situations. Such as:

- (1) a State court that serves a population of not fewer than 1,000,000 individuals;
- (2) a State court that serves a State that is among the 7 States with the lowest population density in the United States; and has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;
- (3) a State court that serves a State that is among the 7 States with the highest population density in the United States; and has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;
- (4) a court that uses an integrated, statewide case management system;
- (5) a court that uses a standalone case management system;
- (6) a Tribal court; and
- (7) a court that primarily serves a culturally specific and underserved population.

This code also requires eligible entities to submit an application to the Attorney General with listed required information.

Eligible entities are also required to submit an annual report that details the plan of the eligible entity for implementation of the program under subsection (c) to the Attorney General. They are also required to submit an additional subsequent report that describes the program. Contents of the final report are also listed.

Finally, The Attorney General shall not be required to publish regulations or guidelines implementing this section and \$10,000,000 is authorized for fiscal years 2023 through 2027.

34 U.S.C. § 10462a (2022)

Grants to State and Tribal courts to implement protection order pilot programs

(a) Definition of eligible entity

In this section, the term “eligible entity” means a State or Tribal court that is part of a multidisciplinary partnership that includes, to the extent practicable--

- (1) a State, Tribal, or local law enforcement agency;
- (2) a State, Tribal, or local prosecutor's office;
- (3) a victim service provider or State or Tribal domestic violence coalition;
- (4) a provider of culturally specific services;
- (5) a nonprofit program or government agency with demonstrated experience in providing legal assistance or legal advice to victims of domestic violence and sexual assault;
- (6) the bar association of the applicable State or Indian Tribe;
- (7) the State or Tribal association of court clerks;
- (8) a State, Tribal, or local association of criminal defense attorneys;
- (9) not fewer than 2 individuals with expertise in the design and management of court case management systems and systems of integration;
- (10) not fewer than 2 State or Tribal court judges with experience in--
 - (A) the field of domestic violence; and
 - (B) issuing protective orders; and
- (11) a judge assigned to the criminal docket of the State or Tribal court.

(b) Grants authorized

(1) In general

The Attorney General shall make grants to eligible entities to carry out the activities described in subsection (c) of this section.

(2) Number

The Attorney General may award not more than 10 grants under paragraph (1).

(3) Amount

The amount of a grant awarded under paragraph (1) may be not more than \$1,500,000.

(c) Mandatory activities

(1) In general

An eligible entity that receives a grant under this section shall use the grant funds, in consultation with the partners of the eligible entity described in subsection (a), to--

- (A) develop and implement a program for properly and legally serving protection orders through electronic communication methods to--
 - (i) modernize the service process and make the process more effective and efficient;
 - (ii) provide for improved safety of victims; and
 - (iii) make protection orders enforceable as quickly as possible;
- (B) develop best practices relating to the service of protection orders through electronic communication methods;
- (C) ensure that the program developed under subparagraph (A) complies with due process requirements and any other procedures required by law or by a court; and

(D) implement any technology necessary to carry out the program developed under subparagraph (A), such as technology to verify and track the receipt of a protection order by the intended party.

(2) Timeline

An eligible entity that receives a grant under this section shall--

(A) implement the program required under paragraph (1)(A) not later than 2 years after the date on which the eligible entity receives the grant; and

(B) carry out the program required under paragraph (1)(A) for not fewer than 3 years.

(d) Diversity of recipients

The Attorney General shall award grants under this section to eligible entities in a variety of areas and situations, including, to the extent practicable--

(1) a State court that serves a population of not fewer than 1,000,000 individuals;

(2) a State court that--

(A) serves a State that is among the 7 States with the lowest population density in the United States; and

(B) has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;

(3) a State court that--

(A) serves a State that is among the 7 States with the highest population density in the United States; and

(B) has a relatively low rate of successful service with respect to protection orders, as determined by the Attorney General;

(4) a court that uses an integrated, statewide case management system;

(5) a court that uses a standalone case management system;

(6) a Tribal court; and

(7) a court that primarily serves a culturally specific and underserved population.

(e) Application

(1) In general

An eligible entity desiring a grant under this section shall submit to the Attorney General an application that includes--

(A) a description of the process that the eligible entity uses for service of protection orders at the time of submission of the application;

(B) to the extent practicable, statistics relating to protection orders during the 3 calendar years preceding the date of submission of the application, including rates of--

(i) successful service; and

(ii) enforcement;

(C) an initial list of the entities serving as the partners of the eligible entity described in subsection (a); and

(D) any other information the Attorney General may reasonably require.

(2) No other application required

An eligible entity shall not be required to submit an application under section 10462 of this title to receive a grant under this section.

(f) Report to Attorney General

(1) Initial report

Not later than 2 years after the date on which an eligible entity receives a grant under this section, the eligible entity shall submit to the Attorney General a report that details the plan of the eligible entity for implementation of the program under subsection (c).

(2) Subsequent reports

(A) In general

Not later than 1 year after the date on which an eligible entity implements a program under subsection (c), and not later than 2 years thereafter, the eligible entity shall submit to the Attorney General a report that describes the program, including, with respect to the program--

- (i) the viability;
- (ii) the cost;
- (iii) service statistics;
- (iv) the challenges;
- (v) an analysis of the technology used to fulfill the goals of the program;
- (vi) an analysis of any legal or due process issues resulting from the electronic service method described in subsection (c)(1)(A); and
- (vii) best practices for implementing such a program in other similarly situated locations.

(B) Contents of final report

An eligible entity shall include in the second report submitted under subparagraph (A) recommendations for--

- (i) future nationwide implementation of the program implemented by the eligible entity; and
- (ii) usage of electronic service, similar to the service used by the eligible entity, for other commonly used court orders, including with respect to viability and cost.

(g) No regulations or guidelines required

Notwithstanding section 10464 of this title, the Attorney General shall not be required to publish regulations or guidelines implementing this section.

(h) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years 2023 through 2027.

34 U.S.C §10463 (1994) (2022) Summary

Discusses the requirement of grantees to submit a report to the attorney general evaluating the effectiveness of the projected developed with the funds they received.

34 U.S.C §10463 (1994) (2022)

§10463. 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.

34 U.S.C §10464 (1994) (2022) Summary

Discusses the guidelines or regulations.

34 U.S.C §10464 (1994) (2022)

Regulations or guidelines

§10464. 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.

34 U.S.C §10465 (1994) (2000) (2005) (2022) Summary

Definitions in 12291 shall apply.

34 U.S.C §10465 (1994) (2000) (2005) (2022)

Definitions and grant conditions

§10465. Definitions and grant conditions

In this subchapter the definitions and grant conditions in section 12291 of this title shall apply.

34 U.S.C §10551 (2000) (2005) (2006) (2016) (2018) Summary

Authorizes The Director of the Office of Community Oriented Policing Services to make grants to States, units of local government, and Indian tribes for certain purposes described. It also discusses BJA grants, which authorizes he Director of the Bureau of Justice Assistance to make grants to States, units of local government, and Indian tribes for other listed purposes.

This code also lists numerous uses of funds that shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through evidence-based school safety programs. Some of these include:

1. training school personnel and students to prevent student violence against others and self, the development and operation of anonymous reporting systems for threats of school violence, including mobile telephone applications, hotlines, and Internet websites.
2. (Any other measure that, in the determination of the BJA Director, may provide a significant improvement in training, threat assessments and reporting, and violence prevention, coordination with local law enforcement.
3. Training for local law enforcement officers to prevent student violence against others and self, placement and use of metal detectors, locks, lighting, and other deterrent measures, acquisition and installation of technology for expedited notification of local law enforcement during an emergency, any other measure that, in the determination of the COPS Director, may provide a significant improvement in security.

This code also discusses contracts and preferential consideration. Preferential consideration should be given to an application from a jurisdiction that has a demonstrated need for improved security or financial assistance, has evidenced the ability to make the improvements for which the grant amounts are sought, and will use evidence-based strategies and programs.

Further, it discusses matching funds. Specifically, the portion of the costs of a program provided by a grant under subsection (a) may not exceed 75 percent and any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

Additionally, the COPS Director and the BJA Director may for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

Lastly, in awarding grants under this subchapter, the COPS Director and the BJA shall each ensure, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

Additionally, not more than 2 percent from amounts appropriated to carry out this subchapter for administrative costs.

34 U.S.C §10551 (2000) (2005) (2006) (2016) (2018)

§10551. Program authorized

(a) In general

The Director of the Office of Community Oriented Policing Services (in this section referred to as the "Director") is authorized to make grants to States, units of local government, and Indian

tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

(b) Uses of funds

Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

- (1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.
- (2) Security assessments.
- (3) Security training of personnel and students.
- (4) The development and operation of crisis intervention teams that may include coordination with law enforcement agencies and specialized training for school officials in responding to mental health crises.
- (5) Coordination with local law enforcement.
- (6) Any other measure that, in the determination of the Director, may provide a significant improvement in security.

(c) Preferential consideration

In awarding grants under this subchapter, the Director shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

(d) Matching funds

- (1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.
- (2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.
- (3) The Director may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

(e) Equitable distribution

In awarding grants under this subchapter, the Director shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

(f) Administrative costs

The Director may reserve not more than 2 percent from amounts appropriated to carry out this subchapter for administrative costs

34 U.S.C § 10552 – (2000) (2006) (2018) Summary

Discusses the requirements to request a grant under this section.

Specifically, it requires an application to be submitted to the COPS Director or the BJA Director, and accompanied information the COPS Director or the BJA Director may require each applicant to include.

Each application shall include a detailed explanation of:

1. the intended uses of funds provided under the grant; and how the activities funded under the grant will meet the purpose of this subchapter.
2. requires an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers to ensure that the improvements to be funded under the grant are consistent with a comprehensive approach to preventing school violence; and
3. individualized to the needs of each school.
4. They must also include an assurance that the applicant shall maintain and report such data, records, and information, include a certification, made in a form acceptable to the COPS Director or the BJA Director, as the case may be, that—
5. the programs to be funded by the grant meet all the requirements of this subchapter;
6. all the information contained in the application is correct; and the applicant will comply with all provisions of this subchapter and all other applicable Federal laws.

Also discusses guidelines COPS Director and the BJA Director must create including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

34 U.S.C § 10552 – (2000) (2006) (2018)

Applications

(a) In general

To request a grant under this subchapter, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the COPS Director or the BJA Director, as the case may be, at such time, in such manner, and accompanied by such information as the COPS Director or the BJA Director may require. Each application shall—

(1) include a detailed explanation of—

(A)the intended uses of funds provided under the grant; and
 (B)how the activities funded under the grant will meet the purpose of this subchapter;
 (2)be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, licensed mental health professionals, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—
 (A)consistent with a comprehensive approach to preventing school violence; and
 (B)individualized to the needs of each school at which those improvements are to be made;
 (3)include an assurance that the applicant shall maintain and report such data, records, and information (programmatic and financial) as the COPS Director or the BJA Director may reasonably require;
 (4)include a certification, made in a form acceptable to the COPS Director or the BJA Director, as the case may be, that—
 (A)the programs to be funded by the grant meet all the requirements of this subchapter;
 (B)all the information contained in the application is correct; and
 (C)the applicant will comply with all provisions of this subchapter and all other applicable Federal laws.
 (b)Guidelines
 Not later than 90 days after March 23, 2018, the COPS Director and the BJA Director shall each promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

34 U.S.C § 10553 – (2000) (2006) (2018) Summary

Discusses the requirements of the annual report to congress.

Requires the COPS Director and the BJA Director to submit a report before November 30th each year. It discusses the what the report shall include for the preceding fiscal year. This includes the number of grants funded under this subchapter, the amount of funds provided under those grants, and the activities for which those funds were used.

Additionally, Section 10706 of this title (relating to grant accountability) shall apply to grants awarded by the COPS Director and the BJA Director under this subchapter and any references in section 10706 of this title to the Attorney General shall be considered references to the COPS Director or the BJA Director, as appropriate, and any references in that section to subchapter XXXVIII shall be considered references to this subchapter.

34 U.S.C § 10553 – (2000) (2006) (2018)

Annual report to Congress; grant accountability

(a) Annual report

Not later than November 30th of each year, the COPS Director and the BJA Director shall each submit a report to the Congress regarding the activities carried out under this subchapter. Each such report shall include, for the preceding fiscal year, the number of grants funded under this subchapter, the amount of funds provided under those grants, and the activities for which those funds were used.

(b) Grant accountability

Section 10706 of this title (relating to grant accountability) shall apply to grants awarded by the COPS Director and the BJA Director under this subchapter. For purposes of the preceding sentence, any references in section 10706 of this title to the Attorney General shall be considered references to the COPS Director or the BJA Director, as appropriate, and any references in that section to subchapter XXXVIII shall be considered references to this subchapter.

34 U.S.C § 10554 (2000) (2018) Summary

Provides definitions for the terms “school,” “unit of local government,” “Indian tribe,” “Evidence based,” and “tribal organization.”

34 U.S.C § 10554 – (2000) (2018)

Definitions

For purposes of this subchapter—

- (1) the term “school” means an elementary or secondary school, including a Bureau-funded school (as defined in section 2021 of title 25);
- (2) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;
- (3) the term “Indian tribe” has the same meaning as in section 5304(e) of title 25;
- (4) the term “evidence-based” means a program, practice, technology, or equipment that—
 - (A) demonstrates a statistically significant effect on relevant outcomes based on—
 - (i) strong evidence from not less than 1 well-designed and well-implemented experimental study;

- (ii) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; or
- (iii) promising evidence from not less than 1 well-designed and well-implemented correlational study with statistical controls for selection bias;
- (B) demonstrates a rationale based on high-quality research findings or positive evaluation that such program, practice, technology, or equipment is likely to improve relevant outcomes, and includes ongoing efforts to examine the effects of the program, practice, technology, or equipment; or
- (C) in the case of technology or equipment, demonstrates that use of the technology or equipment is—
 - (i) consistent with best practices for school security, including—
 - (I) applicable standards for school security established by a Federal or State government agency; and
 - (II) findings and recommendations of public commissions and task forces established to make recommendations or set standards for school security; and
 - (ii) compliant with all applicable codes, including building and life safety codes; and
- (5) the term “tribal organization” has the same meaning given the term in section 5304(l) of title 25.

34 USC 12291 (1994) (2005) (2006) (2010) (2013) (2022) Summary

Defines the terms “abuse in later life,” “Alaska native village,” “Child abuse and neglect,” “child maltreatment,” “community- based organization,” “court based personnel” and “court related personnel,” “courts,” “culturally specific,” “culturally specific services,” “dating partner,” “dating violence,” “domestic violence,” “economic abuse,” “elder abuse,” “female genital mutilation or cutting,” “forced marriage,” “homeless,” “Indian,” “Indian country,” “Indian housing,” “Indian law enforcement,” “Indian tribe,” “law enforcement,” “legal assistance,” “personally identifying information,” “personal information,” “population specific organization,” “Population specific services,” “prosecution,” “protection order,” “restraining order,” “rape crisis center,” “restorative practice,” “rural area,” “rural community,” “rural state,” “sex trafficking,” “sexual assault,” “stalking,” “state,” “state domestic violence coalition,” “State sexual assault coalition,” “technological abuse,” “Territorial domestic violence or sexual assault coalition,” “tribal coalition,” “tribal government,” “Tribal nonprofit organization,” “tribal organization,” “undeserved populations,” “unit of local government,” “victim advocate,” “victim assistant,” “victim service provider,” “victim services or services,” “youth,” “nonprofit organization,” and “unresolved audit finding.”

This code also describes “a person” and “a matter” and discusses Intake or referral which does not constitute legal assistance.

It further discusses grant conditions.

Additionally, there are no matching funds for grants for any tribe, territory, or victim service provider; or any other entity that 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.

The petition for waiver is also 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.

This code also prohibits the disclosure of confidential or private information of those receiving services. If release of information is compelled by statutory or court mandate grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

Information that can be shared includes non-personally identifying data regarding services to their clients and nonpersonally identifying demographic Information court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and law enforcement-generated information necessary for law enforcement and prosecution purposes.

There is also a prohibition for a person who wants to receive services to be required to sign a consent to release their personally identifying information as a condition of eligibility.

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

However, this section does not prohibit a grantee or subgrantee from reporting suspected abuse or neglect or prevents 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.

This code also requires grantees and subgrantees to document their compliance with the confidentiality and privacy provisions required under this section.

Further, in the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, grantees and subgrantees may share personally identifying information or individual information that is collected about deceased victims being sought for a fatality review to the extent permitted by their jurisdiction's law and only if certain conditions are met.

Grantees and subgrantees may also 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 if the confidentiality and privacy requirements of this subchapter are maintained; and personally identifying

information about adult, youth, and child victims of domestic violence, dating violence, sexual assault, and stalking is not requested or included in any such collaboration or information-sharing.

Additionally, this code discusses non-supplantation for funds received under this subchapter and discusses funds appropriated under this subchapter that may be used only for the specific purposes described in this subchapter and shall remain available until expended.

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

Federal agencies disbursing funds under this subchapter shall set aside up to 3 percent of such funds in order to conduct evaluations of specific programs. Final reports of such evaluations should be made available to the public via the agency's website.

There is also a nonexclusively requirement that prohibits excluding male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this subchapter and funds under this subchapter may not be used to fund civil representation in a lawsuit based on a tort claim.

Further, 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 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.

Additionally, the Office on Violence Against Women shall make all technical assistance available as broadly as possible to any appropriate grantees, subgrantees, potential grantees, or other entities without regard to whether the entity has received funding from the Office on Violence Against Women for a particular program or project, with priority given to recipients awarded a grant before March 15, 2022.

There is also a prohibition of discrimination as a basis to 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, 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. However, 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.

This code also clarifies victim services and legal assistance and discusses audit requirements.

In awarding grants under this Act, priority will be given to eligible entities that do not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this Act. However, A recipient of grant funds that is found to have an unresolved audit finding shall be eligible to receive technical assistance to resolve the audit finding and to prevent future findings, for a period not to exceed the following 2 fiscal years.

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 deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

This code also discusses information request for public disclosure of certain information and conference expenditures such as limitations of \$100,000 in Department funds, unless there is prior written authorization that the funds may be expended to host a conference. Written approval under includes 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.

Additionally, The Deputy Attorney General is required to 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 and discusses annual certification and the requirements.

Lastly, of the amounts appropriated to carry out this subchapter, not more than 1 percent shall be made available for pilot projects, demonstration projects, and special initiatives designed to improve Federal, State, local, Tribal, and other community responses to gender-based violence.

34 U.S.C §12291 (1994) (2005) (2006) (2010) (2013) (2022)

(a)Definitions

In this subchapter, for the purpose of grants authorized under this subchapter:

(1)Abuse in later life

The term “abuse in later life”—

(A)means—

(i) neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or
(ii) domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and
(B) does not include self-neglect.

(2) 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.).

(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) Child maltreatment

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

(5) 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.

(6) Court-based personnel; court-related personnel

The terms “court-based personnel” and “court-related personnel” mean individuals working in the court, whether paid or volunteer, including—

(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

(B) court security personnel;

(C) personnel working in related supplementary offices or programs (such as child support enforcement); and

(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

(7) 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 decision making authority.

(8)Culturally specific

The term “culturally specific” means primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)).[1]

(9)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.

(10)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.

(11)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.

(12)Domestic violence

The term “domestic violence” includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

(A)is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

(B)is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C)shares a child in common with the victim; or

(D)commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

(13)Economic abuse

The term “economic abuse”, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a

person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

(A) restrict a person's access to money, assets, credit, or financial information;

(B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

(C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

(14) 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.

(15) Female genital mutilation or cutting

The term "female genital mutilation or cutting" has the meaning given such term in section 116 of title 18.

(16) Forced marriage

The term "forced marriage" means a marriage to which 1 or both parties do not or cannot consent, and in which 1 or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault or stalking.

(17) Homeless

The term "homeless" has the meaning given such term in section 12473 of this title.

(18) Indian

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

(19) Indian country

The term "Indian country" has the same meaning given such term in section 1151 of Title 18.

(20) 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).

(21) Indian law enforcement

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

(22) Indian tribe; Indian Tribe

The terms "Indian tribe" and "Indian Tribe" mean 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.

(23) 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.

(24) Legal assistance

(A) Definition

The term “legal assistance” means assistance provided by or under the direct supervision of a person described in subparagraph (B) to an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking relating to a matter described in subparagraph (C).

(B) Person described

A person described in this subparagraph is—

- (i) a licensed attorney;
- (ii) in immigration proceedings, a Board of Immigration Appeals accredited representative;
- (iii) in claims of the Department of Veterans Affairs, a representative authorized by the Secretary of Veterans Affairs; or
- (iv) any person who functions as an attorney or lay advocate in tribal court.

(C) Matter described

A matter described in this subparagraph is a matter relating to—

- (i) divorce, parental rights, child support, Tribal, territorial, immigration, employment, administrative agency, housing, campus, education, healthcare, privacy, contract, consumer, civil rights, protection or other injunctive proceedings, related enforcement proceedings, and other similar matters;
- (ii) criminal justice investigations, prosecutions, and post-conviction matters (including sentencing, parole, and probation) that impact the victim’s safety, privacy, or other interests as a victim;
- (iii) alternative dispute resolution, restorative practices, or other processes intended to promote victim safety, privacy, and autonomy, and offender accountability, regardless of court involvement; or
- (iv) with respect to a conviction of a victim relating to or arising from domestic violence, dating violence, sexual assault, stalking, or sex trafficking victimization of the victim, post-conviction relief proceedings in State, local, Tribal, or territorial court.

(D) Intake or referral

For purposes of this paragraph, intake or referral, by itself, does not constitute legal assistance.

(25) 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.

(26)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.

(27)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.

(28)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).

(29)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.

(30)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 12511(b)(2)(C) of this title, 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.

(31)Restorative practice

The term “restorative practice” means a practice relating to a specific harm that—

- (A) is community-based and unaffiliated with any civil or criminal legal process;
- (B) is initiated by a victim of the harm;
- (C) involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—
 - (i) 1 or more individuals who committed the harm;
 - (ii) 1 or more victims of the harm; and
 - (iii) the community affected by the harm through 1 or more representatives of the community;
- (D) shall include and has the goal of—
 - (i) collectively seeking accountability from 1 or more individuals who committed the harm;
 - (ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and
 - (iii) developing a written course of action plan—
 - (I) that is responsive to the needs of 1 or more victims of the harm; and
 - (II) upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and
- (E) is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.

(32) 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.

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37)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.

(38)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 title 42.

(39)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.).

(40)Technological abuse

The term “technological abuse” means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

(41)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.

(42)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.

(43)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.

(44) 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.

(45) 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.

(46) 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.

(47) 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.

(48) 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.

(49) 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.

(50) 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.

(51)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 assistance and 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.

(52)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.

(H)Death of the party whose privacy had been protected

In the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, grantees and subgrantees may share personally identifying information or individual information that is collected about deceased victims being sought for a fatality review to the extent permitted by their jurisdiction's law and only if the following conditions are met:

(i)The underlying objectives of the fatality review are to prevent future deaths, enhance victim safety, and increase offender accountability.

(ii)The fatality review includes policies and protocols to protect identifying information, including identifying information about the victim’s children, from further release outside the fatality review team.

(iii)The grantee or subgrantee makes a reasonable effort to get a release from the victim’s personal representative (if one has been appointed) and from any surviving minor children or the guardian of such children (but not if the guardian is the abuser of the deceased parent), if the children are not capable of knowingly consenting.

(iv)The information released is limited to that which is necessary for the purposes of the fatality review.

(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 if—

(A)the confidentiality and privacy requirements of this subchapter are maintained; and

(B)personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault, and stalking is not requested or included in any such collaboration or information-sharing.

(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

(A)In general

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.

(B)Requirement

The Office on Violence Against Women shall make all technical assistance available as broadly as possible to any appropriate grantees, subgrantees, potential grantees, or other entities without regard to whether the entity has received funding from the Office on Violence Against Women for a particular program or project, with priority given to recipients awarded a grant before March 15, 2022.

(12)Delivery of legal assistance

Any grantee or subgrantee providing legal assistance with funds awarded under this subchapter shall comply with the eligibility requirements in section 20121(d) of this title.

(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),[2] 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 10228 of this title.²

(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—

(A)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;

(B)adult survivors of child sexual abuse; and

(C)victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of female genital mutilation or cutting, or forced marriage.

(15)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 the date of the enactment of this Act,² 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)Technical assistance

A recipient of grant funds under this Act that is found to have an unresolved audit finding shall be eligible to receive prompt, individualized technical assistance to resolve the audit finding and to prevent future findings, for a period not to exceed 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 title 26 and is exempt from taxation under section 501(a) of such title.

(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 title 26.

(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 \$100,000 in Department funds, unless the Director or Principal Deputy Director of the Office on Violence Against Women or 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 the date of the enactment of this Act,² 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.

(16) Innovation fund

Of the amounts appropriated to carry out this subchapter, not more than 1 percent shall be made available for pilot projects, demonstration projects, and special initiatives designed to improve Federal, State, local, Tribal, and other community responses to gender-based violence.

34 U.S.C §12301 (1994) Summary (see blue text)

Allots up to 10,000,000 for the Secretary of Transportation to make capital grants for the prevention of crime and to increase security in public transportation systems. It also allows grants and loans for certain purposes including lighting, camera surveillance, and security phones.

Additionally, all grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement.

All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49.

Further, it allowed for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

It also allows for special grants for projects to study ways to increase security and reduce violent crimes against women in public transit through better design or operation of the public transit system.

34 U.S.C §12301 (1994) (see blue text)

§12301. Grants for capital improvements to prevent crime in public transportation

(a) General purpose

There is authorized to be appropriated not to exceed \$10,000,000, for the Secretary of Transportation (referred to in this section as the "Secretary") to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) Grants for lighting, camera surveillance, and security phones

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by-

(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1)(A) and (B).

(c) Reporting

All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be

compiled on the basis of the type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) Increased Federal share

Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) Special grants for projects to study increasing security for women

From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

(f) General requirements

All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49.

34 U.S.C §12311 (1994) (2005) (2013) (2022) Summary

Provides 5,000,000 for each of fiscal years 2023 through 2027 to carry out the purpose of this section.

It also authorizes The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders to develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of case management, supervision; and relapse prevention.

These training programs should also be available in geographically diverse locations throughout the country.

34 U.S.C §12311 (1994) (2005) (2013) (2022)

Training programs

a)In general

The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

(1)case management;

(2)supervision; and

(3)relapse prevention.

(b) Training programs

The Attorney General shall ensure, to the extent practicable, that training programs developed under subsection (a) are available in geographically diverse locations throughout the country.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C §12312 (1994) Summary

Discusses the development of legislation involving the confidentiality of communications between sexual assault or domestic violence victims and their counselors.

It requires the Attorney General to study and evaluate how the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors.

Additional requirements include:

1. Developing a model legislation that will provide the maximum protection of such communications and takes into account: the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential.
2. Considering the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial.
3. consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, are most likely to ensure that the counseling programs will not be undermined, and whether no such disclosure should be allowed.
4. prepare and distribute to State authorities the findings and a model legislation developed as a result of the study and evaluation.

It also requires the Attorney General to report to the Congress the findings of the study and the model legislation and to give recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

Additionally, the Judicial Conference of the United States will evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they

should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists.

34 U.S.C §12312 (1994)

12312. Confidentiality of communications between sexual assault or domestic violence victims and their counselors

(a) Study and development of model legislation

The Attorney General shall-

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communications between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to State authorities the findings made and model legislation developed as a result of the study and evaluation.

(b) Report and recommendations

Not later than the date that is 1 year after September 13, 1994, the Attorney General shall report to the Congress-

(1) the findings of the study and the model legislation required by this section; and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

(c) Review of Federal evidentiary rules

The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

34 U.S.C §12313 (1994) Summary

Discusses the requirement of the Attorney general to compile information regarding sex offender treatment programs, ensure that information is in the community into which a convicted sex offender is released, and is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense.

34 U.S.C §12313 (1994)

§12313. Information programs

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 or for the commission of a similar offense, including halfway houses and psychiatric institutions.

34 U.S.C §12321 (1994) Summary

Requires postal service to make regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses. This code also requires an individual, to present a valid, or outstanding protection order to an appropriate postal official of a valid, and in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 10410 [1] of title 42 verifying that the organization is a domestic violence shelter.

However, the regulations shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes. Additionally, in the event of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

34 U.S.C §12321 (1994)

§12321. Confidentiality of abused person's address

(a) Regulations

Not later than 90 days after September 13, 1994, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) Requirements

The regulations under subsection (a) shall require-

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

(2) in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 10410 1 of title 42 verifying that the organization is a domestic violence shelter.

(c) Disclosure for certain purposes

The regulations under subsection (a) shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) Existing compilations

Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a).

34 U.S.C § 12331 (1994) Summary (see blue text)

Requires the National Academy of Sciences to enter in a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. Also requires the development of a panel of nationally recognized experts on violence

against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. focusing primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

It also discusses another option if the attorney General declines to conduct the study, which requires them to recommend a nonprofit private entity that is qualified to conduct the study.

In either case, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

Additionally, the Attorney General shall ensure, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

34 U.S.C § 12331 (1994) (see blue text)

Research agenda

(a) Request for contract

The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) Declination of request

If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) Report

The Attorney General shall ensure that no later than 1 year after September 13, 1994, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

34 U.S.C §12332 (1994) Summary

Discusses the requirement to study and report to the States and to Congress on how the States collect centralized databases on the incidence of sexual and domestic violence offenses within a State. In conducting its study, experts in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence shall be consulted and their views on the recommendations should be included in the final report.

Additionally, the Attorney General shall ensure that the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

34 U.S.C §12332 (1994)

§12332. State databases

(a) In general

The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) Consultation

In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) Report

The Attorney General shall ensure that no later than 1 year after September 13, 1994, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$200,000 for fiscal year 1996.

34 U.S.C §12333 (1994) Summary

Requirement to conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

34 U.S.C §12333 (1994)

§12333. Number and cost of injuries

(a) Study

The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this section-\$100,000 for fiscal year 1996.

34 U.S.C §12341 (1994) (2000) (2005) (2006) (2013) (2022) Summary (see blue text)

Discusses identifying, assessing, and appropriately responding to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among domestic violence service providers, law enforcement agencies, prosecutors, courts, other criminal justice service providers, human and community service providers, educational institutions; and health care providers.

Also discusses establishing and expanding nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims.

Discusses Increasing the safety and well-being of women and children in rural communities, by dealing directly and immediately with domestic violence and creating and implementing strategies to increase awareness and prevent domestic violence, and to develop, expand, implement, and improve the quality of sexual assault forensic medical examination or sexual assault nurse examiner programs.

It also addresses grants to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking.

It also lists multiple ways of carrying out these purposes. Some of these include:

1. implementing, expanding, and establishing cooperative efforts and projects,
2. providing treatment, counseling, advocacy, legal assistance, and other long-term and short-term victim and population specific services,
3. working in cooperation with the community to develop education and prevention strategies directed toward such issues; and developing, enlarging, or strengthening programs addressing sexual assault, 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,

Additionally, funds shall be used only for specific programs and activities such as 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 10452 of this title but, shall not apply to funds allocated for the program described in subparagraph (A).

It also discusses allotment for sexual assault. Specifically, not less than 25 percent of the total shall fund services that meaningfully address sexual assault in rural communities. However, when the amounts appropriated reach the amount of \$45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated. Further, when the amounts appropriated reach the amount of \$50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and when the amounts appropriated reach the amount of \$55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

Further, there is no prohibition of any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

Additionally, not more than 8 percent of the amount allotted for this section may be used by the Director for technical assistance costs. 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 and 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.

In awarding grants under this section, the Director shall give priority to the needs of underserved populations. Additionally, \$100,000,000 is provided for each of fiscal years 2023 through 2027 to carry out this section.

In addition to funds received through a grant under subsection (b), 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.) [2] to accomplish the objectives of this section.

34 U.S.C §12341 (1994) (2000) (2005) (2006) (2013) (2022) (see blue text)

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;

(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; and](#)

(4)to develop, expand, implement, and improve the quality of sexual assault forensic medical examination or sexual assault nurse examiner programs.

(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 quality forensic sexual assault examinations by trained health care providers, 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).

(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 10452 of this title.

(B)Applicability of part [1]

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 \$100,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

(2)Additional funding

In addition to funds received through a grant under subsection (b), 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.) [2] to accomplish the objectives of this section.

34 U.S.C §12351 (2000) (2003) (2005) (2006) (2013) (2022) Summary

Discusses housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.

This code also discusses the Attorney General, acting in consultation with the Director of the Office on Violence Against Women of the Department of Justice, the Department of Housing and Urban Development, and the Department of Health and Human Services, to award grants to carry out programs to provide assistance to minors, adults, and their dependents 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 for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

This code also lists purposes for the grants. Some of these include:

1. provide transitional housing, including funding for the operating expenses of newly developed or existing transitional housing,
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); 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;
4. 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.

It also discusses the duration for which a person who receives assistance under this section shall receive it which is for not more than 24 months.

Additionally, a receiver of this assistance can waive the above restriction. This includes someone who has made a good-faith effort to acquire permanent housing; and has been unable to acquire permanent housing.

This code further discusses the application to receive assistance. This includes the contents and the restrictions for applications.

This code also requires a report to be submitted to the Attorney General which describes the number of minors, adults, and dependents assisted under this section; and the types of housing assistance and support services provided under this section. The contents of the report should also include information regarding the purpose and amount of housing assistance provided to each minor, adult, or dependent, assisted under this section and the reason for that assistance; the number of months each minor, adult, or dependent, received assistance under this section; the number of minors, adults, and dependents who were eligible to receive assistance under this section; and were not provided with assistance under this section solely due to a lack of available housing, the type of support services provided to each minor, adult, or dependent, assisted under this section; and 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.

This code also requires a report to Congress with listed requirements. Additionally, \$35,000,000 is authorized for each of fiscal years 2023 through 2027.

It also dictates what percentages of the grant shall be reserved for particular groups. Specifically, The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to this section and 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 10452 of this title.

Further, 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.

This code also discusses who be given to such as projects developed under subsectopn (b) that primarily serve underserved populations

“Qualified application” is also defined.

34 U.S.C §12351 (2000) (2003) (2005) (2006) (2013) (2022)

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 Office on Violence Against Women 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, population-specific 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.[1]

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

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.

IDuration

(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) 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.

(f)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; 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 I 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 2023 through 2027.

(2)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 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

IUnderserved 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 10452 of this title.

(II)Applicability of part.—

[3] 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) 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.

34 U.S.C §12361 (1994) Summary

Discusses right to be free from crimes of violence motivated by gender.

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

Also defines the terms “crime of violence”, “motivated by gender,” “crime of violence”

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

This code also does not require a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c) and Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this part.

Further, Neither section 1367 of title 28 nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

34 U.S.C §12361 (1994)

Civil rights

(a) Purpose

Pursuant to the affirmative power of Congress to enact this part under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this part to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) Right to be free from crimes of violence

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

(c)Cause of action

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

(d)Definitions

For purposes of this section—

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

(2)the term “crime of violence” means— [1]

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

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

(e)Limitation and procedures

(1)Limitation

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

(2)No prior criminal action

Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3)Concurrent jurisdiction

The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this part.

(4)Supplemental jurisdiction

Neither section 1367 of title 28 nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

34 U.S.C §12371 (1994) (2000) Summary

Discusses the ability of The State Justice Institute to award grants for the purpose of developing, testing, presenting, and disseminating model programs. also discusses training judges and court personnel in the laws of the States and by Indian tribes in the laws of the tribes on rape, sexual assault, domestic violence, dating violence, and other crimes of violence motivated by the victim's gender.

34 U.S.C §12371 (1994) (2000)

Grants authorized

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 10701 of title 42) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws of the tribes on rape, sexual assault, domestic violence, dating violence, and other crimes of violence motivated by the victim's gender. Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.

34 U.S.C §12372 (1994) (2000) Summary

Discusses training provided by grants

Some of the training provided pursuant to grants made under this part may include current information, existing studies, or current data on:

1. the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest,
2. the underreporting of rape, sexual assault, and child sexual abuse,
3. the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing,
4. the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing,
5. the historical evolution of laws and attitudes on rape and sexual assault,
6. sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice,
7. application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape

- cases, including the need for sua sponte judicial intervention in inappropriate cross-examination,
8. the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues,
 9. the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant
 10. , the nature and incidence of domestic violence and dating violence, the physical, psychological, and economic impact of domestic violence and dating violence on the victim, the costs to society, and the implications for court procedures and sentencing,
 11. the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses,
 12. sex stereotyping of female and male victims of domestic violence and dating violence, myths about presence or absence of domestic violence and dating violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice,
 13. historical evolution of laws and attitudes on domestic violence, proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome,

34 U.S.C §12372 (1994) (2000)

§12372. Training provided by grants

Training provided pursuant to grants made under this part may include current information, existing studies, or current data on-

- (1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;
- (2) the underreporting of rape, sexual assault, and child sexual abuse;
- (3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;
- (4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;
- (5) the historical evolution of laws and attitudes on rape and sexual assault;
- (6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

- (7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for *sua sponte* judicial intervention in inappropriate cross-examination;
- (8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;
- (9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;
- (10) the nature and incidence of domestic violence and dating violence (as defined in section 10447 1 of this title);
- (11) the physical, psychological, and economic impact of domestic violence and dating violence on the victim, the costs to society, and the implications for court procedures and sentencing;
- (12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;
- (13) sex stereotyping of female and male victims of domestic violence and dating violence, myths about presence or absence of domestic violence and dating violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;
- (14) historical evolution of laws and attitudes on domestic violence;
- (15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;
- (16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;
- (17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or dating violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence or dating violence may refuse to testify against a defendant;
- (18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence and dating violence cases;
- (19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims;

(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault; 2

(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;

34 U.S.C §12373 (1994) (2000) Summary

Discusses the requirement of the State Justice Institute to ensure that model programs carried out pursuant to grants made under this part are developed with the participation of law enforcement officials, nonprofit victim advocates, domestic violence and sexual assault programs and coalitions, legal parties, and recognized experts on gender bias in the courts.

34 U.S.C §12373 (1994) (2000)

§12373. Cooperation in developing programs in making grants under this part

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this part are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, including national, State, tribal, and local domestic violence and sexual assault programs and coalitions, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

34 U.S.C §12381 (1994) (2000) Summary

Discusses the authorization of education and training grants. Also discusses studies to help gain a better understanding of the nature and the extent of gender bias in the Federal courts and implement recommended reforms. These studies may include an examination of the effects of gender on :

1. the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;
2. the interpretation and application of the law, both civil and criminal;
3. treatment of defendants in criminal cases;
4. treatment of victims of violent crimes in judicial proceedings;
5. sentencing;
6. sentencing alternatives and the nature of supervision of probation and parole;
7. appointments to committees of the Judicial Conference and the courts;
8. case management and court sponsored alternative dispute resolution programs;
9. the selection, retention, promotion, and treatment of employees;
10. appointment of arbitrators, experts, and special masters;
11. the admissibility of the victim's past sexual history in civil and criminal cases; and
12. the aspects of the topics listed in section 12372 of this title that pertain to issues within the jurisdiction of the Federal courts.

This code also discusses the requirement of The Administrative Office of the United States to disseminate any reports and materials issued by the gender bias task forces, respond to requests for such reports and materials, and provide the Administrative Office of the Courts of the United States [1] with their reports and related material.

Lastly, Federal Judicial Center, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 12372 of this title and shall prepare materials necessary to implement this subsection.

34 U.S.C §12381 (1994) (2000)

Authorization of circuit studies; education and training grants

a)Studies

In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b)Matters for examination

The studies under subsection (a) may include an examination of the effects of gender on—

- (1)the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;
- (2)the interpretation and application of the law, both civil and criminal;
- (3)treatment of defendants in criminal cases;
- (4)treatment of victims of violent crimes in judicial proceedings;
- (5)sentencing;
- (6)sentencing alternatives and the nature of supervision of probation and parole;

(7)appointments to committees of the Judicial Conference and the courts;
(8)case management and court sponsored alternative dispute resolution programs;
(9)the selection, retention, promotion, and treatment of employees;
(10)appointment of arbitrators, experts, and special masters;
(11)the admissibility of the victim's past sexual history in civil and criminal cases; and
(12)the aspects of the topics listed in section 12372 of this title that pertain to issues within the jurisdiction of the Federal courts.

(c)Clearinghouse

The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide the Administrative Office of the Courts of the United States [1] with their reports and related material.

(d)Continuing education and training programs

The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 12372 of this title that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.

34 U.S.C §12391 (1994) (1996) Summary

Discusses the payment of cost of testing for sexually transmitted diseases.

It further discusses how the victim of an offense may obtain an order for the district when charges are brought against an individual charged with the offense, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, after notice and an opportunity to be heard.

the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

To obtain this order the victim must demonstrate that:

1. the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;
2. the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and
3. the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

This code also allows the court to order follow-up tests and counseling if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test. However, an order for follow-up testing can be terminated if the person obtains an acquittal on, or dismissal of, all charges.

Further, the results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to medical professionals, counselors, family members or sexual partner(s) the victim may have had since the attack. Any individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information. The court can also issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection. The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

Additionally, any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

This code also discusses the penalties for intentional transmission of HIV, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

34 U.S.C §12391 (1994) (1996)

Payment of cost of testing for sexually transmitted diseases

b)Limited testing of defendants

(1)Court order

The victim of an offense of the type referred to in subsection (a) [1] may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) Showing required

To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the

defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) Follow-up testing

The court may order follow-up tests and counseling under paragraph (1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) Termination of testing requirements

An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).¹

(5) Confidentiality of test

The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) Disclosure of test results

The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) Contempt for disclosure

Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) Penalties for intentional transmission of HIV

Not later than 6 months after September 13, 1994, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees [2] on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

34 U.S.C § 12392 (1996) Summary

This code requires that States and local jurisdictions should aggressively enforce statutory rape laws. Additionally, it requires the Attorney General to establish and implement a program that:

- (1) studies the linkage between statutory rape and teenage pregnancy, particularly by predatory older men committing repeat offenses; and
- (2) educates State and local criminal law enforcement officials on the prevention and prosecution of statutory rape, focusing in particular on the commission of statutory rape by predatory older men committing repeat offenses, and any links to teenage pregnancy.

Further, The Attorney General must ensure that the Department of Justice's Violence Against Women initiative addresses the issue of statutory rape, particularly the commission of statutory rape by predatory older men committing repeat offenses.

34 U.S.C § 12392 (1996)

Enforcement of statutory rape laws

(a)Sense of Senate

It is the sense of the Senate that States and local jurisdictions should aggressively enforce statutory rape laws.

(b)Justice Department program on statutory rape

Not later than January 1, 1997, the Attorney General shall establish and implement a program that—

- (1)studies the linkage between statutory rape and teenage pregnancy, particularly by predatory older men committing repeat offenses; and
- (2)educates State and local criminal law enforcement officials on the prevention and prosecution of statutory rape, focusing in particular on the commission of statutory rape by predatory older men committing repeat offenses, and any links to teenage pregnancy.

(c)Violence against women initiative

The Attorney General shall ensure that the Department of Justice's Violence Against Women initiative addresses the issue of statutory rape, particularly the commission of statutory rape by predatory older men committing repeat offenses.

34 U.S.C §12401 (1994) (2000) Summary

It authorizes the Attorney General to provide grants to States and units of local government to improve and implement processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

It also discusses the eligibility requirements. To be eligible to receive a grant a State or unit of local government must certify that it has or intends to establish a program that enters into the National Crime Information Center records of:

- (1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;
- (2) arrests or convictions of persons violating protection 1 or domestic violence; and
- (3) protection orders for the protection of persons from stalking or domestic violence.

34 USC 12401 (1994) (2000)

§12401. Grant program

(a) In general

The Attorney General is authorized to provide grants to States and units of local government to improve and implement processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) Eligibility

To be eligible to receive a grant under subsection (a), a State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of-

- (1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;
- (2) arrests or convictions of persons violating protection 1 or domestic violence; and
- (3) protection orders for the protection of persons from stalking or domestic violence.

34 U.S.C §12402 (1994) (2000) (2005) (2013) (2022) Summary

Gives 3,000,000 for the fiscal years of 2023 to 2027.

34 U.S.C §12402 (1994) (2000) (2005) (2013) (2022)

Authorization of appropriations

There is authorized to be appropriated to carry out this part \$3,000,000 for fiscal years 2023 through 2027.

34 U.S.C §12403 (1994) Summary

This discusses the requirements for applicants in order to receive a grant.

This includes documentation showing:

- (1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;
- (2) intended use of the grant funds, including a plan of action to increase record input; and
- (3) an estimate of expected results from the use of the grant funds.

34 U.S.C §12403 (1994)

§12403. Application requirements

An application for a grant under this part shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing-

- (1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;
- (2) intended use of the grant funds, including a plan of action to increase record input; and
- (3) an estimate of expected results from the use of the grant funds.

34 U.S.C §12404 (1994) Summary

Discusses the length of time or 90 days the Attorney General has to inform the applicant why grant funds are not being provided.

34 U.S.C §12404 (1994)

§12404. Disbursement

Not later than 90 days after the receipt of an application under this part, the Attorney General shall either provide grant funds or shall inform the applicant why grant funds are not being provided.

34 U.S.C §12405 (1994) Summary

Discusses the ability of the Attorney General to provide technical assistance and training. May also provide for the evaluation of programs that receive funds under this part, in addition to any evaluation requirements that may be prescribed for grantees. The technical assistance, training, and evaluations authorized by this section may also be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

34 U.S.C §12405 (1994)

§12405. Technical assistance, training, and evaluations

The Attorney General may provide technical assistance and training in furtherance of the purposes of this part, and may provide for the evaluation of programs that receive funds under this part, in addition to any evaluation requirements that the Attorney General may prescribe for grantees. The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

34 U.S.C §12406 (1994) Summary

Discusses how The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic violence cases, must conduct training programs for State to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

34 U.S.C §12406 (1994)

§12406. Training programs for judges

The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic violence cases, shall conduct training programs for State (as defined in section 10701 1 of title 42) and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

34 U.S.C §12407 (1994) Summary

Discusses how The State Justice Institute, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts.

34 U.S.C §12407 (1994)

§12407. Recommendations on intrastate communication

The State Justice Institute, after consultation with nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in stalking and domestic violence cases, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts

34 U.S.C §12408 (1994) Summary

Requires compiled data regarding domestic violence and intimidation (including stalking) to be included as part of the National Incident-Based Reporting System (NIBRS).

34 U.S.C §12408 (1994)

§ 12408. Inclusion in National Incident-Based Reporting System

Not later than 2 years after September 13, 1994, the Attorney General, in accordance with the States, shall compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System (NIBRS).

34 U.S.C §12409 (1994) (2005) (2006) Summary

Requirement to submit to the Congress a biennial report that provides information concerning the incidence of stalking and domestic violence and evaluates the effectiveness of State anti-stalking efforts and legislation.

34 U.S.C §12409 (1994) (2005) (2006)

§ 12409 - Report to Congress

Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

34 U.S.C §12410 (1994) Summary

Defines the terms term “national crime information databases” and “protection order”

34 U.S.C § 12410 (1994)

Definitions

As used in this part—

(1)the term “national crime information databases” refers to the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(2)the term “protection order” includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) 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.

34 U.S.C § 12421 – (2000) (2005) (2013) (2022) Summary

Discusses grants to training and services to end abuse in later life.

It also discusses mandatory activities funds must be used for. these include:

1. (to 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, or relevant officers in Federal, tribal, State, territorial, and local courts in recognizing and addressing instances of abuse in later life,
2. to provide or enhance services for victims of abuse in later life,
3. establish or support multidisciplinary collaborative community responses to victims of abuse in later life; and
4. 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 leaders, victim advocates, victim service providers, courts, and first responders to better serve older victims.

It also discusses permissible activities that a receiver of this grant may use the funds for:

1. i)provide training programs to assist attorneys, health care providers, faith-based leaders, community-based organizations, or other professionals who may identify or respond to abuse in later life;
2. or conduct outreach activities and awareness campaigns to ensure that victims of abuse in later life receive appropriate assistance.

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

Further 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).

This code also lists eligible entities and requires priority to be given to proposals providing services to culturally specific and underserved populations. it also provides \$10,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C § 12421 – (2000) (2005) (2013) (2022)

Training and services to end abuse in later life

The Attorney General shall make grants to eligible entities in accordance with the following:

(1)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, or relevant officers in Federal, tribal, State, territorial, and local courts in recognizing and addressing instances of abuse in later life;

(ii)provide or enhance services for victims of abuse in later life;

(iii)establish or support multidisciplinary collaborative community responses to victims of abuse in later life; 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 leaders, victim advocates, victim service providers, courts, and first responders to better serve older victims.

(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, community-based organizations, or other professionals who may identify or respond to abuse in later life; or

(ii)conduct outreach activities and awareness campaigns to ensure that victims of abuse in later life 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).

(2)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;
(v) a victim service provider; 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 50 years of age or over.
(3) Underserved populations
In making grants under this section, the Attorney General shall give priority to proposals providing services to culturally specific and underserved populations.

(4) Authorization of appropriations
There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C § 12431 (2000) Summary

Establishes a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

It also defines the term ‘domestic violence’ and discusses how the funds should be used.

34 U.S.C § 12431 (2000)

Task force

(a) Establish

The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

(b) Uses of funds

Funds appropriated under this section shall be used to—

- (1)develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;
- (2)track and report all Federal research and expenditures on domestic violence; and
- (3)identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

(c)Report

The Task Force shall report to Congress annually on its work under subsection (b).

(d)Definition

For purposes of this section, the term “domestic violence” has the meaning given such term by section 10447 [1] of this title.

(e)Authorization of Appropriations

There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2001 through 2004.

34 U.S.C § 12441 (2005) Summary

Discusses grants to protect and ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

34 U.S.C § 12441 (2005)

Grants to protect the privacy and confidentiality of victims of domestic violence, dating violence, sexual assault, and stalking

The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this part to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

34 U.S.C §12442:(2005) Summary

Discusses for what purposes grants under this part may be used.

34 U.S.C §12442 (2005)

§12442. Purpose areas

Grants made under this part may be used-

- (1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);
- (2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;
- (3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or
- (4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

34 U.S.C §12443 (2005) Summary

Lists eligible entities for grants.

34 U.S.C §12443 (2005)

§12443. Eligible entities

Entities eligible for grants under this part include-

- (1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

(3) States or State agencies;

(4) local governments or agencies;

(5) Indian tribal governments or tribal organizations;

(6) territorial governments, agencies, or organizations; or

(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

34 U.S.C § 12444 (2005) Summary

Discusses applicants who need to demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems.

34 U.S.C § 12444 (2005)

Grant conditions

Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

34 U.S.C §12451 (2013) (2022) Summary

Discusses grants awarded for the purposes of enhancing 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.

funds can also be for used for numerous purposes. Some of these purposes include:

1. To develop, expand, and strengthen victim-centered interventions and services that target youth, including youth in underserved populations, who are victims of domestic violence, dating violence, sexual assault, stalking, and sex trafficking.
2. 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;
3. develop and implement policies, practices, and procedures to effectively respond to domestic violence, dating violence, sexual assault, stalking, or sex trafficking against youth;

This code also discusses supporting youth through education and protection, Teen dating violence awareness and prevention. this includes enabling middle schools, high schools, and institutions of higher education to:

1. 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, sex trafficking, or female genital mutilation or cutting;
2. 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;
3. provide confidential 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;

This code further discusses children exposed to violence and abuse. Specifically, developing 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, and lists ways this can be done.

Additionally, teen dating violence awareness and prevention, eligible applicants, and partnerships, is also discussed.

It also lists grantee requirements and specifies what percentage of the grant may be used for specific purposes. Specifically, 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).

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 10452 of this title. The requirements of this section shall not apply to funds allocated under this paragraph. The Attorney General shall prioritize grant applications under this section that coordinate with prevention programs in the community.

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

34 U.S.C §12451 (2013) (2022)

Creating hope through outreach, options, services, and education for children and youth
("CHOOSE Children & Youth")

§12451. 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, including youth in underserved populations, 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;

(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;

(D) clarify State or local mandatory reporting policies and practices regarding peer-on-peer dating violence, sexual assault, stalking, and sex trafficking; or

(E) develop, enlarge, or strengthen culturally specific victim services and responses related to, and prevention of, female genital mutilation or cutting.

(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, sex trafficking, or female genital mutilation or cutting;

(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 confidential 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, including youth in underserved populations, who are at high risk of domestic violence, dating violence, sexual assault, stalking, or sex trafficking.

(3) 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, including by-

(A) providing services for children exposed to domestic violence, dating violence, sexual assault or stalking, including-

(i) direct counseling or advocacy; and

(ii) support for the non-abusing parent; and

(B) training and coordination for educational, after-school, and childcare programs on how to-

(i) safely and confidentially identify children and families experiencing domestic violence, dating violence, sexual assault, or stalking; and

(ii) properly refer children exposed and their families to services and violence prevention programs.

(4) 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, which-

(A) may include the use evidenced-based, evidence-informed, or innovative strategies and practices focused on youth; and

(B) shall include-

(i) age and developmentally-appropriate education on-

(I) domestic violence;

(II) dating violence;

(III) sexual assault;

(IV) stalking;

(V) sexual coercion; and

(VI) healthy relationship skills, in school, in the community, or in health care settings;

(ii) community-based collaboration and training for individuals with influence on youth, such as parents, teachers, coaches, healthcare providers, faith leaders, older teens, and mentors;

(iii) education and outreach to change environmental factors contributing to domestic violence, dating violence, sexual assault, and stalking; and

(iv) policy development targeted to prevention, including school-based policies and protocols.

(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 organization, Native Hawaiian organization, urban Indian organization, 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 subparagraph (A) or (B) of 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, including training on working with youth victims of domestic violence, dating violence, sexual assault, or sex trafficking in underserved populations, if such youth are among those being served.

(e) Definitions and grant conditions

In this section, the definitions and grant conditions provided for in section 12291 of this title shall apply.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$30,000,000 for each of fiscal years 2023 through 2027.

(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 10452 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.

34 U.S.C § 12461 (2005) Summary

This code discusses the findings on domestic violence and its correlation to child abuse. Including the Board on Child Abuse suggestion that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country and that as many as 10,000,000 children witness domestic violence every year. Other findings are further discussed.

34 U.S.C § 12461 (2005)

Findings

Congress finds that—

- (1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;
- (2) studies suggest that as many as 10,000,000 children witness domestic violence every year;
- (3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;
- (4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;
- (5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;
- (6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;
- (7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and
- (8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

34 U.S.C §12462 (2005) Summary (see blue text)

Discusses the purposes of this part. These include: the prevention of crimes against women, children, and youth, to increase in resourced to prevent domestic violence, to reduce the impact of exposure to domestic violence, and to develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence. It also discusses promoting programs to ensure that children and youth receive the assistance they need to end the cycle of violence and encourage collaboration among community-based organizations and governmental agencies to prevent violence against women and children.

34 U.S.C §12462 (2005) (see blue text)

Purpose

The purpose of this part is to-

- (34) prevent crimes involving violence against women, children, and youth;

(2) increase the resources and services available to prevent violence against women, children, and youth;

(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

34 U.S.C §12463 (2005) (2013) (2022) Summary

Authorizes grants to be awarded for the purpose of preventing domestic violence, dating violence, sexual assault, and stalking by focusing on men and youth as leaders and influencers of social norms.

Additionally, funds may be used to develop, maintain or enhance programs that work with men and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping men and youth to serve as role models at the individual, school, community or statewide levels. This code also discusses eligible entities, grantee requirements including policies and procedures and preferences.

Specifically, preference is given to applicants that include outcome-based evaluation, 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; and include a focus on the unmet needs of underserved populations.

34 U.S.C §12463 (2005) (2013) (2022)

Saving money and reducing tragedies through prevention (SMART Prevention)

§12463. Saving money and reducing tragedies through prevention (SMART Prevention)

(34) 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 focusing on men and youth as leaders and influencers of social norms.

(b) Use of funds

Funds provided under this section may be used to develop, maintain or enhance programs that work with men and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping men and youth to serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

€ Eligible entities

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

- (34) 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:

- (34) 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.

€ 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.

€ Healthcare entities eligible for reimbursement under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.], 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-

(34) 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;

€ 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-

(34) include outcome-based evaluation;

(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; and include a focus on the unmet needs of underserved populations.

Definitions and grant conditions

In this section, the definitions and grant conditions provided for in section 12291 of this title shall apply.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2023 through 2027. Amounts appropriated under this section may only be used for programs and activities described under this section.

34 U.S.C § 12464 – (2000) (2013) (2022) Summary

Discusses grants to support families. Specifically, 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.

This code also lists the use of funds. Some of these include:

1. improve training and education to assist judges, judicial personnel, attorneys, child welfare personnel, and legal advocates in the civil justice system,
2. collect data and provide training and technical assistance, including developing 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, and 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.

Additionally, this code discusses considerations. Some of these include:

1. the number of families to be served by the proposed programs and services, t
2. the extent to which the proposed programs and services serve underserved populations, t
3. 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, and
4. the extent to which the applicant demonstrates coordination and collaboration with State, tribal, and local court systems, including mechanisms for communication and referral.

Other considerations include the extent to which the grantee has expertise in addressing the judicial system's handling of family violence, child custody, child abuse and neglect, adoption, foster care, supervised visitation, divorce, and parentage.

Finally, it discusses applicant requirements, the percentage that must be allotted for Indian tribes, cultural relevance and the amount of \$22,000,000 allotted for each of fiscal years 2023 through 2027.

34 U.S.C § 12464 – (2000) (2013) (2022)

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

€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;
- €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.

€Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$22,000,000 for each of fiscal years 2023 through 2027. 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 10452 of this title.[1]

(2)Applicability of part [2]

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

(g)Cultural relevance

Any services provided pursuant to a grant funded under this section shall be provided in a culturally relevant manner.

34 U.S.C § 12471 (2005) Summary

Discusses the 12 findings about the correlation between domestic violence and homelessness.

Some the findings in this code include:

1. Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

2. Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.
3. A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.
4. Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

34 U.S.C § 12471 – (2005)

Findings

Congress finds that:

- (1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.
- (2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.
- (3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.
- (4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.
- (5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.
- (6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.
- (7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

(8)There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

(9)Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

(10)Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

(11)Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

(12)Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

34 U.S.C 12472 (2005) (2013) Summary

Discusses ways to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness.

The methods this code lists include:

1. protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;
2. creating long-term housing solutions and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;
3. building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and enabling public and assisted housing agencies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.
4. enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

34 U.S.C 12472: (2005) (2013)

Purpose

§12472. Purpose

The purpose of this subpart is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by-

- (1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;
- (2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;
- (3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and
- (4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

34 U.S. C § 12473 (2005) (2013) Summary

Provides definitions for “assisted housing,” “continuum of care,” “low-income housing assistance voucher,” “public housing,” “public housing agency,” “homeless,” “homeless individual,” “homeless person,” “homeless service provider,” “tribally designated housing,” and “tribally designated housing entity”

34 U.S. C § 12473 (2005) (2013)

Definitions

For purposes of this subpart—

- (1) the term “assisted housing” means housing assisted—

(A)under sections [1] 1715e, 1715k, 1715l(d)(3), 1715l(d)(4), 1715n(e), 1715v, or 1715z–1 of title 12;

(B)under section 1701s of title 12;

(C)under section 1701q of title 12;

(D)under section 811 of the Cranston-Gonzales [2] National Affordable Housing Act (42 U.S.C. 8013);

(E)under title II of the Cranston-Gonzales 2 National Affordable Housing Act [42 U.S.C. 12721 et seq.];

(F)under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(G)under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

(H)under section 1437f of title 42;

(2)the term “continuum of care” means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

(3)the term “low-income housing assistance voucher” means housing assistance described in section 1437f of title 42;

(4)the term “public housing” means housing described in section 1437a(b)(1) of title 42;

(5)the term “public housing agency” means an agency described in section 1437a(b)(6) of title 42;

(6)the terms “homeless”, “homeless individual”, and “homeless person”—

(A)mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

(B)includes—

(i)an individual who—

(I)is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II)is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

(III)is living in an emergency or transitional shelter;

(IV)is abandoned in a hospital; or

(V)is awaiting foster care placement;

(ii)an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(iii)migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

(7)the term “homeless service provider” means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

(8)the term “tribally designated housing” means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(9)the term “tribally designated housing entity” means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21)); [3]

34 U.S.C § 12474 (2005) (2006) (2013) (2022) Summary

Discusses grants to increase the long-term stability of victims or adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless. It also discusses the amounts the Secretary of Health and Human Services shall award which is not less than \$25,000 per year; and not more than \$1,000,000 per year.

This code also discusses eligible entities, the requirement to submit an application, and the Use of funds. Some uses include:

1. design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.
2. develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units,
3. may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (2); and
4. may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

Additionally, Funds should not be used for construction, modernization or renovation.

It also discusses who should be given priority and what percentage should be allotted to tribal organizations.

Specifically, priority should be given to linguistically and culturally specific services, to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations. Additionally, up to 5 percent of the funds appropriated under subsection for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

Lastly, it appropriates \$4,000,000 for each of fiscal years 2023 through 2027 to carry out the provisions of this section and defines the terms “affordable housing” and “long-term housing.”

34 U.S.C § 12474 (2005) (2006) (2013) (2022)

Collaborative grants to increase the long-term stability of victims

(a) Grants authorized

(1) In general

The Secretary of Health and Human Services, acting through the Administration for Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

(2) Amount

The Secretary of Health and Human Services shall award funds in amounts—

(A) not less than \$25,000 per year; and

(B) not more than \$1,000,000 per year.

(b) Eligible entities

To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

(1) shall include a domestic violence victim service provider;

(2) shall include—

(A) a homeless service provider;

(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

(3) may include a dating violence, sexual assault, or stalking victim service provider;

(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

(5) may include a public housing agency or tribally designated housing entity;

(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

(8) may include a State, tribal, territorial, or local government or government agency; and

(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Application

Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

(d)Use of funds

Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—

(1)shall develop sustainable long-term living solutions in the community by—

(A)coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

(B)assisting with the placement of individuals and families in long-term housing; and

(C)providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

(2)may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

(3)may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (2); and

(4)may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

(e)Limitation

Funds provided under paragraph [1] (a) shall not be used for construction, modernization or renovation.

(f)Underserved populations and priorities

In awarding grants under this section, the Secretary of Health and Human Services shall—

(1)give priority to linguistically and culturally specific services;

(2)give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

(3)award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

(g)Definitions

For purposes of this section:

(1)Affordable housing

The term “affordable housing” means housing that complies with the conditions set forth in section 12745 of title 42.

(2)Long-term housing

The term “long-term housing” means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

(A)rented or owned by the individual;

(B)subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

(C)provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

(h)Evaluation, monitoring, administration, and technical assistance

For purposes of this section—

(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

(i) Authorization of appropriations

There are authorized to be appropriated \$4,000,000 for each of fiscal years 2023 through 2027 to carry out the provisions of this section.

34 U.S.C § 12475 (2005) (2013) (2022) Summary

Assists eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. It also lists how the assistance shall be accomplished.

It also awards grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

Additionally, up to 12 percent for each fiscal year shall be used by the Attorney General for technical assistance costs and not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities. Further, appropriated funds may only be used for the listed purposes.

These purposes include:

1. Provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of enabling victims of domestic violence, , and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories, permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;
2. protecting victims' confidentiality,
3. assisting victims who need to leave a public housing, quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated

housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

4. enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;
5. enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;
6. developing and implementing more effective security policies, protocols, and services;
7. allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;
8. training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and
9. effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

This code also lists eligible grantees and discusses the submission requirements and certification.

Specifically, A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall also provide a copy of the certification to the public housing agency within a reasonable period of time after the agency requests such certification. The required content of the certification is also listed.

Further, It is not acceptable under this code to for any housing agency, to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, , in order to receive any of the benefits provided in this section. A housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

Lastly, this code authorizes \$4,000,000 for each of fiscal years 2023 through 2027 to carry out the provisions of this section, discusses confidentiality, and notification.

More specifically, all information provided to any housing agency, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager unless the disclosure is)requested or consented to by the individual in writing; or otherwise required by applicable law.

Public housing agencies must also provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

34 U.S.C § 12475 (2005) (2013) (2022)

Grants to combat violence against women in public and assisted housing

(a) Purpose

It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

- (1) education and training of eligible entities;
- (2) development and implementation of appropriate housing policies and practices;
- (3) enhancement of collaboration with victim service providers and tenant organizations; and
- (4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

(b) Grants authorized

(1) In general

The Attorney General, acting through the Director of the Office on Violence Against Women of the Department of Justice (“Director”), and in consultation with the Secretary of Housing and Urban Development (“Secretary”), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families (“ACYF”), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

(2) Amounts

Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

(3) Award basis

The Attorney General shall award grants and contracts under this section on a competitive basis.

(4) Limitation

Appropriated funds may only be used for the purposes described in subsection (f).

(c) Eligible grantees

(1) In general

Eligible grantees are—

- (A) public housing agencies;
- (B) principally managed public housing resident management corporations, as determined by the Secretary;
- (C) public housing projects owned by public housing agencies;
- (D) tribally designated housing entities; and

(E)private, for-profit, and nonprofit owners or managers of assisted housing.

(2)Submission required for all grantees

To receive assistance under this section, an eligible grantee shall certify that—

(A)its policies and practices do not prohibit or limit a resident’s right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

(B)programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary’s instructions;

(C)it does not discriminate against any person—

(i)because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

(ii)because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim’s family or household member;

(D)plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, population-specific organizations, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

(E)its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

(d)Application

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

(e)Certification

(1)In general

A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

(2)Contents

An individual may satisfy the certification requirement of paragraph (1) by—

(A)providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

(B)producing a Federal, State, tribal, territorial, or local police or court record.

(3)Limitation

Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

(4)Confidentiality

(A)In general

All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

- (i)requested or consented to by the individual in writing; or
- (ii)otherwise required by applicable law.

(B)Notification

Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

(f)Use of funds

Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

- (1)enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;
- (2)permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;
- (3)protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;
- (4)assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;
- (5)enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of

domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

(7) developing and implementing more effective security policies, protocols, and services;

(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

(g) Authorization of appropriations

There are authorized to be appropriated \$4,000,000 for each of fiscal years 2023 through 2027 to carry out the provisions of this section.

(h) Technical assistance

Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.

34 U.S.C § 12491 (2013) (2016) (2022) Summary

Discusses housing protections for victims of domestic violence and dating violence.

This code also defines the terms “affiliated individual,” “appropriate agency,” and “covered housing program.”

This code also discusses the prohibited basis for the denial or termination of an applicant for or tenant of housing assisted under a covered housing program. This prohibition is based on whether the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

Further the construction of lease terms is also discussed. This includes:

, An incident of actual or threatened domestic violence, sexual assault, or stalking shall not be construed as a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or good cause for terminating the assistance or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

Additionally, the denial of assistance, tenancy, and occupancy rights on basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household is prohibited.

It Further discusses bifurcation. Specifically, it allows for the bifurcation of a lease for housing in order to evict or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

Additionally, if a housing agent evicts, removes, or terminates assistance to an individual and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency shall provide any remaining tenant or resident an opportunity to establish eligibility for the covered housing program. If the tenant is unable to establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant or resident a reasonable time to find new housing or to establish eligibility for housing under another covered housing program.

There are also instructions to not construe statements in paragraph A.

Specifically, this code does not want the instructions to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program.

Especially for certain instances such as:

1. notified of a court order, to comply with a court order with respect to the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or the distribution or possession of property among members of a household in a case; to limit any otherwise available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;
2. to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or
3. to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

This code also allows for housing agencies to request documentation and if there is a failure to provide a tenant may be denied admission. The type of documentation that may be requested is also described. However, nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to

request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

It also discusses that information submitted to a public housing agency including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be deemed confidential unless requested or consented to by the individual in writing, required for use in an eviction proceeding under subsection (b); or otherwise required by applicable law

This code further discusses how to handle conflicting information received by an applicant or tenant to submit third-party documentation,

Lastly, this code discusses the requirement to develop an emergency transfer plan under which a victim requesting an emergency transfer may receive, subject to the availability of tenant protection vouchers, assistance under section 1437f(o) of title 42.

34 U.S.C § 12491 (2013) (2016) (2022)

Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking

(a) Definitions

In this subpart:

(1) Affiliated individual

The term “affiliated individual” means, with respect to an individual—

(A) a spouse, parent, sibling, or child of that individual, or an individual to whom that individual stands in loco parentis; or

(B) any individual, tenant, or lawful occupant living in the household of that individual.

(2) Appropriate agency

The term “appropriate agency” means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5) that carries out the covered housing program.

(3) Covered housing program

The term “covered housing program” means—

(A) the program under section 1701q of title 12, including the direct loan program under such section;

(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(D)the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

(E)the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

(F)the program under paragraph (3) of section 1715l(d) of title 12 that bears interest at a rate determined under the proviso under paragraph (5) of such section 1715l(d);

(G)the program under section 1715z–1 of title 12;

(H)the programs under sections 1437d and 1437f of title 42;

(I)rural housing assistance provided under sections 1484, 1485, 1486, 1490m, 1490p–2, and 1490r of title 42;

(J)the low income housing tax credit program under section 42 of title 26;

(K)the provision of assistance from the Housing Trust Fund established under section 4568 of title 12;

(L)the provision of assistance for housing under the Comprehensive Service Programs for Homeless Veterans program under subchapter II of chapter 20 of title 38;

(M)the provision of assistance for housing and facilities under the grant program for homeless veterans with special needs under section 2061 of title 38;

(N)the provision of assistance for permanent housing under the program for financial assistance for supportive services for very low-income veteran families in permanent housing under section 2044 of title 38;

(O)the provision of transitional housing assistance for victims of domestic violence, dating violence, sexual assault, or stalking under the grant program under subpart 4 of part B; and

(P)any other Federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance, or more generally providing affordable housing opportunities, as identified by the appropriate agency through regulations, notices, or any other means.

(b)Prohibited basis for denial or termination of assistance or eviction

(1)In general

An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

(2)Construction of lease terms

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

(A)a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

(B)good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

(3)Termination on the basis of criminal activity

(A)Denial of assistance, tenancy, and occupancy rights prohibited

No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the

household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

(B)Bifurcation

(i)In general

Notwithstanding subparagraph (A), a public housing agency or owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

(ii)Effect of eviction on other tenants

If public housing agency or owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant or resident an opportunity to establish eligibility for the covered housing program. If a tenant or resident described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant or resident a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

(C)Rules of construction

Nothing in subparagraph (A) shall be construed—

(i)to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

(I)the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

(II)the distribution or possession of property among members of a household in a case;

(ii)to limit any otherwise available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

(iii)to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

(iv)to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

(c)Documentation

(1)Request for documentation

If an applicant for, or tenant of, housing assisted under a covered housing program represents to a public housing agency or owner or manager of the housing that the individual is entitled to protection under subsection (b), the public housing agency or owner or manager may request, in writing, that the applicant or tenant submit to the public housing agency or owner or manager a form of documentation described in paragraph (3).

(2)Failure to provide certification

(A)In general

If an applicant or tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from a public housing agency or owner or manager of housing assisted under a covered housing program, nothing in this subpart may be construed to limit the authority of the public housing agency or owner or manager to—

- (i)deny admission by the applicant or tenant to the covered program;
- (ii)deny assistance under the covered program to the applicant or tenant;
- (iii)terminate the participation of the applicant or tenant in the covered program; or
- (iv)evict the applicant, the tenant, or a lawful occupant that commits violations of a lease.

(B)Extension

A public housing agency or owner or manager of housing may extend the 14-day deadline under subparagraph (A) at its discretion.

(3)Form of documentation

A form of documentation described in this paragraph is—

(A)a certification form approved by the appropriate agency that—

- (i)states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
- (ii)states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and
- (iii)includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;

(B)a document that—

(i)is signed by—

(I)an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

(II)the applicant or tenant; and

- (ii)states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

(C)a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

(D)at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

(4)Confidentiality

Any information submitted to a public housing agency or owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the public housing agency or owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

(A)requested or consented to by the individual in writing;

(B)required for use in an eviction proceeding under subsection (b); or

(C)otherwise required by applicable law.

(5)Documentation not required

Nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

(6)Compliance not sufficient to constitute evidence of unreasonable act

Compliance with subsection (b) by a public housing agency or owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the public housing agency or owner or manager or an employee or agent of the public housing agency or owner or manager. Nothing in this paragraph shall be construed to limit the liability of a public housing agency or owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

(7)Response to conflicting certification

If a public housing agency or owner or manager of housing assisted under a covered housing program receives documentation under this subsection that contains conflicting information, the public housing agency or owner or manager may require an applicant or tenant to submit third-party documentation, as described in subparagraph (B), (C), or (D) of paragraph (3).

(8)Preemption

Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

(d)Notification

(1)Development

The Secretary of Housing and Urban Development shall develop a notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof.

(2)Provision

Each public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1), together with the form described in subsection (c)(3)(A), to an applicant for or tenants of housing assisted under a covered housing program—

(A)at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program;

(B)at the time the individual is admitted to a dwelling unit assisted under the covered housing program;

(C)with any notification of eviction or notification of termination of assistance; and

(D)in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency).

(e)Emergency transfers

Each appropriate agency shall adopt a model emergency transfer plan for use by public housing agencies and owners or managers of housing assisted under covered housing programs that—

(1)allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if—

(A)the tenant expressly requests the transfer; and

(B)

(i)the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

(ii)in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and

(2)incorporates reasonable confidentiality measures to ensure that the public housing agency or owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

(f)Policies and procedures for emergency transfer

The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers, assistance under section 1437f(o) of title 42.

(g)Implementation

The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.

34 U.S.C § 12492 (2022) Summary

Discusses the requirement of each agency to establish a process to review compliance with the requirements.

These requirements where possible, shall be incorporated into other existing compliance review processes of the appropriate agency, in consultation with the Gender-based Violence Prevention Office and Violence Against Women Act Director described in section 12493 of this title and any other relevant officials of the appropriate agency. Additional requirements are also listed in this code.

Further, this code requires each appropriate agency to conduct the review described in paragraph (1) on a regular basis, as determined by the appropriate agency. It also lists certain regulations that need to be followed, consultation with the appropriate entities listed in the code, and public disclosure requirements.

34 U.S.C § 12492 (2022)

Compliance reviews

(a)Regular compliance reviews

(1)In general

Each appropriate agency shall establish a process by which to review compliance with the requirements of this part, which shall—

(A)where possible, be incorporated into other existing compliance review processes of the appropriate agency, in consultation with the Gender-based Violence Prevention Office and Violence Against Women Act Director described in section 12493 of this title and any other relevant officials of the appropriate agency; and

(B)examine—

(i)compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault, or stalking;

(ii)compliance with confidentiality provisions set forth in section 12491©(4) of this title;

(iii)compliance with the notification requirements set forth in section 12491(d)(2) of this title;

(iv)compliance with the provisions for accepting documentation set forth in section 12491© of this title;

(v)compliance with emergency transfer requirements set forth in section 12491© of this title; and

(vi)compliance with the prohibition on retaliation set forth in section 12494 of this title.

(2)Frequency

Each appropriate agency shall conduct the review described in paragraph (1) on a regular basis, as determined by the appropriate agency.

(b)Regulations

(1)In general

Not later than 2 years after March 15, 2022, each appropriate agency shall issue regulations in accordance with section 553 of title 5 to implement subsection (a) of this section, which shall—

(A)define standards of compliance under covered housing programs;

(B)include detailed reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process emergency transfers; and

©include standards for corrective action plans where compliance standards have not been met.

(2)Consultation

In developing the regulations under paragraph (1), an appropriate agency shall engage in additional consultation with appropriate stakeholders including, as appropriate—

(A) individuals and organizations with expertise in the housing needs and experiences of victims of domestic violence, dating violence, sexual assault and stalking; and

(B) individuals and organizations with expertise in the administration or management of covered housing programs, including industry stakeholders and public housing agencies.

©Public disclosure

Each appropriate agency shall ensure that an agency-level assessment of the information collected during the compliance review process completed pursuant to this subsection—

(1) includes an evaluation of each topic identified in subsection (a); and

(2) is made publicly available.

34 U.S.C § 12493 (2022) Summary

Establishes a gender-based violence prevention office with a violence against women act director and discusses the director's duties.

These duties include:

1. support implementation of this subpart,
2. coordinate with Federal agencies on legislation, implementation, and other issues affecting the housing provisions and other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking,
3. coordinate with State and local governments and agencies, including State housing finance agencies, regarding advancing housing protections and access to housing for victims of domestic violence, dating violence, sexual assault, and stalking,
4. ensure that technical assistance and support are provided to each appropriate agency and housing providers regarding implementation of this part, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this part,
5. implement internal systems to track, monitor, and address compliance failures; and
6. address the housing needs and barriers faced by victims of sexual assault, as well as sexual coercion and sexual harassment by a public housing agency or owner or manager of housing assisted under a covered housing program.

This code also authorizes to carry out this section or fiscal years 2023 through 2027.

34 U.S.C § 12493 (2022)

Department of Housing and Urban Development Gender-based Violence Prevention Office and Violence Against Women Act Director

(a) Establishment

The Secretary of Housing and Urban Development shall establish a Gender-based Violence Prevention Office with a Violence Against Women Act Director (in this section referred to as the “Director”).

(b) Duties

The Director shall, among other duties—

- (1) support implementation of this subpart;
- (2) coordinate with Federal agencies on legislation, implementation, and other issues affecting the housing provisions under this part, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking;
- (3) coordinate with State and local governments and agencies, including State housing finance agencies, regarding advancing housing protections and access to housing for victims of domestic violence, dating violence, sexual assault, and stalking;
- (4) ensure that technical assistance and support are provided to each appropriate agency and housing providers regarding implementation of this part, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this part;
- (5) implement internal systems to track, monitor, and address compliance failures; and
- (6) address the housing needs and barriers faced by victims of sexual assault, as well as sexual coercion and sexual harassment by a public housing agency or owner or manager of housing assisted under a covered housing program.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2023 through 2027.

34 U.S.C § 12494 (2022) Summary

This code discusses a non-retaliation requirement which prohibits any public housing agency or owner, or manager of housing assisted under a covered housing program from discriminating against any person because that person has opposed any act or practice made unlawful or because that person testified, assisted, or participated in any matter related to this subpart.

It also prohibits coercion, intimidation, threatening, or interfering with, or retaliating against, any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under this subpart, including- intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under this subpart; and retaliating against any person because that person has participated in any investigation or action to enforce this subpart.

34 U.S.C § 12494 (2022)

Prohibition on retaliation

(a)Non-retaliation requirement

No public housing agency or owner or manager of housing assisted under a covered housing program shall discriminate against any person because that person has opposed any act or practice made unlawful by this part, or because that person testified, assisted, or participated in any matter related to this subpart.

(b)Prohibition on coercion

No public housing agency or owner or manager of housing assisted under a covered housing program shall coerce, intimidate, threaten, or interfere with, or retaliate against, any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under this subpart, including—

(1)intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under this subpart; and

(2)retaliating against any person because that person has participated in any investigation or action to enforce this subpart.

©Implementation

The Secretary of Housing and Urban Development and the Attorney General shall implement and enforce this subpart consistent with, and in a manner that provides, the rights and remedies provided for in title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

34 U.S.C § 12495 (2022) Summary

Discusses the right to report crime and emergencies from one’s home and defines the term “covered governmental entity.”

It further discusses the right to report. specifically the right of landlords, homeowners, tenants, residents, occupants, and applicants to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance; and shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault.

This code also lists prohibited penalties and the ability of any covered government entities to report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and certify that they are in compliance with the protections under this part or describe the steps the covered governmental entities will take within 180 days to come into compliance, or to ensure compliance among subgrantees.

Lastly, this code discusses the requirement for covered entities to inquire about the existence of laws and policies adopted by subgrantees that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property.

34 U.S.C § 12495 (2022)

Right to report crime and emergencies from one's home

(a) Definition

In this section, the term “covered governmental entity” means any municipal, county, or State government that receives funding under section 5306 of title 42.

(b) Right to report

(1) In general

Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing—

(A) shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance; and

(B) shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities.

(2) Prohibited penalties

Penalties that are prohibited under paragraph (1) include—

(A) actual or threatened assessment of monetary or criminal penalties, fines, or fees;

(B) actual or threatened eviction;

(C) actual or threatened refusal to rent or renew tenancy;

(D) actual or threatened refusal to issue an occupancy permit or landlord permit; and

(E) actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation.

(c) Reporting

Consistent with the process described in section 5304(b) of title 42, covered governmental entities shall—

(1) report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and

(2) certify that they are in compliance with the protections under this part or describe the steps the covered governmental entities will take within 180 days to come into compliance, or to ensure compliance among subgrantees.

(d) Implementation

The Secretary of Housing and Urban Development and the Attorney General shall implement and enforce this subpart consistent with, and in a manner that provides, the same rights and remedies as those provided for in title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

(e)Subgrantees

For those covered governmental entities that distribute funds to subgrantees, compliance with subsection (c)(1) includes inquiring about the existence of laws and policies adopted by subgrantees that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property.

34 U.S.C § 12496 (2022) Summary

Discusses funds allocated to training and technical assistance agreements with entities whose primary purpose and expertise is assisting survivors of sexual assault and domestic violence or providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking.

34 U.S.C § 12496 (2022)

Training and technical assistance grants

There is authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary for fiscal years 2023 through 2027 to be used for training and technical assistance to support the implementation of this subpart, including technical assistance agreements with entities whose primary purpose and expertise is assisting survivors of sexual assault and domestic violence or providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking.

34 U.S.C § 12501 (2005) (2013) (2022) Summary

Discusses grants for the establishment of a national resource center on workplace responses to assist victims of domestic and sexual violence and sexual harassment.

Awards grants to eligible nonprofit nongovernmental entity or tribal organization profit nongovernmental entity or tribal organization, in order to provide for the establishment and

operation of a national resource center on workplace responses to assist victims of domestic and sexual violence and sexual harassment. The resource center shall provide information and assistance to employers, labor organizations, and victim service providers to aid in their efforts to develop and implement responses to such violence.

This code also requires entities to submit applications and lists what the applications must include. It also lists the permissible uses of the grant amount including for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence or sexual harassment.

Additionally, nonliability and responses referred to in paragraph one is also discussed.

This code further discusses a pathway to opportunities project which allows an eligible entity that receives a grant under this section may develop a plan to enhance the capacity of survivors to obtain and maintain employment, including through the implementation of a demonstration program to be known as “Pathways to Opportunity”, which shall build collaborations between and among victim service providers, workforce development programs, and educational and vocational institutions to provide trauma informed programming to support survivors seeking employment; and be centered around culturally specific organizations or organizations that primarily serve populations traditionally marginalized in the workplace.

Lastly, it authorizes \$2,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C § 12501 (2005) (2013) (2022)

Grant for national resource center on workplace responses to assist victims of domestic and sexual violence

(a) Authority

The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence and sexual harassment. The resource center shall provide information and assistance to employers, labor organizations, and victim service providers to aid in their efforts to develop and implement responses to such violence.

(b) Applications

To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

- (1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;
- (2) a plan to maximize, to the extent practicable, outreach to employers (including private companies, public entities such as public institutions of higher education and State and local governments, and employers with fewer than 20 employees) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and
- (3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, stalking, and sexual harassment impacting the workplace, including the needs of underserved communities, which materials shall include a website with resources for employers with fewer than 20 employees, including live training materials.

(c) Use of grant amount

(1) In general

An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence or sexual harassment.

(2) Responses

Responses referred to in paragraph (1) may include—

- (A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence or sexual harassment;
- (B) providing conferences and other educational opportunities; and
- (C) developing protocols and model workplace policies.

(d) Liability

The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

(e) Pathways to Opportunity Pilot Project

An eligible nonprofit nongovernmental entity or tribal organization that receives a grant under this section may develop a plan to enhance the capacity of survivors to obtain and maintain employment, including through the implementation of a demonstration pilot program to be known as “Pathways to Opportunity”, which shall—

- (1) build collaborations between and among victim service providers, workforce development programs, and educational and vocational institutions to provide trauma informed programming to support survivors seeking employment; and
- (2) be centered around culturally specific organizations or organizations that primarily serve populations traditionally marginalized in the workplace.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2023 through 2027.

(g) Availability of grant funds

Funds appropriated under this section shall remain available until expended.

34 U.S.C § 12511 (2006) (2013) (2022) Summary

Discusses providing intervention, advocacy, accompaniment, support services, and related assistance for sexual assault services program and to provide for technical assistance and training relating to sexual assault.

It also awards 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.

Also discusses allocation of funds including 5 percent of the grant funds received under this subsection for any fiscal year may be used for administrative costs. Additionally, any funds 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.

This code also lists what intervention and related assistance may include.

Additionally, The Attorney General shall allocate to each State 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 0.5 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.

Additionally, it requires that 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.

Further, an application is required to be submitted and this code describes what contents need to be included in the application. It also requires a report to be submitted to the Attorney General that describes the activities carried out with such grant funds.

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. The Attorney general shall also provide technical assistance to recipients of

grants under this subsection by entering into a cooperative agreement or contract with a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within culturally specific communities. It further requires the Attorney General to make grants for a period of no less than 2 fiscal years.

This code also describes what qualifies as an eligible entity and awards grants and mandates that grants are awarded on a competitive basis.

This code further discusses awarding to grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions and requires that not less than 10 percent of the amount appropriated be used to carry out this goal.

Grants to tribal organizations for the operation of sexual assault programs and authorizes \$100,000,000 to remain available until expended for each of fiscal years 2023 through 2027 to carry out the provisions of this section are also discussed.

Lastly, the code lists what funds may be used for and allocates not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and 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. Additionally, not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section, not more than 8 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section of which not less than 20 percent shall be available for technical assistance to recipients and potential recipients of grants under subsection, not less than 65 percent shall be used for grants to States and territories under subsection, not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection not less than 10 percent shall be used for grants to tribes under subsection (e); and not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).

34 U.S.C § 12511 (2006) (2013) (2022)

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, direct payments, 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 0.5 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

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.

(5)Term

The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

(6) Technical assistance

The Attorney General shall provide technical assistance to recipients of grants under this subsection by entering into a cooperative agreement or contract with a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within culturally specific communities.

(7) 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 \$100,000,000 to remain available until expended for each of fiscal years 2023 through 2027 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 8 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section of which not less than 20 percent shall be available for technical assistance to recipients and potential recipients of grants under subsection (c);

(C)not less than 65 percent shall be used for grants to States and territories under subsection (b);

(D)not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

(E)not less than 10 percent shall be used for grants to tribes under subsection (e); and

(F)not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).

34 U.S. Code § 12512 (2016) Summary

Establishes a joint working group referred to as “Working Group.” The purpose of the Working Group is to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence.

The Working group is also required to consult with certain groups such as stakeholders in law enforcement, prosecution, forensic laboratory, counseling, forensic examiner, medical facility, and medical provider communities; and representatives of not less than 3 entities with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, of which not less than 1 representative shall be a sexual assault victim.

The duties of the Working Group is also discussed and listed. These include:

1. develop recommendations for improving the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;
2. encourage, where appropriate, the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;
3. develop recommendations to promote the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;
4. develop and implement, where practicable, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;
5. collect feedback from stakeholders, practitioners, and leadership throughout the Federal and State law enforcement, victim services, forensic science practitioner, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of sexual assault survivors; and
6. perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

Finally, The Working Group is also required to submit a report to the Attorney General, the Secretary, and Congress containing the findings and recommended actions of the Working Group.

34 U.S. Code § 12512 (2016)

Working Group

(a) In general

The Attorney General, in consultation with the Secretary of Health and Human Services (referred to in this section as the “Secretary”), shall establish a joint working group (referred to in this section as the “Working Group”) to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence.

(b) Consultation with stakeholders

The Working Group shall consult with—

- (1) stakeholders in law enforcement, prosecution, forensic laboratory, counseling, forensic examiner, medical facility, and medical provider communities; and
- (2) representatives of not less than 3 entities with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, of which not less than 1 representative shall be a sexual assault victim.

(c) Membership

The Working Group shall be composed of governmental or nongovernmental agency heads at the discretion of the Attorney General, in consultation with the Secretary.

(d) Duties

The Working Group shall—

- (1) develop recommendations for improving the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;
- (2) encourage, where appropriate, the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;
- (3) develop recommendations to promote the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;
- (4) develop and implement, where practicable, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among State attorneys general, United States attorneys, heads of

State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(5) collect feedback from stakeholders, practitioners, and leadership throughout the Federal and State law enforcement, victim services, forensic science practitioner, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of sexual assault survivors; and

(6) perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

(e) Report

Not later than 2 years after October 7, 2016, the Working Group shall submit to the Attorney General, the Secretary, and Congress a report containing the findings and recommended actions of the Working Group.

34 U.S.C § 12513 (2022) Summary

Defines the terms “covered individual,” “Attorney General,” “mandatory partner,” “eligible entity,” “covered individual,” and “demonstration site.”

It also awards grants on a competitive basis to eligible entities to collaborate with their mandatory partners to carry out the demonstration program under this section by implementing evidence-based or promising investigative policies and practices to incorporate trauma-informed, victim-centered techniques and lists what they are designed to do

Additionally, it states that the Attorney General shall award grants under this section to multiple eligible entities for use in a variety of settings and communities, including urban, suburban, Tribal, remote, and rural areas, college campuses; or traditionally underserved communities.

This code also describes the use of funds

Some of the uses include:

1. train covered individuals within the demonstration site of the eligible entity to use evidence-based, trauma-informed, and victim-centered techniques and knowledge of crime victims' rights throughout an investigation into domestic violence, dating violence, sexual assault, or stalking, including by-
2. conducting victim interviews in a manner that- elicits valuable information about the domestic violence, dating violence, sexual assault, or stalking; and
3. avoids re-traumatization of the victim; conducting field investigations that mirror best and promising practices available at the time of the investigation; customizing investigative approaches to ensure a culturally and linguistically appropriate approach to

the community being served; becoming proficient in understanding and responding to complex cases, including cases of domestic violence, dating violence, sexual assault, or stalking facilitated by alcohol or drugs;

4. involving strangulation; committed by a non-stranger; committed by an individual of the same sex as the victim; involving a victim with a disability; involving a male victim; or involving a lesbian, gay, bisexual, or transgender person
5. developing collaborative relationships between- law enforcement officers and other members of the response team; and the community being served; and developing an understanding of how to define, identify, and correctly classify a report of domestic violence, dating violence, sexual assault, or stalking;

This code also discusses program trainings on trauma-informed and victim-centered approaches. Specifically, the Attorney General shall identify trainings for law enforcement officers, in existence as of the date on which the Attorney General begins to solicit applications for grants under this section, that- employ a trauma-informed, victim-centered approach to domestic violence, dating violence, sexual assault, and stalking; and focus on the fundamentals of- trauma responses; the impact of trauma on victims of domestic violence, dating violence, sexual assault, and stalking; and techniques for effectively investigating domestic violence, dating violence, sexual assault, and stalking. Additionally, an entity that receives a grant under this section shall select on or more of the previously listed approaches to test within the demonstration site of the eligible entity. The Attorney General shall also require in consultation with the Director of the National Institute of Justice each eligible entity that a grant under this section to identify a research partner.

Also requires consultations with the Director of the Office for Victims of Crime to seek input from and cultivate consensus among outside practitioners and other stakeholders through facilitated discussions and focus groups on best practices in the field of trauma-informed, victim-centered care for victims of domestic violence, dating violence, sexual assault, and stalking. Additionally, The Attorney General, in consultation with the Director of the National Institute of Justice, shall require each eligible entity that receives a grant under this section to identify a research partner.

Lastly, this code authorizes 5,000,000 for each of fiscal years 2023 through 2027 to carry out this section and prohibits anything in this section to be construed to interfere with the due process rights of any individual.

34 U.S.C § 12513 (2022)

Demonstration program on trauma-informed, victim-centered training for law enforcement

(a) Definitions

In this section—

(1) the term “Attorney General” means the Attorney General, acting through the Director of the Office on Violence Against Women;

- (2)the term “covered individual” means an individual who interfaces with victims of domestic violence, dating violence, sexual assault, and stalking, including—
- (A)an individual working for or on behalf of an eligible entity;
 - (B)an administrator or personnel of a school, university, or other educational program or activity (including a campus police officer or a school resource officer); and
 - (C)an emergency services or medical employee;
- (3)the term “demonstration site”, with respect to an eligible entity that receives a grant under this section, means the area over which the eligible entity has jurisdiction;
- (4)the term “eligible entity” means a State, local, territorial, or Tribal law enforcement agency; and
- (5)the term “mandatory partner” means a national, regional, or local victim services organization or agency working in collaboration with a law enforcement agency described in paragraph (4).
- (b)Grants authorized

(1)In general

The Attorney General shall award grants on a competitive basis to eligible entities to collaborate with their mandatory partners to carry out the demonstration program under this section by implementing evidence-based or promising investigative policies and practices to incorporate trauma-informed, victim-centered techniques designed to—

- (A)prevent re-traumatization of the victim;
- (B)ensure that covered individuals use evidence-based practices to respond to and investigate cases of domestic violence, dating violence, sexual assault, and stalking;
- (C)improve communication between victims and law enforcement officers in an effort to increase the likelihood of the successful investigation and prosecution of the reported crime in a manner that protects the victim to the greatest extent possible;
- (D)increase collaboration among stakeholders who are part of the coordinated community response to domestic violence, dating violence, sexual assault, and stalking; and
- (E)evaluate the effectiveness of the training process and content.

(2)Award basis

The Attorney General shall award grants under this section to multiple eligible entities for use in a variety of settings and communities, including—

- (A)urban, suburban, Tribal, remote, and rural areas;
- (B)college campuses; or
- (C)traditionally underserved communities.

(c)Use of funds

An eligible entity that receives a grant under this section shall use the grant to—

- (1)train covered individuals within the demonstration site of the eligible entity to use evidence-based, trauma-informed, and victim-centered techniques and knowledge of crime victims’ rights throughout an investigation into domestic violence, dating violence, sexual assault, or stalking, including by—
 - (A)conducting victim interviews in a manner that—
 - (i)elicits valuable information about the domestic violence, dating violence, sexual assault, or stalking; and
 - (ii)avoids re-traumatization of the victim;
 - (B)conducting field investigations that mirror best and promising practices available at the time of the investigation;

- (C)customizing investigative approaches to ensure a culturally and linguistically appropriate approach to the community being served;
- (D)becoming proficient in understanding and responding to complex cases, including cases of domestic violence, dating violence, sexual assault, or stalking—
 - (i)facilitated by alcohol or drugs;
 - (ii)involving strangulation;
 - (iii)committed by a non-stranger;
 - (iv)committed by an individual of the same sex as the victim;
 - (v)involving a victim with a disability;
 - (vi)involving a male victim; or
 - (vii)involving a lesbian, gay, bisexual, or transgender (commonly referred to as “LGBT”) victim;
- (E)developing collaborative relationships between—
 - (i)law enforcement officers and other members of the response team; and
 - (ii)the community being served; and
- (F)developing an understanding of how to define, identify, and correctly classify a report of domestic violence, dating violence, sexual assault, or stalking; and
- (2)promote the efforts of the eligible entity to improve the response of covered individuals to domestic violence, dating violence, sexual assault, and stalking through various communication channels, such as the website of the eligible entity, social media, print materials, and community meetings, in order to ensure that all covered individuals within the demonstration site of the eligible entity are aware of those efforts and included in trainings, to the extent practicable.
- (d)Demonstration program trainings on trauma-informed, victim-centered approaches
 - (1)Identification of existing trainings

(A)In general

The Attorney General shall identify trainings for law enforcement officers, in existence as of the date on which the Attorney General begins to solicit applications for grants under this section, that—

- (i)employ a trauma-informed, victim-centered approach to domestic violence, dating violence, sexual assault, and stalking; and
- (ii)focus on the fundamentals of—
 - (I)trauma responses;
 - (II)the impact of trauma on victims of domestic violence, dating violence, sexual assault, and stalking; and
 - (III)techniques for effectively investigating domestic violence, dating violence, sexual assault, and stalking.

(B)Selection

An eligible entity that receives a grant under this section shall select one or more of the approaches employed by a training identified under subparagraph (A) to test within the demonstration site of the eligible entity.

(2)Consultation

In carrying out paragraph (1), the Attorney General shall consult with the Director of the Office for Victims of Crime in order to seek input from and cultivate consensus among outside practitioners and other stakeholders through facilitated discussions and focus groups on best practices in the field of trauma-informed, victim-centered care for victims of domestic violence, dating violence, sexual assault, and stalking.

(e)Evaluation

The Attorney General, in consultation with the Director of the National Institute of Justice, shall require each eligible entity that receives a grant under this section to identify a research partner, preferably a local research partner, to—

(1)design a system for generating and collecting the appropriate data to facilitate an independent process or impact evaluation of the use of the grant funds;

(2)periodically conduct an evaluation described in paragraph (1); and

(3)periodically make publicly available, during the grant period—

(A)preliminary results of the evaluations conducted under paragraph (2); and

(B)recommendations for improving the use of the grant funds.

(f)Authorization of appropriations

There are authorized to be appropriated to the Attorney General \$5,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

(g)Rule of construction

Nothing in this section shall be construed to interfere with the due process rights of any individual.

34 U.S.C § 12514 (2022) Summary

Defines the terms “Director,” “eligible entity,” and “restorative practices.”

Awards grants to eligible entities to develop and implement a program, or to assess best practices, for restorative practices to prevent or address domestic violence, dating violence, sexual assault, or stalking, training by eligible entities, or for eligible entities, courts, or prosecutors, on restorative practices and program implementation; and evaluations of a restorative practice described in paragraph (1).

This code also discusses that priority should be given to eligible entities that submit proposals that meaningfully address the needs of culturally specific or underserved populations.

It also discusses qualifications to be eligible to receive grants under this section and lists program requirements for an eligible entity that offers a restorative practice program with funds awarded under this section.

Additionally, if an eligible entity or a subgrantee of an eligible entity determines that a victim or a dependent of a victim are at significant risk of subsequent serious injury, sexual assault, or death, the eligible entity or subgrantee shall refer the victim or dependent to other victim services, instead of restorative practices.

Further, restorative practices performed with funds awarded under this section are not intended to function as a replacement for criminal justice intervention for a specific harm.

This code also requires an annual report with information relating to the effectiveness of the restorative practices carried out with amounts from the grant to be submitted to the Director.

Additional information that should be included in report is also listed.

Lastly, this code requires a report to Congress not later than 2 years after March 15, 2022, and biennially thereafter, that summarizes the reports received by the Director under paragraph (1) and authorizes the Director to decide on sums as may be necessary for each of fiscal years 2023 through 2027 to carry out this section.

34 U.S.C § 12514 (2022)

Pilot program on restorative practices

(a) Definitions

In this section:

(1) Director

The term “Director” means the Director of the Office on Violence Against Women.

(2) Eligible entity

The term “eligible entity” means—

(A) a State;

(B) a unit of local government;

(C) a tribal government;

(D) a tribal organization;

(E) a victim service provider;

(F) an institution of higher education (as defined in section 1001(a) of title 20; and

(G) a private or public nonprofit organization, including—

(i) a tribal nonprofit organization; and

(ii) a faith-based nonprofit organization.

(3) Restorative practice

The term “restorative practice” means a practice relating to a specific harm that—

(A) is community-based and unaffiliated with any civil or criminal legal process;

(B) is initiated by a victim of the harm;

(C) involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—

(i) 1 or more individuals who committed the harm;

(ii) 1 or more victims of the harm; and

(iii) the community affected by the harm through 1 or more representatives of the community;

(D) shall include and has the goal of—

(i) collectively seeking accountability from 1 or more individuals who committed the harm;

(ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and

(iii)developing a written course of action plan—

(I)that is responsive to the needs of 1 or more victims of the harm; and

(II)upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and

(E)is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.

(b)Grants authorized

The Director shall award grants to eligible entities to develop and implement a program, or to assess best practices, for—

(1)restorative practices to prevent or address domestic violence, dating violence, sexual assault, or stalking;

(2)training by eligible entities, or for eligible entities, courts, or prosecutors, on restorative practices and program implementation; and

(3)evaluations of a restorative practice described in paragraph (1).

(c)Priority

In awarding grants under subsection (b), the Director shall give priority to eligible entities that submit proposals that meaningfully address the needs of culturally specific or underserved populations.

(d)Qualifications

To be eligible to receive a grant under this section, an eligible entity shall demonstrate a history of comprehensive training and experience in working with victims of domestic violence, dating violence, sexual assault, or stalking.

(e)Program requirements

(1)In general

An eligible entity or a subgrantee of an eligible entity that offers a restorative practices program with funds awarded under this section shall ensure that such program—

(A)includes set practices and procedures for screening the suitability of any individual who committed a harm based on—

(i)the history of civil and criminal complaints against the individual involving domestic violence, sexual assault, dating violence, or stalking;

(ii)parole or probation violations of the individual or whether active parole or probation supervision of the individual is being conducted for prior offenses involving domestic violence, sexual assault, dating violence, or stalking;

(iii)the risk to the safety of any victim of the harm based on an evidence-based risk assessment;

(iv)the risk to public safety, including an evidence-based risk assessment of the danger to the public; and

(v)past participation of any individual who committed the harm in restorative practice programing; and

(B)denies eligibility to participate in the program for any individual who committed a harm against whom there is—

(i)a pending felony or misdemeanor prosecution for an offense against any victim of the harm or a dependent of any such victim;

- (ii) a restraining order or a protection order (as defined in section 2266 of title 18) that protects any victim of the harm or a dependent of any such victim, unless there is an exception in the restraining order or protective order allowing for participation in a restorative practices program;
- (iii) a pending criminal charge involving or relating to sexual assault, including rape, human trafficking, or child abuse, including child sexual abuse; or
- (iv) a conviction for child sexual abuse against the victim or a sibling of the victim if the victim or sibling of the victim is currently a minor.

(2) Referral

With respect to a risk assessment described in paragraph (1)(A)(iii) for which an eligible entity or a subgrantee of an eligible entity determines that a victim or a dependent of a victim are at significant risk of subsequent serious injury, sexual assault, or death, the eligible entity or subgrantee shall refer the victim or dependent to other victim services, instead of restorative practices.

(f) Nondisclosure of confidential or private information

For the purpose of section 12291(b)(2) of this title, an individual described in subsection (a)(3)(C) shall be considered a person receiving services.

(g) Relation to criminal justice intervention

Restorative practices performed with funds awarded under this section are not intended to function as a replacement for criminal justice intervention for a specific harm.

(h) Reports

(1) Report to Director

As a part of the report required to be submitted under section 12291(b)(6) of this title, an eligible entity that receives a grant under this section shall annually submit to the Director information relating to the effectiveness of the restorative practices carried out with amounts from the grant, including—

- (A) the number of individuals for whom the eligible entity supported a restorative practice;
- (B) if applicable, the number of individuals who—
 - (i) sought restorative practices from the eligible entity; and
 - (ii) the eligible entity could not serve;
- (C) if applicable, the number of individuals—
 - (i) who sought restorative practice training;
 - (ii) who received restorative practice training;
 - (iii) who provided restorative practice training; and
 - (iv) to whom the eligible entity could not provide restorative practice training;
- (D) a victim evaluation component that is documented through survey or interview, including the satisfaction of victims of a harm with the restorative practice services;
- (E) if applicable, the number of individuals who committed a harm and—
 - (i) successfully completed and executed a written course of action plan;
 - (ii) failed to successfully complete and execute a written course of action plan; and
 - (iii) were involved in a criminal or civil complaint involving domestic violence, dating violence, sexual assault, or stalking against the victims [1] or victims during the course of the restorative practice process; and
- (F) any other qualitative or quantitative information determined by the Director.

(2) Report to Congress

Not later than 2 years after March 15, 2022, and biennially thereafter, the Director shall submit to Congress a report that summarizes the reports received by the Director under paragraph (1).

(i) Authorization of appropriations

There are authorized to be appropriated to the Director such sums as may be necessary for each of fiscal years 2023 through 2027 to carry out this section.

34 U.S.C. § 20121 (2000) (2004) (2005) (2006) (2013) (2022) Summary

Awards 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

grants may also be awarded 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. Funds for which these grants may be used for are also listed.

This code also describes and lists entities or persons that are eligible for grants and discusses how 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.

This code also discusses the allocation of funds. Specifically, 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. 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 10452 of this title. However, this requirement shall not apply to funds allocated for the program described in clause (i).

Additionally, 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 and 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.

Lastly, this code authorizes \$60,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C. § 20121 (2000) (2004) (2005) (2006) (2013) (2022)

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. When legal assistance to a dependent is necessary for the safety of a victim, such assistance may be provided. 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 12291 of this title shall apply.

(c) Legal assistance for victim 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), applicants shall certify in writing that--

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

(A)(i) is a licensed attorney or is working under the direct supervision of a licensed attorney;

(ii) in immigration proceedings, is a Board of Immigration Appeals accredited representative;

(iii) in Veterans' Administration claims, is an accredited representative; or

(iv) is any person who functions as an attorney or lay advocate in Tribal court; and

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

(ii)(I) is partnered with an entity or person that has demonstrated expertise described in clause (i); 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, local, or culturally specific 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) 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, stalking, 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 \$60,000,000 for each of fiscal years 2023 through 2027.

(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 10452 of this title.

(ii) Applicability of part

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.

34 U.S. Code § 20122 (2000) (2005) (2013) (2022) Summary

Discusses education, training, and enhanced services to end violence against and abuse of individuals with disabilities and Deaf people.

Award grants to eligible entities to provide training, consultation, and information on domestic violence, dating violence, stalking, sexual assault, and abuse by caregivers against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and Deaf people; and to enhance direct services to such individuals.

It also lists and describes the required uses for funds and describes who qualifies as an eligible entity.

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

Lastly, this code authorizes 15,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

34 U.S.C § 20122 (2000) (2005) (2013) (2022)

Education, training, and enhanced services to end violence against and abuse of individuals with disabilities and Deaf people

(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, sexual assault, and abuse by caregivers against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) and Deaf people; 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 individuals with disabilities and Deaf people;

(2)to conduct outreach activities to ensure that individuals with disabilities and Deaf people 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 other first responders, 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 individuals with disabilities and Deaf people;

(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 individuals with disabilities and Deaf people;
(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. 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 individuals with disabilities and Deaf people;
(7)to provide advocacy and intervention services for individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, stalking, or sexual assault; or
(8)to develop model programs to enhance the capacity of organizations serving individuals with disabilities and Deaf people who are victims of domestic violence, dating violence, sexual assault, or stalking.

€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;

€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 individuals with disabilities and Deaf people.

(2)Limitation

A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 796f–5 [1] 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.

€Authorization of appropriations

There are authorized to be appropriated \$15,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

34 U.S.C § 20123 (2005) (2013) (2022) Summary

Discusses grants for outreach and services to underserved populations.

This code also requires the Attorney General to take 2 percent of 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 victims of domestic violence, dating violence, sexual assault, or stalking in underserved populations and to provide victim services to

meet the needs of these victims in underserved populations. Additionally, the requirements of the grant programs identified in paragraph (2) shall not apply to this grant program.

Eligible entities are also described and listed.

Further, this code allows the Attorney General to 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. It also lists purposes for the programs.

The Attorney General can also 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. Additional purposes are also listed.

This code also requires an eligible entity to submit an application and report that describes the activities carried out with grant funds to the Director of the Office on Violence Against Women.

Lastly, \$6,000,000 is authorized for each of fiscal years 2023 through 2027.

34 U.S.C § 20123 (2005) (2013) (2022)

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 10441 of this title (Grants to Combat Violent Crimes Against Women).

(B) Section 10461 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, Native Hawaiian, 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 response of criminal and civil justice interventions by providing population-specific training for law enforcement, prosecutors, judges and other court personnel on domestic violence, dating violence, sexual assault, or stalking in underserved populations;

(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;

(6) developing, enlarging, or strengthening culturally specific programs and projects to provide culturally specific services regarding responses to, and prevention of, female genital mutilation and cutting; or

(7)strengthening the response of social and human services by providing population-specific training for service providers on domestic violence, dating violence, sexual assault, or stalking in 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 \$6,000,000 for each of fiscal years 2023 through 2027.

(h)Definitions and grant conditions

In this section the definitions and grant conditions in section 12291 of this title shall apply.

34 U.S.C § 20124 (2005) (2006) (2013) (2022) Summary

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

This code also requires the Attorney General, to take 15 percent of such appropriated amounts for the program under paragraph (2)(A) and 5 percent of such appropriated amounts for the programs under subparagraphs (B) through (E) of paragraph (2) 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. Additionally, programs covered by paragraph 1 are :

1. Section 10461 of this title (Grants to Encourage Arrest Policies and Enforcement of Protection Orders).
2. Section 20121 of this title [1] (Legal Assistance for Victims).
3. Section 12341 of this title (Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance).
4. Section 14041a of title 42 (Enhanced Training and Services to End Violence Against Women Later in Life).1
5. Section 20122 of this title (Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities).

this code also discusses distribution requirements. Specifically, not less than 40 percent of such funds shall be allocated for programs or projects that meaningfully address non-intimate partner relationship sexual assault. Additionally, a portion of funds described in subparagraph (A) may be used to enhance technical assistance relating to non-intimate partner sexual assault if the Office on Violence Against Women does not receive sufficient qualified applications proposing to address non-intimate partner relationship sexual assault.

Purposes for program and grant use are also listed. Some of these include :

1. 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;
2. 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;
3. 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;
4. 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;
5. 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;
6. providing culturally specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;
7. 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
8. examining the dynamics of culture and its impact on victimization and healing.

Additionally, The Director shall provide technical assistance and training to grantees 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 whose primary purpose is addressing the development and provision of culturally specific community-based services to victims of domestic violence,

Further, not less than 1 such organization shall have demonstrated expertise primarily in domestic violence services, and not less than 1 such organization shall have demonstrated expertise primarily in non-intimate partner sexual assault services.

The Director shall also 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,

This code also describes what entities are eligible to receive grants under this section and requires the Director to 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 who face obstacles to using more traditional services and resources.

Lastly, \$25,000,000 is authorized for each of fiscal years 2023 through 2027.

34 U.S.C § 20124 (2005) (2006) (2013) (2022)

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 (2), the Attorney General, through the Director of the Office on Violence Against Women (referred to in this section as the “Director”), shall take 15 percent of such appropriated amounts for the program under paragraph (2)(A) and 5 percent of such appropriated amounts for the programs under subparagraphs (B) through (E) of paragraph (2) 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 10461 of this title (Grants to Encourage Arrest Policies and Enforcement of Protection Orders).

(B) Section 20121 of this title [1] (Legal Assistance for Victims).

(C) Section 12341 of this title (Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance).

(D) Section 14041a of title 42 (Enhanced Training and Services to End Violence Against Women Later in Life).¹

(E) Section 20122 of this title (Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities).

(3) Additional authorization of appropriations

In addition to the amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2023 through 2027.

(4)Distribution

(A)In general

Of the total amount available for grants under this section, not less than 40 percent of such funds shall be allocated for programs or projects that meaningfully address non-intimate partner relationship sexual assault.

(B)Alternative allocation

Notwithstanding 12291(b)(11) [2] of this title, the Director may allocate a portion of funds described in subparagraph (A) to enhanced technical assistance relating to non-intimate partner sexual assault if the Office on Violence Against Women does not receive sufficient qualified applications proposing to address non-intimate partner relationship sexual assault.

(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. Not less than 1 such organization shall have demonstrated expertise primarily in domestic violence services, and not less than 1 such organization shall have demonstrated expertise primarily in non-intimate partner sexual assault services.

(c)Eligible entities

Eligible entities for grants under this Section [3] 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)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.

(f)Non-exclusivity

Nothing in this Section 3 shall be interpreted to exclude culturally specific community-based programs from applying to other grant programs authorized under this Act.

(g)Definitions and grant conditions

In this section the definitions and grant conditions in section 12291 of this title shall apply.

34 U.S.C 20125 (2005) (2006) (2013) (2022 Summary

Grants for grants to institutions of higher education, for use by such institutions 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,

The attorney general shall also make every effort to ensure:

1. the equitable participation of private and public institutions of higher education in the activities assisted under this section;
2. the equitable geographic distribution of grants under this section among the various regions of the United States; and
3. the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

This code also lists the purposes the grant may be used for. Some of these include:

- (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 all participants in the resolution process, including personnel from the Title IX coordinator's office, student conduct office, and campus disciplinary or judicial boards on such policies, protocols, and services that promote a prompt, fair, and impartial investigation.
 - (3) To provide prevention and education programming about domestic violence, dating violence, sexual assault, and stalking, including technological abuse and reproductive and sexual coercion, that is age-appropriate, culturally relevant, ongoing, delivered in multiple venues on campus, accessible, promotes respectful nonviolent behavior as a social norm, and engages men and boys. Such programming should be developed in partnership or collaboratively with experts in intimate partner and sexual violence prevention and intervention.
1. 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.

2. (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.
3. (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.
4. (9) To develop or adapt, provide, and disseminate 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.
5. (10) To develop or adapt and disseminate population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.
6. (11) To train campus health centers and appropriate campus faculty, such as academic advisors or professionals who deal with students on a daily basis, on how to recognize and respond to domestic violence, dating violence, sexual assault, and stalking, including training health providers on how to provide universal education to all members of the campus community on the impacts of violence on health and unhealthy relationships and how providers can support ongoing outreach efforts.

This code also requires an institution of higher education to submit an application and lists the required contents to be included in the application.

Additionally, this code requires for institutions seeking this grant must be in compliance with the requirements of section 1092(f) of title 20. Further, up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2023 through 2027 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 1092(f) of title 20.

The Attorney General may also request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law in support of campus security, and investigation and victim service efforts. the Attorney General shall also submit to Congress a report that includes the number of grants, the amount of funds distributed, a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant and a statistical summary of the persons served, and an evaluation of the effectiveness of programs funded.

This code also requires any institution receiving a grant under this section to submit a performance report and a final report explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes

described. Additionally, each grantee shall also comply with the minimum requirements listed in this code.

Lastly, \$15,000,000 is authorized for each of fiscal years 2023 through 2027, of which not less than 10 percent shall be made available for grants to historically Black colleges and universities.

34 U.S.C 20125 (2005) (2006) (2013) (2022)

Grants to combat violent crimes on campuses

§20125. 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) 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 all participants in the resolution process, including personnel from the Title IX coordinator's office, student conduct office, and campus disciplinary or judicial boards on such policies, protocols, and services that promote a prompt, fair, and impartial investigation.

(3) To provide prevention and education programming about domestic violence, dating violence, sexual assault, and stalking, including technological abuse and reproductive and sexual coercion, that is age-appropriate, culturally relevant, ongoing, delivered in multiple venues on campus, accessible, promotes respectful nonviolent behavior as a social norm, and engages men and boys. Such programming should be developed in partnership or collaboratively with experts in intimate partner and sexual violence prevention and intervention.

(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, provide, and disseminate 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 and disseminate population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.

(11) To train campus health centers and appropriate campus faculty, such as academic advisors or professionals who deal with students on a daily basis, on how to recognize and respond to domestic violence, dating violence, sexual assault, and stalking, including training health providers on how to provide universal education to all members of the campus community on the impacts of violence on health and unhealthy relationships and how providers can support ongoing outreach efforts.

(12) To train campus personnel in how to use a victim-centered, trauma-informed interview technique, which means asking questions of a student or a campus employee who is reported to be a victim of sexual assault, domestic violence, dating violence, or stalking, in a manner that is focused on the experience of the reported victim, that does not judge or blame the reported victim for the alleged crime, and that is informed by evidence-based research on trauma response. To the extent practicable, campus personnel shall allow the reported victim to participate in a recorded interview and to receive a copy of the recorded interview.

(13) To develop and implement restorative practices (as defined in section 12291(a) of this title).

(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);

(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); 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 2023 through 2027 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).

(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 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 participants in the resolution process, including the campus disciplinary board, the title IX coordinator's office, and the student conduct office, 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, sexual orientation, gender identity, 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.¹

(e) Authorization of appropriations

For the purpose of carrying out this section, there is authorized to be appropriated \$15,000,000 for each of fiscal years 2023 through 2027, of which not less than 10 percent shall be made available for grants to historically Black colleges and universities.

(f) Omitted

(g) Definitions and grant conditions

In this section the definitions and grant conditions in section 12291 of this title shall apply.

34 U.S.C § 20126 (2006) (2013) (2020) Summary

Discusses the consultation requirement with Indian tribal governments concerning the Federal administration of tribal funds and programs

Also allows attorney general to solicit recommendations to Indian tribes.

These recommendations include:

- (1) administering tribal funds and programs;
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- (3) strengthening the Federal response to such violent crimes; and
- (4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.

This code also requires The Attorney General to submit to Congress an annual report on the annual consultations required under subsection (a) that—

- (1) contains the recommendations by Indian tribes during the year covered by the report;
- (2) describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and
- (3) describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

Lastly, the Attorney General shall notify tribal leaders of the date, time, and location of the consultation no later than 120 days before the date of a consultation under subsection (a).

34 U.S.C § 20126 (2006, 2013, 2020)

Consultation

(a) In general

The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), and the Violence Against Women Reauthorization Act of 2013.

(b) Recommendations

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

- (1) administering tribal funds and programs;
- (2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- (3) strengthening the Federal response to such violent crimes; and
- (4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.

(c) Annual report

The Attorney General shall submit to Congress an annual report on the annual consultations required under subsection (a) that—

- (1) contains the recommendations made under subsection (b) by Indian tribes during the year covered by the report;

(2)describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and

(3)describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

(d)Notice

Not later than 120 days before the date of a consultation under subsection (a), the Attorney General shall notify tribal leaders of the date, time, and location of the consultation.

34 U.S.C § 20127 (2018) Summary

Discusses grants awarded to eligible entities that carry out programs to provide the assistance with respect to victims of domestic violence, dating violence, sexual assault, or stalking and the pets, service animals, emotional support animals, or horses of such victims.

This code also requires eligible entities to submit an application and lists the required information to be included in the application.

Additionally, nothing in this paragraph shall be construed to require domestic violence victims to participate in the criminal justice system in order to receive services; or eligible entities receiving a grant under this section to breach client confidentiality.

This code also lists the only purposes that grants awards under this section may be used for.

These include:

1. Emergency and transitional shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to any construction or operating expenses of newly developed or existing emergency and transitional pet, service animal, emotional support animal, or horse shelter and housing (regardless of whether such shelter and housing is co-located at a victim service provider or within the community
2. short-term shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to expenses incurred for the temporary shelter, housing, boarding, or fostering of the pets, service animals, emotional support animals, or horses of domestic violence victims and other expenses that are incidental to securing the safety of such a pet, service animal, emotional support animal, or horse during the sheltering, housing, or relocation of such victims;

3. support services designed to enable a domestic violence victim who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to. locate and secure safe housing with the victim's pet, service animal, emotional support animal, or horse; or safe accommodations for the victim's pet, service animal, emotional support animal, or horse; or
4. provide the victim with pet, service animal, emotional support animal, or horse related services, such as transportation, care services, and other assistance; or
5. For the training of relevant stakeholders on the link between domestic violence, dating violence, sexual assault, or stalking and the abuse and neglect of pets, service animals, emotional support animals, and horses; the needs of domestic violence victims; best practices for providing support services to such victims; best practices for providing such victims with referrals to victims' services; and the importance of confidentiality.

This code further discusses grant conditions and the duration of assistance provided to victims.

A report to Congress is also required. Specifically, Not later than November 1 of each even-numbered fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains a compilation of the information contained in the reports submitted under paragraph (6). The secretary shall also transmit a copy of the report to the listed entities.

These are:

1. The office to on Violence Against Women of the Department of Justice
2. the Office of Community Planning and Development of the Department of Housing and Urban Development;
3. the Administration for Children and Families of the Department of Health and Human Services.

This code also defines the terms “pet” “service animals” “emotional support animal” “eligible entity” and “ Domestic violence victim”

Lastly, this code authorizes \$3,000,000 for each of fiscal years 2019 through 2023.

34 U.S.C § 20127 (2018)

Emergency and transitional pet shelter and housing assistance grant program

(1) Grant program

(A) In general

The Secretary, acting in consultation with the Office of the Violence Against Women [1] of the Department of Justice, the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services, shall award grants under this section to eligible entities to carry out programs to provide the assistance described in paragraph (3) with respect to victims of domestic violence, dating violence, sexual assault, or stalking and the pets, service animals, emotional support animals, or horses of such victims.

(B) Memorandum of understanding

The Secretary may enter into a memorandum of understanding with the head of another Department or agency, as appropriate, to carry out any of the authorities provided to the Secretary under this section.[2]

(2) Application

(A) In general

An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

- (i) a description of the activities for which a grant under this section is sought;
- (ii) such assurances as the Secretary determines to be necessary to ensure compliance by the entity with the requirements of this section; and
- (iii) a certification that the entity, before engaging with any individual domestic violence victim, will disclose to the victim any mandatory duty of the entity to report instances of abuse and neglect (including instances of abuse and neglect of pets, service animals, emotional support animals, or horses).

(B) Additional requirements

In addition to the requirements of subparagraph (A), each application submitted by an eligible entity under that subparagraph shall—

- (i) not include proposals for any activities that may compromise the safety of a domestic violence victim, including—
 - (I) background checks of domestic violence victims; or
 - (II) clinical evaluations to determine the eligibility of such a victim for support services;
- (ii) not include proposals that would require mandatory services for victims or that a victim obtain a protective order in order to receive proposed services; and
- (iii) reflect the eligible entity's understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking.

€ Rules of construction

Nothing in this paragraph shall be construed to require—

- (i) domestic violence victims to participate in the criminal justice system in order to receive services; or
- (ii) eligible entities receiving a grant under this section to breach client confidentiality.

(3) Use of funds

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

(A) emergency and transitional shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to any construction or operating expenses of newly developed or existing emergency and transitional pet, service animal, emotional support animal, or horse shelter and housing (regardless of whether such shelter and housing is co-located at a victim service provider or within the community);

(B) short-term shelter and housing assistance for domestic violence victims with pets, service animals, emotional support animals, or horses, including assistance with respect to expenses incurred for the temporary shelter, housing, boarding, or fostering of the pets, service animals, emotional support animals, or horses of domestic violence victims and other expenses that are incidental to securing the safety of such a pet, service animal, emotional support animal, or horse during the sheltering, housing, or relocation of such victims;

(C) support services designed to enable a domestic violence victim who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(i) locate and secure—

(I) safe housing with the victim's pet, service animal, emotional support animal, or horse; or

(II) safe accommodations for the victim's pet, service animal, emotional support animal, or horse;

or

(ii) provide the victim with pet, service animal, emotional support animal, or horse related services, such as transportation, care services, and other assistance; or

(D) for the training of relevant stakeholders on—

(i) the link between domestic violence, dating violence, sexual assault, or stalking and the abuse and neglect of pets, service animals, emotional support animals, and horses;

(ii) the needs of domestic violence victims;

(iii) best practices for providing support services to such victims;

(iv) best practices for providing such victims with referrals to victims' services; and

(v) the importance of confidentiality.

(4) Grant conditions

An eligible entity that receives a grant under this section shall, as a condition of such receipt, agree—

(A) to be bound by the nondisclosure of confidential information requirements of section 12291(b)(2) of this title; and

(B) that the entity shall not condition the receipt of support, housing, or other benefits provided pursuant to this section on the participation of domestic violence victims in any or all of the support services offered to such victims through a program carried out by the entity using grant funds.

(5) Duration of assistance provided to victims

(A) In general

Subject to subparagraph (B), assistance provided with respect to a pet, service animal, emotional support animal, or horse of a domestic violence victim using grant funds awarded under this section shall be provided for a period of not more than 24 months.

(B) Extension

An eligible entity that receives a grant under this section may extend the 24-month period referred to in subparagraph (A) for a period of not more than 6 months in the case of a domestic violence victim who—

- (i) has made a good faith effort to acquire permanent housing for the victim and the victim's pet, service animal, emotional support animal, or horse during that 24-month period; and
- (ii) has been unable to acquire such permanent housing within that period.

(6) Report to the Secretary

Not later than 1 year after the date on which an eligible entity receives a grant under this section and each year thereafter in which the grant funds are used, the entity shall submit to the Secretary a report that contains, with respect to assistance provided by the entity to domestic violence victims with pets, service animals, emotional support animals, or horses using grant funds received under this section, information on—

- (A) the number of domestic violence victims with pets, service animals, emotional support animals, or horses provided such assistance; and
- (B) the purpose, amount, type of, and duration of such assistance.

(7) Report to Congress

(A) Reporting requirement

Not later than November 1 of each even-numbered fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains a compilation of the information contained in the reports submitted under paragraph (6).

(B) Availability of report

The Secretary shall transmit a copy of the report submitted under subparagraph (A) to—

- (i) the Office on Violence Against Women of the Department of Justice;
- (ii) the Office of Community Planning and Development of the Department of Housing and Urban Development; and
- (iii) the Administration for Children and Families of the Department of Health and Human Services.

(8) Authorization of appropriations

(A) In general

There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2019 through 2023.

(B) Limitation

Of the amount made available under subparagraph (A) in any fiscal year, not more than 5 percent may be used for evaluation, monitoring, salaries, and administrative expenses.

(9) Definitions

In this section:

(A) Domestic violence victim defined

The term “domestic violence victim” means a victim of domestic violence, dating violence, sexual assault, or stalking.

(B) Eligible entity

The term “eligible entity” means—

- (i) a State;
- (ii) a unit of local government;
- (iii) an Indian tribe; or
- (iv) any other organization that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (as determined by the Secretary), including—
 - (I) a domestic violence and sexual assault victim service provider;
 - (II) a domestic violence and sexual assault coalition;
 - (III) a community-based and culturally specific organization;
 - (IV) any other nonprofit, nongovernmental organization; and
 - (V) any organization that works directly with pets, service animals, emotional support animals, or horses and collaborates with any organization referred to in clauses (i) through (iv), including—
 - (aa) an animal shelter; and
 - (bb) an animal welfare organization.

€Emotional support animal

The term “emotional support animal” means an animal that is covered by the exclusion specified in section 5.303 of title 24, Code of Federal Regulations (or a successor regulation), and that is not a service animal.

(D) Pet

The term “pet” means a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, or other animal that is kept for pleasure rather than for commercial purposes.

€Service animal

The term “service animal” has the meaning given the term in section 36.104 of title 28, Code of Federal Regulations (or a successor regulation).

(F) Other terms

Except as otherwise provided in this section, terms used in this section 2 shall have the meaning given such terms in section 12291(a) of this title.

34 U.S.C § 20128 (2022) Summary

Discusses coordination and collaboration on the prevention of domestic violence, dating violence, sexual assault, and stalking, including sharing best practices and efficient use of resources and technology for victims and those seeking assistance from the Federal Government from each head of an Executive department.

34 U.S.C § 20128 (2022)

Agency and department coordination

Each head of an Executive department (as defined in section 101 of title 5) responsible for carrying out a program under this Act, 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) [1], or the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54) may coordinate and collaborate on the prevention of domestic violence, dating violence, sexual assault, and stalking, including sharing best practices and efficient use of resources and technology for victims and those seeking assistance from the Federal Government.

34 U.S.C § 20129 (2022) Summary

Discusses grants to eligible entities to enhance lesbian, gay, bisexual, and transgender (referred to in this section as "LGBT") specific services for victims of domestic violence, dating violence, sexual assault and stalking.

It also discusses and lists general purposes for grant usage and programs

Purposes for programs include:

1. The maintenance and replication of existing successful LGBT specific domestic violence, dating violence, sexual assault, and stalking community-based programs providing services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking.
2. The development of innovative LGBT specific strategies and projects to enhance access to services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

Grants may also be given to community-based programs for the purpose of enhancing LGBT 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 LGBT specific responses to domestic violence, dating violence, sexual assault, and stalking,

Additional purposes for which grants may be used include:

1. providing or enhancing services for LGBT victims of domestic violence, dating violence, sexual assault, or stalking, including services that address the safety, emotional well-being, economic, housing, legal and workplace needs of LGBT victims;
2. supporting programs that specifically address underserved LGBT communities,
3. working in cooperation with the community to develop education and prevention strategies highlighting LGBT specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;
4. conducting outreach activities to ensure that LGBT people who are victims of domestic violence, receive appropriate assistance;
5. providing training for victim service providers, governmental agencies, courts, law enforcement and other first responders, and nonprofit, nongovernmental organizations serving the LGBT community about risk reduction, intervention, prevention, and the nature of domestic violence, dating violence, stalking, and sexual assault;
6. developing and implementing LGBT specific programming that focuses on victim autonomy, agency, and safety in order to provide resolution and restitution for the victim; and
7. providing LGBT specific programs for the non-offending LGBT parents of children exposed to domestic violence, dating violence, sexual assault, and stalking.

Additionally, this code mandates the Director to provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective LGBT specific community-based services by entering into agreements or contracts with organizations having demonstrated expertise in addressing the development of LGBT specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

This code also describes and lists entities that are eligible entities for grants under this section

It also discusses required reports on distribution of funding under this section and lists additional requirements.

It further discusses awarding a contract to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced 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.

It also prohibits the exclusion of LGBT community-based organizations from applying to other grant programs authorized under this Act and authorizes \$8,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C § 20129 (2022)

LGBT specific services program

(a) Establishment

The Attorney General, acting through the Director of the Violence Against Women Office [1] (referred to in this section as the “Director”), shall make grants to eligible entities to enhance lesbian, gay, bisexual, and transgender (referred to in this section as “LGBT”) specific services for victims of domestic violence, dating violence, sexual assault and stalking.

(b) Purpose of program and grants

(1) General program purpose

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

(A) The maintenance and replication of existing successful LGBT specific domestic violence, dating violence, sexual assault, and stalking community-based programs providing services and resources for LGBT victims of domestic violence, dating violence, sexual assault, and stalking.

(B) The development of innovative LGBT specific strategies and projects to enhance access to services and resources for LGBT 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 LGBT 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 LGBT specific responses to domestic violence, dating violence, sexual assault, and stalking, including—

(A) providing or enhancing services for LGBT victims of domestic violence, dating violence, sexual assault, or stalking, including services that address the safety, emotional well-being, economic, housing, legal and workplace needs of LGBT victims;

(B) supporting programs that specifically address underserved LGBT communities, including culturally specific communities, to provide specific resources and support for LGBT underserved victims of domestic violence, dating violence, sexual assault, and stalking;

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

(D) conducting outreach activities to ensure that LGBT people who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(E) providing training for victim service providers, governmental agencies, courts, law enforcement and other first responders, and nonprofit, nongovernmental organizations serving the LGBT community about risk reduction, intervention, prevention, and the nature of domestic violence, dating violence, stalking, and sexual assault;

(F) developing and implementing LGBT specific programming that focuses on victim autonomy, agency, and safety in order to provide resolution and restitution for the victim; and

(G) providing LGBT specific programs for the non-offending LGBT parents of children exposed to domestic violence, dating violence, sexual assault, and stalking.

(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 LGBT 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 LGBT 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 include—

- (1) community-based organizations, the primary purpose of which is providing LGBT specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and
- (2) community-based organizations, the primary purpose of which is providing LGBT specific services that can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking, and that agrees to receive technical assistance from a program with LGBT specific expertise.

(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 LGBT victims of domestic violence, dating violence, sexual assault, and stalking and the types of LGBT specific programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) 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 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.

(f) Non-exclusivity

Nothing in this section shall be construed to exclude LGBT community-based organizations from applying to other grant programs authorized under this Act.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$8,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

34 U.S. Code § 20130 (2022) Summary

Discusses a study that should be conducted on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security, including the impact of the COVID-19 pandemic on such victims' ability to maintain economic security, as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

This code also requires a report to be submitted to congress every 5 years.

It also lists the required contents to be included in the study and the report.

Some of these include:

1. identification of geographic areas in which State laws, regulations, and practices have a strong impact on the ability of survivors of domestic violence, dating violence, sexual assault, or stalking to exercise—
2. any rights under this title (including any amendments made by this title) without compromising personal safety or the safety of others, including family members and excluding the abuser; and
3. other components of economic security, including financial empowerment, affordable housing, transportation, health care access, credit history, and quality education and training opportunities;
4. identification of geographic areas with shortages in resources for such survivors, with an accompanying analysis of the extent and impact of such shortage;
5. analysis of the unique barriers faced by such survivors living in rural communities;

34 U.S.C § 20130 (2022)

Study and reports on barriers to survivors' economic security access

(a)Study

The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall conduct a study on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security, including the impact of the COVID–19 pandemic on such victims' ability to maintain economic security, as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

(b)Reports

Not later than 1 year after March 15, 2022, and every 5 years thereafter, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall submit a report to Congress on the study conducted under subsection (a).

(c)Contents

The study and reports under this section shall include—

(1)identification of geographic areas in which State laws, regulations, and practices have a strong impact on the ability of survivors of domestic violence, dating violence, sexual assault, or stalking to exercise—

(A)any rights under this title (including any amendments made by this title) without compromising personal safety or the safety of others, including family members and excluding the abuser; and

(B)other components of economic security, including financial empowerment, affordable housing, transportation, health care access, credit history, and quality education and training opportunities;

(2)identification of geographic areas with shortages in resources for such survivors, with an accompanying analysis of the extent and impact of such shortage;

(3)analysis of the unique barriers faced by such survivors living in rural communities;

(4)analysis of factors related to industries, workplace settings, employer practices, trends, and other elements that impact the ability of such survivors to exercise any rights under this Act (including any amendments made by this Act) without compromising personal safety or the safety of others, including family members;

(5)the recommendations of the Secretary of Health and Human Services and the Secretary of Labor with respect to resources, oversight, and enforcement tools to ensure successful implementation of the provisions of this Act in order to support the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking;

(6)best practices for States, employers, health carriers, insurers, and other private entities in addressing issues related to domestic violence, dating violence, sexual assault, or stalking; and

(7)barriers that impede victims' ability to pursue legal action, including legal costs and filing fees, and complexities of the jurisdiction of law enforcement agencies.

34 U.S.C § 20131 (2022) Summary (see blue text)

Defines the terms “director” and “national media campaign.”

It further discusses a national “Choose Respect” media campaign in accordance with this section for the purposes of preventing and discouraging violence against women, including domestic violence, dating violence, sexual assault, and stalking by targeting the attitudes, perceptions, and beliefs of individuals who have or are likely to commit such crimes;

and encouraging victims of the crimes to seek help through the means determined to be most effective by the most current evidence available, including seeking legal representation; and informing the public about the help available to victims of the crimes.

This code also discusses and lists purposes an eligible entity may use the funds for.

There are also specific requirements such as creative services. This includes procure creative services for advertising responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

There is also required testing and evaluation of advertising to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. However, this requirement may be waived for advertisements using not more than 10 percent of the purchase of advertising time.

There is also a requirement for the Attorney General to evaluate the effectiveness of the campaign and this code lists ways to this. The Attorney General must also ensure sufficient funds are allocated to meet the stated goals of the national media campaign.

Functions of the director is also discussed and listed including determining the overall purposes and strategy of the national media campaign and implementing a focused national media campaign to meet the purposes

Additionally, none of the amounts made available under paragraph (3) may be obligated or expended for any of the following:

1. To supplant current antiviolenace against women campaigns by community-based coalitions.
2. To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.
3. For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.
4. To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to schedule C of subpart C of title 5, Code of Federal Regulations.
5. To fund advertising that does not contain a primary message intended to reduce or prevent violence against women.
6. To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

The Director is also required to determine costs and perform audits and review the costs of the national media campaign

Lastly, this code requires a n annual report to congress, the requirements to be included in the report, and allots \$5,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

34 U.S.C § 20131 (2022) (see blue text)

Media campaign

(1) Definitions

In this subsection:

(A) Director

The term “Director” means the Director of the Office on Violence Against Women.

(B) National media campaign

The term “national media campaign” means the national “Choose Respect” media campaign described in paragraph (2).

(2) Media campaign

The Director shall, to the extent feasible and appropriate, conduct a national “Choose Respect” media campaign in accordance with this section for the purposes of—

(A) preventing and discouraging violence against women, including domestic violence, dating violence, sexual assault, and stalking by targeting the attitudes, perceptions, and beliefs of individuals who have or are likely to commit such crimes;

(B) encouraging victims of the crimes described in subparagraph (A) to seek help through the means determined to be most effective by the most current evidence available, including seeking legal representation; and

(C) informing the public about the help available to victims of the crimes described in subparagraph (A).

(3) Use of funds

(A) In general

Amounts made available to carry out this section for the national media campaign may only be used for the following:

(i) The purchase of media time and space, including the strategic planning for, tracking, and accounting of, such purchases.

(ii) Creative and talent costs, consistent with subparagraph (B).

(iii) Advertising production costs, which may include television, radio, internet, social media, and other commercial marketing venues.

(iv) Testing and evaluation of advertising.

(v) Evaluation of the effectiveness of the national media campaign.

(vi) Costs of contracts to carry out activities authorized by this subsection.

(vii) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations and culturally specific organizations, and government organizations related to the national media campaign.

(viii) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, corporate sponsorship and participation, and professional sports associations and military branch participation.

(ix) Operational and management expenses.

(B) Specific requirements

(i) Creative services

In using amounts for creative and talent costs under subparagraph (A), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

(ii) Testing and evaluation of advertising

In using amounts for testing and evaluation of advertising under subparagraph (A)(iv), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. The Director may waive this requirement for advertisements using not more than 10 percent of the purchase of advertising time purchased under this section in a fiscal year and not more than 10 percent of the advertising space purchased under this section in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

(iii) Consultation

For the planning of the campaign under paragraph (2), the Director may consult with—

(I) the Office for Victims of Crime, the Administration on Children, Youth and Families, and other related Federal Government entities;

(II) State, local, and Indian Tribal governments;

(III) the prevention of domestic violence, dating violence, sexual assault, or stalking, including national and local non-profits; and

(IV) communications professionals.

(iv) Evaluation of effectiveness of national media campaign

In using amounts for the evaluation of the effectiveness of the national media campaign under subparagraph (A)(v), the Attorney General shall—

(I) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from any relevant studies or publications, as determined by the Attorney General, including tracking and evaluation data collected according to marketing and advertising industry standards; and

(II) ensure that the effectiveness of the national media campaign is evaluated in a manner that enables consideration of whether the national media campaign has contributed to changes in attitude or behaviors among the target audience with respect to violence against women and such other measures of evaluation as the Attorney General determines are appropriate.

(4) Advertising

In carrying out this subsection, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

(5) Responsibilities and functions under the program

(A) In general

The Director shall determine the overall purposes and strategy of the national media campaign.

(B) Director

(i) In general

The Director shall approve—

(I) the strategy of the national media campaign;

(II) all advertising and promotional material used in the national media campaign; and

(III)the plan for the purchase of advertising time and space for the national media campaign.

(ii)Implementation

The Director shall be responsible for implementing a focused national media campaign to meet the purposes described in paragraph (2) and shall ensure—

(I)information disseminated through the campaign is accurate and scientifically valid; and

(II)the campaign is designed using strategies demonstrated to be the most effective at achieving the goals and requirements of paragraph (2), which may include—

(aa)a media campaign, as described in paragraph (3);

(bb)local, regional, or population specific messaging;

(cc)the development of websites to publicize and disseminate information;

(dd)conducting outreach and providing educational resources for women;

(ee)collaborating with law enforcement agencies; and

(ff)providing support for school-based public health education classes to improve teen knowledge about the effects of violence against women.

(6)Prohibitions

None of the amounts made available under paragraph (3) may be obligated or expended for any of the following:

(A)To supplant current antiviolence against women campaigns by community-based coalitions.

(B)To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

(C)For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

(D)To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to schedule C of subpart C of title 5, Code of Federal Regulations.

(E)To fund advertising that does not contain a primary message intended to reduce or prevent violence against women.

(F)To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

(7)Financial and performance accountability

The Director shall cause to be performed—

(A)audits and reviews of costs of the national media campaign pursuant to section 4706 of title 41; and

(B)an audit to determine whether the costs of the national media campaign are allowable under chapter 43 of title 41.

(8)Report to Congress

The Director shall submit on an annual basis a report to Congress that describes—

(A)the strategy of the national media campaign and whether specific objectives of the national media campaign were accomplished;

(B)steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

(C)plans to purchase advertising time and space;

(D)policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

(E)all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;
(F)the results of any financial audit of the national media campaign;
(G)a description of any evidence used to develop the national media campaign;
(H)specific policies and steps implemented to ensure compliance with this subsection;
(I)a detailed accounting of the amount of funds obligated during the previous fiscal year for carrying out the national media campaign, including each recipient of funds, the purpose of each expenditure, the amount of each expenditure, any available outcome information, and any other information necessary to provide a complete accounting of the funds expended; and
(J)a review and evaluation of the effectiveness of the national media campaign strategy for the previous year.
(9)Authorization of appropriations
There are authorized to be appropriated to the Director to carry out this section \$5,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

34 U.S.C § 20130 (2022) Summary

Discusses a study on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security, including the impact of the COVID–19 pandemic on such victims’ ability to maintain economic security, as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

It also requires a report to be submitted every 5 years and lists the requirements to be included in the study and report. .

34 U.S.C § 20130 (2022)

Study and reports on barriers to survivors’ economic security access

(a)Study

The Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall conduct a study on the barriers that survivors of domestic violence, dating violence, sexual assault, or stalking throughout the United States experience in maintaining economic security, including the impact of the COVID–19 pandemic on such victims’ ability to maintain economic security, as a result of issues related to domestic violence, dating violence, sexual assault, or stalking.

(b)Reports

Not later than 1 year after March 15, 2022, and every 5 years thereafter, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall submit a report to Congress on the study conducted under subsection (a).

(c)Contents

The study and reports under this section shall include—

(1)identification of geographic areas in which State laws, regulations, and practices have a strong impact on the ability of survivors of domestic violence, dating violence, sexual assault, or stalking to exercise—

(A)any rights under this title (including any amendments made by this title) without compromising personal safety or the safety of others, including family members and excluding the abuser; and

(B)other components of economic security, including financial empowerment, affordable housing, transportation, health care access, credit history, and quality education and training opportunities;

(2)identification of geographic areas with shortages in resources for such survivors, with an accompanying analysis of the extent and impact of such shortage;

(3)analysis of the unique barriers faced by such survivors living in rural communities;

(4)analysis of factors related to industries, workplace settings, employer practices, trends, and other elements that impact the ability of such survivors to exercise any rights under this Act (including any amendments made by this Act) without compromising personal safety or the safety of others, including family members;

(5)the recommendations of the Secretary of Health and Human Services and the Secretary of Labor with respect to resources, oversight, and enforcement tools to ensure successful implementation of the provisions of this Act in order to support the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking;

(6)best practices for States, employers, health carriers, insurers, and other private entities in addressing issues related to domestic violence, dating violence, sexual assault, or stalking; and

(7)barriers that impede victims' ability to pursue legal action, including legal costs and filing fees, and complexities of the jurisdiction of law enforcement agencies.

34 U.S.C § 20143 (2005) Summary

Discusses grants to prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

This code allows lists multiple purposes the funds may be used for.

Some of these include:

1. to develop appropriate program goals and objectives; and
2. to develop appropriate program goals and objectives; and
3. to develop and administer a variety of witness assistance services, which includes counseling services to young witnesses dealing with trauma associated in witnessing a violent crime, trial assistance for the youth and their family, providing education services if the child is removed from or changes their school for safety concerns, protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and community outreach and school-based initiatives that stimulate and maintain public awareness and support.

It also defines the terms “juvenile” “young adult” “state” and provides 3,000,000 for each of fiscal years 2006 through 2009.

34 U.S.C § 20143 (2005)

Grants for young witness assistance

(a) In general

The Director of the Bureau of Justice Assistance of the Office of Justice Programs may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) Use of funds

Grants made available under this section may be used—

- (1) to assess the needs of juvenile and young adult witnesses;
- (2) to develop appropriate program goals and objectives; and
- (3) to develop and administer a variety of witness assistance services, which includes—
 - (A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;
 - (B) pre- and post-trial assistance for the youth and their family;
 - (C) providing education services if the child is removed from or changes their school for safety concerns;
 - (D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and
 - (E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) Definitions

In this section:

- (1) The term “juvenile” means an individual who is age 17 or younger.
- (2) The term “young adult” means an individual who is age 21 or younger but not a juvenile.
- (3) The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006 through 2009.

34 U.S.C § 20708 (2005) (2013) (2018) Summary

Defines the terms “act of trafficking,” “eligible entity,” “state,” and “victim of trafficking,”

Discusses grants to provide training to identify and protect victims of trafficking, improve the services offered to trafficking survivors; and improve victim service providers' partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities.

This code also lists multiple purposes for which the funds should be used for.

Some of these include:

1. training law enforcement personnel to identify and protect victims of trafficking, training law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking,
2. train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking, develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;
3. identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;
4. provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or
5. assist service providers in developing additional resources such as partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.

Additionally this code discusses restrictions. Specifically, not more than 5 percent of the total amount of such grant for administrative expenses.

Further, Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c). it also allows for \$10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

34 U.S.C § 20708 (2005) (2013) (2018)

Grants for specialized human trafficking training and technical assistance for service providers

(a) Definitions

In this section:

(1) Act of trafficking

The term “act of trafficking” means an act or practice described in paragraph (9) [1] of section 7102 of title 22.

(2) Eligible entity

The term “eligible entity” means—

(A) a State or unit of local government;

- (B) a federally recognized Indian tribal government, as determined by the Secretary of the Interior;
- (C) a victim service provider;
- (D) a nonprofit or for-profit organization (including a tribal nonprofit or for-profit organization);
- (E) a national organization; or
- (F) an institution of higher education (including tribal institutions of higher education).

(3) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) Victim of trafficking

The term “victim of trafficking” means a person subjected to an act of trafficking.

(b) Grants authorized

The Attorney General may award grants to eligible entities to—

- (1) provide training to identify and protect victims of trafficking;
- (2) improve the quality and quantity of services offered to trafficking survivors; and
- (3) improve victim service providers’ partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities.

(c) Use of funds

A grant awarded under this section shall be used to—

- (1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;
- (2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking;
- (3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking;
- (4) provide technical assistance on the range of services available to victim service providers who serve trafficking victims;
- (5) develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;
- (6) identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;
- (7) provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or
- (8) assist service providers in developing additional resources such as partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.

(d) Restrictions

(1) Administrative expenses

An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2)Nonexclusivity

Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e)Authorization of appropriations

There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

34 U.S.C. § 30107 Summary (2022)

The terms “computer,” “cybercrime against individuals,” “Indian Tribe,” “state,” and “unit of local government”

Grants under this section are awarded to States, Indian Tribes, and units of local government for the prevention, enforcement, and prosecution of cybercrimes against individuals.

Eligible entities are also required to submit an application with listed required information. Some of this includes:

- (1) A certification that Federal funds made available under this section will not be used to supplant State, Tribal, or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
- (2) An assurance that, not later than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State, Tribe, or unit of local government (or to an organization designated by that governing body).
- (3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General the application (or amendment) was made public; and
- (4) an opportunity to comment on the application (or amendment) was provided to citizens, to neighborhood or community-based organizations, and to victim service providers, to the extent applicable law or established procedure makes such an opportunity available;

Additionally, there are required uses for funds awarded. Some of these include:

- (1) training for State, Tribal, or local law enforcement personnel relating to cybercrimes against individuals, including training such personnel to identify and protect victims of cybercrimes against individuals, provided that the training is developed in collaboration with victim service providers;
- (2) training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals;
- (3) training personnel to identify and investigate cybercrimes against individuals;
- (4) training personnel to enforce and utilize the laws that prohibit cybercrimes against individuals;

- (5) training personnel to utilize technology to assist in the investigation of cybercrimes against individuals and enforcement of laws that prohibit such crimes; and the payment of overtime incurred as a result of such training;
- (6) training for State, Tribal, or local prosecutors, judges, and judicial personnel relating to cybercrimes against individuals, including—
- (7) training such personnel to identify, investigate, prosecute, or adjudicate cybercrimes against individuals;
- (8) training such personnel to utilize laws that prohibit cybercrimes against individuals;
- (9) training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals; and
- (10) training such personnel to utilize technology to assist in the prosecution or adjudication of acts of cybercrimes against individuals, including the use of technology to protect victims of such crimes;

An annual report is also required to be submitted to Congress and the Attorney General from each entity that receives funds. the information that needs to be included in the report is also listed.

Finally, 10,000,000 for each of fiscal years 2023 through 2027. However, of the amount made available not more than 5 percent may be used for evaluation, monitoring, technical assistance, salaries, and administrative expenses.

34 U.S.C. § 30107 (2022)

Local law enforcement grants for enforcement of cybercrimes

(a) Definitions

In this section:

(1) Computer

The term “computer” includes a computer network and an interactive electronic device.

(2) Cybercrime against individuals

The term “cybercrime against individuals”—

(A) means a criminal offense applicable in the area under the jurisdiction of the relevant State, Indian Tribe, or unit of local government that involves the use of a computer to harass, threaten, stalk, extort, coerce, cause fear to, or intimidate an individual, or without consent distribute intimate images of an adult, except that use of a computer need not be an element of such an offense; and

(B) does not include the use of a computer to cause harm to a commercial entity, government agency, or non-natural person.

(3) Indian tribe; State; Tribal government; unit of local government

The terms “Indian Tribe”, “State”, “Tribal government”, and “unit of local government” have the meanings given such terms in section 12291(a) of this title, as amended by this Act.

(b)Authorization of grant program

Subject to the availability of appropriations, the Attorney General shall award grants under this section to States, Indian Tribes, and units of local government for the prevention, enforcement, and prosecution of cybercrimes against individuals.

(c)Application

(1)In general

To request a grant under this section, the chief executive officer of a State, Tribal government, or unit of local government shall submit an application to the Attorney General not later than 90 days after the date on which funds to carry out this section are appropriated for a fiscal year, in such form as the Attorney General may require.

(2)Contents

An application submitted under paragraph (1) shall include the following:

(A)A certification that Federal funds made available under this section will not be used to supplant State, Tribal, or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(B)An assurance that, not later than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State, Tribe, or unit of local government (or to an organization designated by that governing body).

(C)An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

(i)the application (or amendment) was made public; and

(ii)an opportunity to comment on the application (or amendment) was provided to citizens, to neighborhood or community-based organizations, and to victim service providers, to the extent applicable law or established procedure makes such an opportunity available;

(D)An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(E)A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

(i)the programs to be funded by the grant meet all the requirements of this section;

(ii)all the information contained in the application is correct;

(iii)there has been appropriate coordination with affected agencies; and

(iv)the applicant will comply with all provisions of this section and all other applicable Federal laws.

(F)A certification that the State, Tribe, or in the case of a unit of local government, the State in which the unit of local government is located, has in effect criminal laws which prohibit cybercrimes against individuals.

(G)A certification that any equipment described in subsection (d)(8) purchased using grant funds awarded under this section will be used primarily for investigations and forensic analysis of evidence in matters involving cybercrimes against individuals.

(d)Use of funds

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

(1)training for State, Tribal, or local law enforcement personnel relating to cybercrimes against individuals, including—

(A)training such personnel to identify and protect victims of cybercrimes against individuals, provided that the training is developed in collaboration with victim service providers;

(B)training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals;

(C)training such personnel to identify and investigate cybercrimes against individuals;

(D)training such personnel to enforce and utilize the laws that prohibit cybercrimes against individuals;

(E)training such personnel to utilize technology to assist in the investigation of cybercrimes against individuals and enforcement of laws that prohibit such crimes; and

(F)the payment of overtime incurred as a result of such training;

(2)training for State, Tribal, or local prosecutors, judges, and judicial personnel relating to cybercrimes against individuals, including—

(A)training such personnel to identify, investigate, prosecute, or adjudicate cybercrimes against individuals;

(B)training such personnel to utilize laws that prohibit cybercrimes against individuals;

(C)training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals; and

(D)training such personnel to utilize technology to assist in the prosecution or adjudication of acts of cybercrimes against individuals, including the use of technology to protect victims of such crimes;

(3)training for State, Tribal, or local emergency dispatch personnel relating to cybercrimes against individuals, including—

(A)training such personnel to identify and protect victims of cybercrimes against individuals;

(B)training such personnel to utilize Federal, State, Tribal, local, and other resources to assist victims of cybercrimes against individuals;

(C)training such personnel to utilize technology to assist in the identification of and response to cybercrimes against individuals; and

(D)the payment of overtime incurred as a result of such training;

(4)assistance to State, Tribal, or local law enforcement agencies in enforcing laws that prohibit cybercrimes against individuals, including expenses incurred in performing enforcement operations, such as overtime payments;

(5)assistance to State, Tribal, or local law enforcement agencies in educating the public in order to prevent, deter, and identify violations of laws that prohibit cybercrimes against individuals;

(6)assistance to State, Tribal, or local law enforcement agencies to support the placement of victim assistants to serve as liaisons between victims of cybercrimes against individuals and personnel of law enforcement agencies;

(7)assistance to State, Tribal, or local law enforcement agencies to establish task forces that operate solely to conduct investigations, forensic analyses of evidence, and prosecutions in matters involving cybercrimes against individuals;

(8)assistance to State, Tribal, or local law enforcement agencies and prosecutors in acquiring computers, computer equipment, and other equipment necessary to conduct investigations and forensic analysis of evidence in matters involving cybercrimes against individuals, including expenses incurred in the training, maintenance, or acquisition of technical updates necessary for the use of such equipment for the duration of a reasonable period of use of such equipment;

(9)assistance in the facilitation and promotion of sharing, with State, Tribal, and local law enforcement agencies and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving laws that prohibit cybercrimes against individuals, including the use of multijurisdictional task forces; or

(10)assistance to State, Tribal, and local law enforcement and prosecutors in processing interstate extradition requests for violations of laws involving cybercrimes against individuals, including expenses incurred in the extradition of an offender from one State to another.

(e)Reports to the Attorney General

On the date that is 1 year after the date on which a State, Indian Tribe, or unit of local government receives a grant under this section, and annually thereafter, the chief executive officer of the State, Tribal government, or unit of local government shall submit to the Attorney General a report which contains—

(1)a summary of the activities carried out during the previous year with any grant received under this section by such State, Indian Tribe, or unit of local government;

(2)an evaluation of the results of such activities; and

(3)such other information as the Attorney General may reasonably require.

(f)Reports to Congress

Not later than November 1 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 contains a compilation of the information contained in the reports submitted under subsection (e).

(g)Authorization of appropriations

(1)In general

There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2023 through 2027.

(2)Limitation

Of the amount made available under paragraph (1) in any fiscal year, not more than 5 percent may be used for evaluation, monitoring, technical assistance, salaries, and administrative expenses.

34 U.S.C. § 30108 (2022) Summary

Defines the terms “cybercrime against individuals” “eligible entity”

5 year grants are also awarded to eligible entities for the purpose of the establishment and maintenance of a National Resource Center on Cybercrimes Against Individuals to provide resource information, training, and technical assistance to improve the capacity of individuals, organizations, governmental entities, and communities to prevent, enforce, and prosecute cybercrimes against individuals.

Entities that are able to receive a grant under this section must submit an application to the Attorney General t later than 90 days after the date on which funds to carry out this section are appropriated for fiscal year 2022. The information that must be included in the application is listed.

Additionally, this code requires funds to be used for certain purposes. Some of these include:

- (1) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, community-based organizations, and other professionals and interested parties related to cybercrimes against individuals, including programs and research related to victims;
- (2) maintain a resource library which shall collect, prepare, analyze, and disseminate information and statistics related to—
- (3) the incidence of cybercrimes against individuals;
- (4) the enforcement and prosecution of laws relating to cybercrimes against individuals; and
- (5) the provision of supportive services and resources for victims, including victims from underserved populations, of cybercrimes against individuals; and
- (6) conduct research related to the causes of cybercrimes against individuals; the effect of cybercrimes against individuals on victims of such crimes; and model solutions to prevent or deter cybercrimes against individuals or to enforce the laws relating to cybercrimes against individuals.

Renewals for an additional 5 years and subgrants to other nonprofit private organizations with relevant subject matter expertise in order to establish and maintain the National Resource Center on Cybercrimes Against Individuals in accordance with subsection are also discussed.

This code also a requires an annual report to be submitted to Congress and The Attorney General. The required inion to be included is also listed.

Finally, \$4,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C. § 30108 (2022)

National Resource Center grant

(a) Definitions

In this section:

(1) Cybercrime against individuals

The term “cybercrime against individuals” has the meaning given such term in section 30107 of this title.

(2) Eligible entity

The term “eligible entity” means a nonprofit private organization that--

(A) focuses on cybercrimes against individuals;

(B) provides documentation to the Attorney General demonstrating experience working directly on issues of cybercrimes against individuals; and

(C) includes on the organization's advisory board representatives who--

(i) have a documented history of working directly on issues of cybercrimes against individuals;

(ii) have a history of working directly with victims of cybercrimes against individuals; and

(iii) are geographically and culturally diverse.

(b) Authorization of grant program

Subject to the availability of appropriations, the Attorney General shall award a grant under this section to an eligible entity for the purpose of the establishment and maintenance of a National Resource Center on Cybercrimes Against Individuals to provide resource information, training, and technical assistance to improve the capacity of individuals, organizations, governmental entities, and communities to prevent, enforce, and prosecute cybercrimes against individuals.

(c) Application

(1) In general

To request a grant under this section, an eligible entity shall submit an application to the Attorney General not later than 90 days after the date on which funds to carry out this section are appropriated for fiscal year 2022 in such form as the Attorney General may require.

(2) Contents

An application submitted under paragraph (1) shall include the following:

(A) An assurance that, for each fiscal year covered by the application, the applicant will maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(B) A certification, made in a form acceptable to the Attorney General, that--

(i) the programs funded by the grant meet all the requirements of this section;

(ii) all the information contained in the application is correct; and

(iii) the applicant will comply with all provisions of this section and all other applicable Federal laws.

(d) Use of funds

The eligible entity awarded a grant under this section shall use such amounts for the establishment and maintenance of a National Resource Center on Cybercrimes Against Individuals, which shall--

- (1) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, community-based organizations, and other professionals and interested parties related to cybercrimes against individuals, including programs and research related to victims;
- (2) maintain a resource library which shall collect, prepare, analyze, and disseminate information and statistics related to--
 - (A) the incidence of cybercrimes against individuals;
 - (B) the enforcement and prosecution of laws relating to cybercrimes against individuals; and
 - (C) the provision of supportive services and resources for victims, including victims from underserved populations, of cybercrimes against individuals; and
- (3) conduct research related to--
 - (A) the causes of cybercrimes against individuals;
 - (B) the effect of cybercrimes against individuals on victims of such crimes; and
 - (C) model solutions to prevent or deter cybercrimes against individuals or to enforce the laws relating to cybercrimes against individuals.
- (e) Duration of grant
 - (1) In general

A grant awarded under this section shall be awarded for a period of 5 years.
 - (2) Renewal

A grant under this section may be renewed for additional 5-year periods if the Attorney General determines that the funds made available to the recipient were used in a manner described in subsection (d), and if the recipient resubmits an application described in subsection (c) in such form, and at such time, as the Attorney General may reasonably require.
 - (f) Subgrants

The eligible entity awarded a grant under this section may make subgrants to other nonprofit private organizations with relevant subject matter expertise in order to establish and maintain the National Resource Center on Cybercrimes Against Individuals in accordance with subsection (d).
 - (g) Reports to the Attorney General

On the date that is 1 year after the date on which an eligible entity receives a grant under this section, and annually thereafter for the duration of the grant period, the entity shall submit to the Attorney General a report which contains--

 - (1) a summary of the activities carried out under the grant program during the previous year;
 - (2) an evaluation of the results of such activities; and
 - (3) such other information as the Attorney General may reasonably require.
 - (h) Reports to Congress

Not later than November 1 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 contains a compilation of the information contained in the reports submitted under subsection (g).
 - (i) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$4,000,000 for each of fiscal years 2023 through 2027.

34 U.S.C. § 30109 Summary

Defines the terms “computer” and “cybercrime against individuals”

It also requires the Attorney General to develop a national strategy for certain purposes. These purposes include:

- (1) reduce the incidence of cybercrimes against individuals;
- (2) coordinate investigations of cybercrimes against individuals by Federal law enforcement agencies;
- (3) increase the number of Federal prosecutions of cybercrimes against individuals; and
- (4) develop an evaluation process that measures rates of cybercrime victimization and prosecutorial rates among Tribal and culturally specific communities.

Additionally, it requires the Attorney general to:

- (1) design and create within the Uniform Crime Reports a category for offenses that constitute cybercrimes against individuals;
- (2) to the extent feasible, within the category established under paragraph (1), establish subcategories for each type of cybercrime against individuals that is an offense under Federal or State law;
- (3) classify the category established under paragraph (1) as a Part I crime in the Uniform Crime Reports; and
- (4) classify each type of cybercrime against individuals that is an offense under Federal or State law as a Group A offense for the purpose of the National Incident-Based Reporting System.

Finally, The Attorney General is required to publish an annual summary on the information reported in the Uniform Crime Reports and the National Incident-Based Reporting System relating to cybercrimes against individuals.

34 U.S.C. § 30109

National strategy, classification, and reporting on cybercrime

(a) Definitions

In this section:

(1) Computer

The term “computer” includes a computer network and any interactive electronic device.

(2) Cybercrime against individuals

The term “cybercrime against individuals” has the meaning given the term in section 30107 of this title.

(b) National strategy

The Attorney General shall develop a national strategy to--

- (1) reduce the incidence of cybercrimes against individuals;
- (2) coordinate investigations of cybercrimes against individuals by Federal law enforcement agencies;
- (3) increase the number of Federal prosecutions of cybercrimes against individuals; and
- (4) develop an evaluation process that measures rates of cybercrime victimization and prosecutorial rates among Tribal and culturally specific communities.

(c) Classification of cybercrimes against individuals for purposes of crime reports

In accordance with the authority of the Attorney General under section 534 of Title 28, the Director of the Federal Bureau of Investigation shall--

- (1) design and create within the Uniform Crime Reports a category for offenses that constitute cybercrimes against individuals;
- (2) to the extent feasible, within the category established under paragraph (1), establish subcategories for each type of cybercrime against individuals that is an offense under Federal or State law;
- (3) classify the category established under paragraph (1) as a Part I crime in the Uniform Crime Reports; and
- (4) classify each type of cybercrime against individuals that is an offense under Federal or State law as a Group A offense for the purpose of the National Incident-Based Reporting System.

(d) Annual summary

The Attorney General shall publish an annual summary of the information reported in the Uniform Crime Reports and the National Incident-Based Reporting System relating to cybercrimes against individuals, including an evaluation of the implementation process for the national strategy developed under subsection (b) and outcome measurements on its impact on Tribal and culturally specific communities.

34 U.S.C. § 60106 (Summary) (2022)

Authorizes the Attorney General to make grants to States that have certain laws in effect. This includes states that:

- 1) makes it a criminal offense for any person acting under color of law of the State to knowingly engage in a sexual act with an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and
- 2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

It also requires states that grant recipients to submit an annual report with certain listed information. This information includes:

- 1) the number of reports made to law enforcement agencies in that State regarding persons engaging in a sexual act while acting under color of law during the previous year; and
- 2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

Additionally, application requirements for A State seeking a grant under this section is also discussed.

Further, the amount of a grant to a State under this section shall be in an amount that is not greater than 10 percent of the average of the total amount of funding of the 3 most recent awards that the State received under the following grant programs:

- 1) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”).
- 2) Section 12511 of this title (commonly referred to as the “Sexual Assault Services Program”).

There is also a grant use limit of not more than 4 years and an opportunity to increase the amount provided to a State under the grant programs described in subsection (d) for a 2-year period.

The use of funds is also discussed. Specifically, 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of subsection (d)

Finally, \$5,000,000 is authorized for each of fiscal years 2023 through 2027, the term “State” is defined and grant renewal is discussed.

34 U.S.C. § 60106 (2022)

Incentives for States

(a) Authority to make grants

The Attorney General is authorized to make grants to States that have in effect a law that--

- (1) makes it a criminal offense for any person acting under color of law of the State to knowingly engage in a sexual act with an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(b) Reporting requirement

A State that receives a grant under this section shall submit to the Attorney General, on an annual basis, information on--

(1) the number of reports made to law enforcement agencies in that State regarding persons engaging in a sexual act while acting under color of law during the previous year; and

(2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

(c) Application

A State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (a).

(d) Grant amount

The amount of a grant to a State under this section shall be in an amount that is not greater than 10 percent of the average of the total amount of funding of the 3 most recent awards that the State received under the following grant programs:

(1) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”);

(2) Section 12511 of this title (commonly referred to as the “Sexual Assault Services Program”).

(e) Grant term

(1) In general

The Attorney General shall provide an increase in the amount provided to a State under the grant programs described in subsection (d) for a 2-year period.

(2) Renewal

A State that receives a grant under this section may submit an application for a renewal of such grant at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(3) Limit

A State may not receive a grant under this section for more than 4 years.

(f) Uses of funds

A State that receives a grant under this section shall use--

(1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and

(2) 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of subsection (d).

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2023 through 2027.

(h) Definition

For purposes of this section, the term “State” means each of the several States and the District of Columbia, Indian Tribes, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

36 U.S.C § 146 (2021, 2022) Summary

Establishes both Atomic Veterans Day and Choose Respect Day and encourages entities to recognize these days with appropriate activities and ceremonies.

36 U.S. Code § 146 (2021, 2022)

National Atomic Veterans Day [and] Choose Respect Day

National Atomic Veterans Day

The President shall issue each year a proclamation calling on the people of the United States to—

- (1) observe Atomic Veterans Day with appropriate ceremonies and activities; and
- (2) remember and honor the atomic veterans of the United States whose brave service and sacrifice played an important role in the defense of the Nation.

(Added Pub. L. 117–81, div. A, title X, § 1084(a), Dec. 27, 2021, 135 Stat. 1924.)

§ 146.[1] Choose Respect Day

(a) Designation.—

October 1 is Choose Respect Day.

(b) Recognition.—

All private citizens, organizations, and Federal, State, and local governmental and legislative entities are encouraged to recognize Choose Respect Day through proclamations, activities, and educational efforts in furtherance of changing the culture around the tolerance of violence against women.

42 U.S.C § 280b–1b – (2000) (2005) (2008) (2013) (2022) Summary

Awards targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State, territorial or tribal sexual assault coalitions, and other public and private nonprofit entities. This code also lists permissible uses for the grants.

It also mandates the Secretary to provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian Tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to

collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

Additionally, the secretary must set forth procedures designed to ensure meaningful involvement of sexual assault coalitions, culturally specific organizations, and representatives from underserved communities of the State or territory in the application for, and implementation of, funding.

Further, to carry out this section \$100,000,000 is provided for each of fiscal years 2023 through 2027. However, Of the total amount made available under this subsection in each fiscal year, not less than \$1,500,000 shall be available for allotment under subsection (b).

Other allocation requirements include a minimum allocation of \$150,000 each fiscal year for each of the States, the District of Columbia, and Puerto Rico and a minimum allocation of \$35,000 in each fiscal year for each Territory. Any unused or remaining funds shall be allotted to each State, the District of Columbia, and Puerto Rico on the basis of population. Not less than 80 percent of the total amount made available under this subsection in each fiscal year shall be awarded in accordance with this paragraph.

Further, not less than 15 percent shall be allocated to State, territorial, and Tribal sexual assault coalitions for the purposes of coordinating and providing prevention activities, providing assistance to prevention programs, and collaborating and coordinating with applicable Federal, State, Tribal, and local entities engaged in sexual violence prevention.

not less than 10 percent shall be made available to Tribal sexual assault coalitions; and any remaining amounts shall be made available, in equal amounts, to each State coalition and each territorial coalition.

This code also clarifies that a receipt of an award under this subsection by a sexual assault coalition shall not preclude the coalition from receiving additional grants or administering funds to carry out the purposes described in subsection (a).

This code also discusses limitations for the use of the funds and the requirement of a report to be submitted on the activities funded by grants awarded under this section and best practices relating to rape prevention and education.

42 U.S.C § 280b–1b – (2000) (2005) (2008) (2013) (2022)

Use of allotments for rape prevention education

(a) Permitted use

The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State, territorial or tribal sexual assault coalitions, and other public and private nonprofit entities for—

- (1) educational seminars;
- (2) the operation of hotlines or utilization of other communication technologies for purposes related to such a hotline;
- (3) training programs for professionals, including school-based professionals, to identify and refer students who may have experienced or are at risk of experiencing sexual violence;
- (4) the preparation of informational material;
- (5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;
- (6) education to increase awareness about drugs and alcohol used to facilitate rapes or sexual assaults; and
- (7) other efforts to increase awareness of the facts about, or to help prevent, sexual violence, sexual assault, and sexual harassment, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 12102 of this title) and Deaf individuals.

(b) Collection and dissemination of information on sexual assault

The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian Tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

(c) Meaningful involvement of State sexual assault coalitions, culturally specific organizations, and underserved communities

In awarding funds to States under this section, the Secretary shall set forth procedures designed to ensure meaningful involvement of sexual assault coalitions, culturally specific organizations, and representatives from underserved communities of the State or territory in the application for, and implementation of, funding.

(d) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2023 through 2027.

(2) National sexual violence resource center allotment

Of the total amount made available under this subsection in each fiscal year, not less than \$1,500,000 shall be available for allotment under subsection (b).

(3) Baseline funding for States, the District of Columbia, and Puerto Rico

A minimum allocation of \$150,000 shall be awarded in each fiscal year for each of the States, the District of Columbia, and Puerto Rico. A minimum allocation of \$35,000 shall be awarded in each fiscal year for each Territory. Any unused or remaining funds shall be allotted to each State, the District of Columbia, and Puerto Rico on the basis of population. Not less than 80 percent of

the total amount made available under this subsection in each fiscal year shall be awarded in accordance with this paragraph.

(4)State, territorial, and Tribal sexual assault coalition allotment

(A)In general

Of the total amount appropriated under this subsection for a fiscal year, not less than 15 percent shall be allocated to State, territorial, and Tribal sexual assault coalitions for the purposes of coordinating and providing prevention activities, providing assistance to prevention programs, and collaborating and coordinating with applicable Federal, State, Tribal, and local entities engaged in sexual violence prevention, in accordance with this paragraph.

(B)Allocations

Of the total amount appropriated under this subsection and allocated to making awards to sexual assault coalitions, as described in subparagraph (A), for a fiscal year—

- (i)not less than 10 percent shall be made available to Tribal sexual assault coalitions; and
- (ii)any remaining amounts shall be made available, in equal amounts, to each State coalition and each territorial coalition.

(C)Clarification

Receipt of an award under this subsection by a sexual assault coalition shall not preclude the coalition from receiving additional grants or administering funds to carry out the purposes described in subsection (a).

(e)Limitations

(1)Supplement not supplant

Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

(2)Studies

A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

(3)Administration

A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.

(f)Report

Not later than 1 year after March 15, 2022, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives and the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate a report on the activities funded by grants awarded under this section and best practices relating to rape prevention and education.

42 U.S.C § 280b–4 (2005) (2013) (2022) Summary

Discusses grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

It also discusses evaluation and study of best practices for reducing and preventing violence.

Lastly, this code provides \$1,000,000 for each of fiscal years 2023 through 2027

42 U.S.C § 280b–4 (2005) (2013) (2022)

Study conducted by the Centers for Disease Control and Prevention

(a)Purposes

The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control [1] Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against adults, youth, and children addressed by the strategies included in Department of Health and Human Services-related provisions [2] this title,[3] including strategies addressing underserved communities.

There shall be authorized to be appropriated to carry out this title 3 \$1,000,000 for each of fiscal years 2023 through 2027.

42 U.S.C § 280g–4 (2005) (2013) (2022) Summary

Discusses Grants to strengthen the healthcare system’s response to domestic violence, dating violence, sexual assault, and stalking.

Purposes for the use of grants are also listed. Some of these include:

1. development or enhancement and implementation of interdisciplinary training for health professionals and implementation of comprehensive statewide strategies to improve the capacity of clinics, public health facilities, hospitals, and other health settings to prevent and respond to domestic violence, dating violence, sexual assault, and stalking,
2. the development or enhancement and implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among families they serve; and
3. the development or enhancement and implementation of comprehensive statewide strategies for health and violence prevention programs to work together to promote primary prevention of domestic violence, dating violence, sexual assault, and stalking.

This code also discusses the required uses of funds. These include:

1. fund interdisciplinary training and education programs that:
2. train medical, psychology, dental, social work, nursing, and other health profession students, interns, residents, fellows, or current health care providers to provide universal education on healthy relationships and provide trauma-informed health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have been victims of domestic violence, dating violence, sexual assault, or stalking;
3. plan and develop training components that center the experiences of, and are developed in collaboration with, culturally specific individuals and American Indians and Alaska Natives, and include community-defined practices such as the use of doulas, midwives, and traditional healers, for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address physical, mental, and behavioral health issues, including protective factors, related to domestic violence, dating violence, sexual assault, stalking, and other forms of violence and abuse (including labor and sex trafficking), focus on reducing health inequities and preventing violence and abuse, and include the primacy of victim safety and confidentiality;
4. are designed to be inclusive of the experiences of all individuals, including LGBT individuals, and include training on improving equity and reducing disparities in access to health care services and prevention resources; and
5. include training on the use of a universal prevention education approach to both prevent and respond to domestic violence, dating violence, sexual assault, or stalking in health care settings;
6. design and implement comprehensive strategies to improve the capacity of the health care system to prevent and respond to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under subsection (a)(3) through—
7. implement, disseminate and evaluate policies and procedures to guide health professionals and public health staff in identifying, responding to, and promoting prevention of domestic violence, dating violence, sexual assault, and stalking during in-person or virtual visits, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety, and safely uses health information technology to improve documentation, identification, assessment,

treatment, and follow-up care and to maximize victim choice on the use and sharing of their health information;

8. develop services that address the safety, medical, and mental health needs of patients by—
9. increasing the capacity of existing health care professionals (including professionals who specialize in trauma or in substance use disorders) in behavioral and mental health care, community health workers, and public health staff to address domestic violence, dating violence, sexual assault, stalking, and children exposed to violence;
10. contracting with or hiring advocates for victims of domestic violence or sexual assault to provide such services; or
11. providing funding to State domestic and sexual violence coalitions to improve the capacity of such coalitions to coordinate and support health advocates and other health system partnerships;
12. the development of measures and methods for the evaluation of the practice of prevention, intervention, and documentation regarding victims of domestic violence, dating violence, sexual assault, and stalking during in-person or virtual visits, including the development and testing of quality improvement measurements, in accordance with the multi-stakeholder and quality measurement processes established under paragraphs (7) and (8) of section 1395aaa(b) of this title and section 1395aaa–1 of this title;
13. (the provision of training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, and promote prevention during in-person or virtual visits, including using tools and training materials already developed;
14. the development, implementation, dissemination, and evaluation of best practices, tools, and training materials, including culturally relevant tools, for mental health, behavioral health, and substance use disorder professionals to identify and respond to domestic violence, sexual violence, stalking, and dating violence; and
15. the development and provision of culturally relevant training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking from culturally specific communities and promote prevention, using tools and training materials, developed by and for culturally specific communities, with priority given to trainings provided by culturally specific organizations; and
16. design and implement comprehensive strategies to prevent domestic or sexual violence including through the use of universal education in clinical and public health settings, hospitals, clinics and other health settings.

Funds may also be used for issues relating to child abuse or abuse in later life and for rural community-based training opportunities, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas, for medical,

nursing, and other health profession students and residents on domestic violence, dating violence, sexual assault, stalking, and, as appropriate, other forms of violence and abuse.

Additionally, Grants may be used for the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and abuse in later life, the development, expansion, and implementation of programs that promote the prevention of sexual assault as well as sexual assault forensic medical examination or sexual assault nurse examiner programs, the inclusion of the health effects of lifetime exposure to violence and abuse and exposure to violence across generations as well as related protective factors and behavioral risk factors in health professional training schools including medical, dental, nursing, social work, and mental and behavioral health curricula, and allied health service training courses; improve the capacity of domestic violence, dating violence, sexual assault, and stalking programs to serve survivors who have substance use history; or developing and utilizing existing technical assistance and training resources to improve the capacity of substance use disorder treatment programs and harm reduction programs for people who use substances to address domestic violence, dating violence, sexual assault, and stalking among patients.

This code also discusses the requirements for grantees and requires such as the requirement of confidentiality and an advanced notice of information disclosure.

It further discusses application preferences. Specifically, priority is given to outcome-based evaluations, culturally specific and population specific organizations; and programs developing and implementing community-driven solutions to address domestic violence, dating violence, sexual assault, or stalking.

It further lists the requirements for entities that are able to receive this grant and reporting requirements.

It also discusses the percentage of funds that are allowed to be allotted for specific purposes. Specifically, it allows for 8% of funds to provide technical assistance with respect to the planning, development, and operation of any program, activity or service carried out pursuant to this section. Additionally, not more than 20 percent to make a grant or enter into a contract for research and evaluation of grants awarded under this section; and other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

Additionally, this code authorizes research on the effects and impacts of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating or sexual violence on health behaviors, health conditions, and health status of individuals, families, and populations, including underserved populations; effective health care interventions to respond to and prevent domestic violence, dating violence, sexual assault, and stalking; impact of domestic, dating and sexual violence, childhood exposure to such violence, and stalking on the health care system,

health care utilization, health care costs, and health status; and the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking, and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting.

Finally, this code allots for \$20,000,000 for each of fiscal years 2023 through 2027.

42 U.S.C § 280g–4 (2005) (2013) (2022)

Grants to strengthen the healthcare system’s response to domestic violence, dating violence, sexual assault, and stalking

(a) In general

The Secretary shall award grants for—

- (1) the development or enhancement and implementation of interdisciplinary training for health professionals, public health staff, community health workers, violence prevention advocates working with health providers, and allied health professionals;
- (2) the development or enhancement and implementation of education programs for medical, psychology, dental, social work, nursing, and other health profession students, interns, residents, fellows, or current health care providers (including midwives and doulas);
- (3) the development or enhancement and implementation of comprehensive statewide strategies to improve the capacity of clinics, public health facilities, hospitals, and other health settings (including behavioral and mental health programs) to prevent and respond to domestic violence, dating violence, sexual assault, and stalking;
- (4) the development or enhancement and implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among families they serve; and
- (5) the development or enhancement and implementation of comprehensive statewide strategies for health and violence prevention programs to work together to promote primary prevention of domestic violence, dating violence, sexual assault, and stalking.

(b) Use of funds

(1) Required uses

Amounts provided under a grant under this section shall be used to—

(A) fund interdisciplinary training and education programs under paragraphs (1) and (2) of subsection (a) that—

- (i) are designed to train medical, psychology, dental, social work, nursing, and other health profession students, interns, residents, fellows, or current health care providers to provide universal education on healthy relationships and provide trauma-informed health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have been victims of domestic violence, dating violence, sexual assault, or stalking;
- (ii) plan and develop training components that center the experiences of, and are developed in collaboration with, culturally specific individuals and American Indians and Alaska Natives, and

include community-defined practices such as the use of doulas, midwives, and traditional healers, for integration into approved internship, residency, and fellowship training or continuing medical or other health education training that address physical, mental, and behavioral health issues, including protective factors, related to domestic violence, dating violence, sexual assault, stalking, and other forms of violence and abuse (including labor and sex trafficking), focus on reducing health inequities and preventing violence and abuse, and include the primacy of victim safety and confidentiality;

(iii)are designed to be inclusive of the experiences of all individuals, including LGBT individuals, and include training on improving equity and reducing disparities in access to health care services and prevention resources; and

(iv)include training on the use of a universal prevention education approach to both prevent and respond to domestic violence, dating violence, sexual assault, or stalking in health care settings;

(B)design and implement comprehensive strategies to improve the capacity of the health care system to prevent and respond to domestic or sexual violence in clinical and public health settings, hospitals, clinics, and other health settings (including behavioral and mental health), under subsection (a)(3) through—

(i)the implementation, dissemination, and evaluation of policies and procedures to guide health professionals and public health staff in identifying, responding to, and promoting prevention of domestic violence, dating violence, sexual assault, and stalking during in-person or virtual visits, including strategies to ensure that health information is maintained in a manner that protects the patient’s privacy and safety, and safely uses health information technology to improve documentation, identification, assessment, treatment, and follow-up care and to maximize victim choice on the use and sharing of their health information;

(ii)the development of services to address the safety, medical, and mental health needs of patients by—

(I)increasing the capacity of existing health care professionals (including professionals who specialize in trauma or in substance use disorders) in behavioral and mental health care, community health workers, and public health staff to address domestic violence, dating violence, sexual assault, stalking, and children exposed to violence;

(II)contracting with or hiring advocates for victims of domestic violence or sexual assault to provide such services; or

(III)providing funding to State domestic and sexual violence coalitions to improve the capacity of such coalitions to coordinate and support health advocates and other health system partnerships;

(iii)the development of measures and methods for the evaluation of the practice of prevention, intervention, and documentation regarding victims of domestic violence, dating violence, sexual assault, and stalking during in-person or virtual visits, including the development and testing of quality improvement measurements, in accordance with the multi-stakeholder and quality measurement processes established under paragraphs (7) and (8) of section 1395aaa(b) of this title and section 1395aaa–1 of this title;

(iv)the provision of training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking, and promote prevention during in-person or virtual visits, including using tools and training materials already developed;

(v)the development, implementation, dissemination, and evaluation of best practices, tools, and training materials, including culturally relevant tools, for mental health, behavioral health, and substance use disorder professionals to identify and respond to domestic violence, sexual violence, stalking, and dating violence; and

(vi)the development and provision of culturally relevant training and follow-up technical assistance to health care professionals, and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual assault, or stalking from culturally specific communities and promote prevention, using tools and training materials, developed by and for culturally specific communities, with priority given to trainings provided by culturally specific organizations; and

©design and implement comprehensive strategies to prevent domestic or sexual violence including through the use of universal education in clinical and public health settings, hospitals, clinics and other health settings.

(2)Permissible uses

(A)Child abuse and abuse in later life

To the extent consistent with the purpose of this section, a grantee may use amounts received under this section to address, as part of a comprehensive programmatic approach implemented under the grant, issues relating to child abuse or abuse in later life.

(B)Rural areas

Grants funded under paragraphs (1) and (2) of subsection (a) may be used to offer to rural areas community-based training opportunities, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas, for medical, nursing, and other health profession students and residents on domestic violence, dating violence, sexual assault, stalking, and, as appropriate, other forms of violence and abuse.

©Other uses

Grants funded under subsection (a)(3) may be used for—

(i)the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and abuse in later life, as well as childhood exposure to domestic and sexual violence;

(ii)the development, expansion, and implementation of programs that promote the prevention of sexual assault as well as sexual assault forensic medical examination or sexual assault nurse examiner programs;

(iii)the inclusion of the health effects of lifetime exposure to violence and abuse and exposure to violence across generations as well as related protective factors and behavioral risk factors in health professional training schools including medical, dental, nursing, social work, and mental and behavioral health curricula, and allied health service training courses;

(iv)the integration of knowledge of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, mental health, social work, and nursing boards, and where appropriate, other allied health exams and certifications;

(v)providing funding to culturally specific organizations to improve the capacity of such organizations to engage and partner with health care providers to support victims and meet increased referrals from health systems;

(vi)developing a State-level pilot program to—

(I)improve the response of substance use disorder treatment programs, harm reduction programs for people who use substances, and systems to domestic violence, dating violence, sexual assault, and stalking;

(II)improve the capacity of substance use disorder treatment programs, harm reduction programs for people who use substances, and systems to serve survivors of domestic violence, dating violence, sexual assault, and stalking dealing with substance use disorder; and

(III)improve the capacity of domestic violence, dating violence, sexual assault, and stalking programs to serve survivors who have substance use history; or

(vii)developing and utilizing existing technical assistance and training resources to improve the capacity of substance use disorder treatment programs and harm reduction programs for people who use substances to address domestic violence, dating violence, sexual assault, and stalking among patients the programs serve.

©Requirements for grantees

(1)Confidentiality and safety

(A)In general

Grantees under this section shall ensure that all programs developed with grant funds address issues of confidentiality and patient safety and comply with applicable confidentiality and nondisclosure requirements under section 12291(b)(2) of title 34 and the Family Violence Prevention and Services Act [42 U.S.C. 10401 et seq.], and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security and confidentiality of the patients, patient records, and staff. Such grantees shall consult entities with demonstrated expertise in the confidentiality and safety needs of victims of domestic violence, dating violence, sexual assault, and stalking on the development and adequacy of confidentially and security procedures, and provide documentation of such consultation.

(B)Advance notice of information disclosure

Grantees under this section shall provide to patients advance notice about any circumstances under which information may be disclosed, such as mandatory reporting laws, and shall give patients the option to receive information and referrals without affirmatively disclosing abuse.

(2)Limitation on administrative expenses

A grantee shall use not more than 10 percent of the amounts received under a grant under this section for administrative expenses.

(3)Application

(A)Preference

In selecting grant recipients under this section, the Secretary shall give preference to applicants based on the strength of their evaluation strategies, with priority given to—

(i)outcome based evaluations;

(ii)culturally specific and population specific organizations; and

(iii)programs developing and implementing community-driven solutions to address domestic violence, dating violence, sexual assault, or stalking.

(B)Subsection (a)(1) and (2) grantees

Applications for grants under paragraphs (1) and (2) of subsection (a) shall include—

(i)documentation that the applicant represents a team of entities working collaboratively to strengthen the response of the health care system to domestic violence, dating violence, sexual assault, or stalking, and which includes at least one of each of—

(I)an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or other health field;

(II)a health care facility or system; or

(III)a government or nonprofit entity, including a culturally specific organization or community-based organization working to address the social determinants of health, with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking; and

(ii)strategies for the dissemination and sharing of curricula and other educational materials developed under the grant, if any, with other interested health professions schools and national resource repositories for materials on domestic violence, dating violence, sexual assault, and stalking.

©Subsection (a)(3) grantees

An entity desiring a grant under subsection (a)(3) shall submit an application to the Secretary at such time, in such a manner, and containing such information and assurances as the Secretary may require, including—

(i)documentation that all training, education, screening, assessment, services, treatment, and any other approach to patient care will be informed by an understanding of violence and abuse victimization and trauma-specific approaches that will be integrated into prevention, intervention, and treatment activities;

(ii)strategies—

(I)for the development and implementation of policies to prevent and address domestic violence, dating violence, sexual assault, and stalking over the lifespan and generations in health care settings; and

(II)to address primary prevention of domestic violence, dating violence, sexual assault, and stalking over the lifespan and generations, including strategies that address related social determinants of health, economic justice, and equity issues, and that are inclusive of LGBT individuals;

(iii)a plan for consulting with State and tribal domestic violence or sexual assault coalitions, national nonprofit victim advocacy organizations, culturally specific organizations, and population specific organizations with demonstrated expertise in domestic violence, dating violence, sexual assault, or stalking;

(iv)with respect to an application for a grant under which the grantee will have contact with patients, a plan, developed in collaboration with local victim service providers (including culturally specific organizations), to respond appropriately to and make correct referrals for individuals who disclose that they are victims of domestic violence, dating violence, sexual assault, stalking, or other types of violence, and documentation provided by the grantee of an ongoing collaborative relationship with a local victim service provider; and

(v)with respect to an application for a grant proposing to fund a program described in subsection (b)(2)(C)(ii), a certification that any sexual assault forensic medical examination and sexual assault nurse examiner programs supported with such grant funds will adhere to the guidelines set forth by the Attorney General.

(d)Eligible entities

(1)In general

To be eligible to receive funding under paragraph (1) or (2) of subsection (a), an entity shall be—

(A) a nonprofit organization with a history of effective work in the field of training health professionals with an understanding of, and clinical skills pertinent to, domestic violence, dating violence, sexual assault, or stalking, and lifetime exposure to violence and abuse;

(B) an accredited school of allopathic or osteopathic medicine, psychology, nursing, dentistry, social work, or allied health;

© a health care provider membership or professional organization, or a health care system; or

(D) a State, tribal, territorial, or local entity.

(2) Subsection (a)(3) grantees

To be eligible to receive funding under subsection (a)(3), an entity shall be—

(A) a State department (or other division) of health (including mental health or substance abuse agencies), a State, tribal, or territorial domestic violence or sexual assault coalition or victim service provider, or any other nonprofit, nongovernmental organization with a history of effective work in the fields of domestic violence, dating violence, sexual assault, or stalking, and health care, including physical or behavioral health care and substance use disorder prevention and treatment; or

(B) a local victim service provider, a local department (or other division) of health, a local health clinic, hospital, behavioral health treatment system, or health system, a community-based organization with a history of effective work in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care or substance use disorder prevention and treatment, or a community-based organization with a history of partnership with programs in the field of domestic violence, dating violence, sexual assault, or stalking and health care, including physical or mental health care or substance use disorder prevention and treatment.

© Technical assistance

(1) In general

Of the funds made available to carry out this section for any fiscal year, the Secretary may make grants or enter into contracts to provide technical assistance with respect to the planning, development, and operation of any program, activity or service carried out pursuant to this section. Not more than 8 percent of the funds appropriated under this section in each fiscal year may be used to fund technical assistance under this subsection.

(2) Availability of materials

The Secretary shall make publicly available materials developed by grantees under this section, including materials on training, best practices, and research and evaluation.

(3) Reporting

The Secretary shall publish a biennial report on—

(A) the distribution of funds under this section; and

(B) the programs and activities supported by such funds.

(f) Research and evaluation

(1) In general

Of the funds made available to carry out this section for any fiscal year, the Secretary may use not more than 20 percent to make a grant or enter into a contract for research and evaluation of—

(A) grants awarded under this section; and

(B) other training for health professionals and effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan, prevent

the health effects of such violence, and improve the safety and health of individuals who are currently being victimized.

(2)Research

Research authorized in paragraph (1) may include—

(A)research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating or sexual violence on health behaviors, health conditions, and health status of individuals, families, and populations, including underserved populations;

(B)research to determine effective health care interventions to respond to and prevent domestic violence, dating violence, sexual assault, and stalking;

©research on the impact of domestic, dating and sexual violence, childhood exposure to such violence, and stalking on the health care system, health care utilization, health care costs, and health status; and

(D)research on the impact of adverse childhood experiences on adult experience with domestic violence, dating violence, sexual assault, stalking, and adult health outcomes, including how to reduce or prevent the impact of adverse childhood experiences through the health care setting.

(g)Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2023 through 2027.

(h)Definitions

Except as otherwise provided, the definitions in section 12291 of title 34 shall apply to this section.

42 U.S.C § 280g–4a Summary (2022)

Discusses identifying areas for improvement in health care delivery systems providing forensic examinations to survivors of sexual assault.

It also awards grants to ward grants to States and Indian Tribes to develop and implement State and Tribal surveys for several purposes listed. These include identifying

- (1) the availability of, and patient access to, medical forensic examinations;
- (2) the training level of the health care providers who perform medical forensic examinations;
- (3) the hospitals or clinics that offer medical forensic examinations and whether each hospital or clinic has full-time, part-time, or on-call coverage;
- (4) barriers to medical forensic examinations provided through sexual assault care and services;
- (5) billing and reimbursement practices for medical forensic examinations;
- (6) State and Tribal requirements, minimum standards, and protocols for training sexual assault examiners for sexual assault forensic examiners and for other personnel involved in medical forensic examinations;
- (7) the availability of sexual assault forensic examiner training, the frequency of such training, the providers of such training, the State's or Indian Tribe's role in such

- training, and the processes or procedures in place for continuing education of such examiners; and
- (8) the dedicated Federal and State funding available to support sexual assault forensic examiner training.

It also requires a State or Indian Tribe to submit to the Secretary an application through a competitive process to be determined by the Secretary. Survey results of grants awarded are also required to be published by the Secretary on the website of the Department of Health and Human Services on a biennial basis.

This code also lists activities for recipients of the grant to carry out. Some of these include:

1. Make the findings of the survey conducted using amounts received under the grant public, including a map showing health care providers who perform medical forensic examinations, based on the findings from the State and Tribal surveys under subsection (b)(3).
2. Use the findings to develop a strategic action plan to increase the number of trained medical forensic examiners available in the State or Tribal community and create policies to increase survivor access to trained examiners.
3. Use the findings to develop and implement a public awareness campaign that includes the following:
 - (i) An online toolkit describing how and where sexual assault survivors can obtain assistance and care, including medical forensic examinations, in the State or Tribal community.
 - (ii) A model standard response protocol for health care providers to implement upon arrival of a patient seeking care for sexual assault.
 - (iii) A model sexual assault response team protocol incorporating interdisciplinary community coordination between hospitals, emergency departments, hospital administration, local rape crisis programs, law enforcement, prosecuting attorneys, and other health and human service agencies and stakeholders with respect to delivering survivor-centered sexual assault care and medical forensic examinations.
 - (iv) A notice of applicable laws prohibiting charging or billing survivors of sexual assault for care and services related to sexual assault.

Finally, this code authorizes \$7,000,000 for each of fiscal years 2023 through 2027.

42 U.S.C § 280g–4a (2022)

Understanding sexual assault care in health systems

a)Purpose

It is the purpose of this section to identify areas for improvement in health care delivery systems providing forensic examinations to survivors of sexual assault.

(b)Grants

The Secretary of Health and Human Services (referred to in this section as “the Secretary”) shall award grants to States and Indian Tribes to develop and implement State and Tribal surveys to identify—

- (1)the availability of, and patient access to, medical forensic examinations;
- (2)the training level of the health care providers who perform medical forensic examinations;
- (3)the hospitals or clinics that offer medical forensic examinations and whether each hospital or clinic has full-time, part-time, or on-call coverage;
- (4)barriers to medical forensic examinations provided through sexual assault care and services;
- (5)billing and reimbursement practices for medical forensic examinations;
- (6)State and Tribal requirements, minimum standards, and protocols for training sexual assault examiners for sexual assault forensic examiners and for other personnel involved in medical forensic examinations;
- (7)the availability of sexual assault forensic examiner training, the frequency of such training, the providers of such training, the State’s or Indian Tribe’s role in such training, and the processes or procedures in place for continuing education of such examiners; and
- (8)the dedicated Federal and State funding available to support sexual assault forensic examiner training.

(c)Eligibility

To be eligible to receive a grant under this section, a State or Indian Tribe shall submit to the Secretary an application through a competitive process to be determined by the Secretary.

(d)Public dissemination and campaign

(1)Public availability

The results of the surveys conducted under grants awarded under this section shall be published by the Secretary on the website of the Department of Health and Human Services on a biennial basis.

(2)Campaigns

A State or Indian Tribe that receives a grant under this section shall carry out the following activities:

- (A)Make the findings of the survey conducted using amounts received under the grant public, including a map showing health care providers who perform medical forensic examinations, based on the findings from the State and Tribal surveys under subsection (b)(3).
- (B)Use the findings to develop a strategic action plan to increase the number of trained medical forensic examiners available in the State or Tribal community and create policies to increase survivor access to trained examiners.
- (C)Use the findings to develop and implement a public awareness campaign that includes the following:
 - (i)An online toolkit describing how and where sexual assault survivors can obtain assistance and care, including medical forensic examinations, in the State or Tribal community.
 - (ii)A model standard response protocol for health care providers to implement upon arrival of a patient seeking care for sexual assault.
 - (iii)A model sexual assault response team protocol incorporating interdisciplinary community coordination between hospitals, emergency departments, hospital administration, local rape crisis programs, law enforcement, prosecuting attorneys, and other health and human service agencies

and stakeholders with respect to delivering survivor-centered sexual assault care and medical forensic examinations.

(iv) A notice of applicable laws prohibiting charging or billing survivors of sexual assault for care and services related to sexual assault.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2023 through 2027.

42 U.S.C. § 280g-4b (2022)

Awards 3-year grants to eligible entities for the clinical training of sexual assault forensic examiners registered nurses, nurse practitioners, nurse midwives, clinical nurse specialists, physician assistants, and physicians) to administer medical forensic examinations and treatments to survivors of sexual assault.

The requirements for an entity to be considered eligible for this grant are also listed. Some of these requirements include:

1. shall be a safety net clinic acting in partnership with a high-volume emergency services provider or a hospital currently providing sexual assault medical forensic examinations performed by sexual assault forensic examiners, that will use grant funds to—
2. assign rural health care service providers to the high-volume hospitals for clinical practicum hours to qualify such providers as sexual assault forensic examiners; or
3. assign practitioners at high-volume hospitals to rural health care services providers to instruct, oversee, and approve clinical practicum hours in the community to be served;
4. an organization described in section 501(c)(3) of title 26 and exempt from taxation under 501(a) of such title, that provides legal training and technical assistance to Tribal communities and to organizations and agencies serving Indians; or
5. an Indian Tribe (as defined in section 5304 of title 25); and
6. submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of whether the applicant will provide services described in subparagraph (A) or (B) of paragraph (1).

Additionally, each grant awarded under this section shall be in an amount not to exceed \$400,000 per year and this code authorizes \$10,000,000 for each of fiscal years 2023 through 2027.

Finally, the Secretary shall reserve 15 percent of such amount for purposes of making grants to entities that are affiliated with Indian Tribes or Tribal organizations. Amounts reserved may be used to support referrals and the delivery of emergency first aid, culturally competent support, and forensic evidence collection training.

42 U.S.C. § 280g-4b (2022)

Expanding access to unified care

(a) Establishment of program

The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish a program (referred to in this section as the “program”) to award grants to eligible entities for the clinical training of sexual assault forensic examiners (including registered nurses, nurse practitioners, nurse midwives, clinical nurse specialists, physician assistants, and physicians) to administer medical forensic examinations and treatments to survivors of sexual assault.

(b) Purpose

The purpose of the program is to enable each grant recipient to expand access to medical forensic examination services by providing new providers with the clinical training necessary to establish and maintain competency in such services and to test the provisions of such services at new facilities in expanded health care settings.

(c) Grants

Under the program, the Secretary shall award 3-year grants to eligible entities that meet the requirements established by the Secretary.

(d) Eligible entities

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

(1) be--

(A) a safety net clinic acting in partnership with a high-volume emergency services provider or a hospital currently providing sexual assault medical forensic examinations performed by sexual assault forensic examiners, that will use grant funds to--

(i) assign rural health care service providers to the high-volume hospitals for clinical practicum hours to qualify such providers as sexual assault forensic examiners; or

(ii) assign practitioners at high-volume hospitals to rural health care services providers to instruct, oversee, and approve clinical practicum hours in the community to be served;

(B) an organization described in section 501(c)(3) of Title 26 and exempt from taxation under 501(a) of such title, that provides legal training and technical assistance to Tribal communities and to organizations and agencies serving Indians; or

(C) an Indian Tribe (as defined in section 5304 of Title 25); and

(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of whether the applicant will provide services described in subparagraph (A) or (B) of paragraph (1).

(e) Grant amount

Each grant awarded under this section shall be in an amount not to exceed \$400,000 per year. A grant recipient may carry over funds from one fiscal year to the next without obtaining approval from the Secretary.

(f) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2023 through 2027.

(2) Set-aside

Of the amount appropriated under this subsection for a fiscal year, the Secretary shall reserve 15 percent of such amount for purposes of making grants to entities that are affiliated with Indian Tribes or Tribal organizations (as defined in section 5304 of Title 25), or Urban Indian organizations (as defined in section 1603 of Title 25). Amounts reserved may be used to support referrals and the delivery of emergency first aid, culturally competent support, and forensic evidence collection training.

42 U.S.C § 280g–4c (2022) Summary

Provides definitions for the terms “community health aide,” “community health practitioner,” “health care provider,” “Indian tribe,” “Tribal organization,” “institution of higher education,” “interpersonal violence,” “Native Hawaiian organization,” “Secretary,” “trauma-informed care,” and “Urban Indian organization.”

Grants awarded under this section are to develop training to provide health care providers with the skills to support the provision of forensic assessment and trauma-informed care to individuals, families, and communities that have experienced violence or trauma and to be available to collaborate with members of an inter-professional forensic team.

Requirements of eligible entities are also listed. These include:

1. be an institute of higher education, including a minority serving institution as described in section 1067q of title 20; and
2. (B)submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

Additionally, this code authorizes \$5,000,000 for each of fiscal years 2023 through 2027 and each grant awarded under this subsection shall be in an amount that does not exceed \$400,000 per year. Further, The Secretary shall reserve 10 percent for purposes of making grants to support training and curricula that addresses the unique needs of Indian Tribes, Tribal organizations, Urban Indian organizations, and Native Hawaiian organizations. Amounts may be used to support training, referrals, and the delivery of emergency first aid, culturally competent support, and forensic evidence collection training.

The secretary shall also establish a State and Tribal forensic provider technical resource center to provide technical assistance and support collaboration and best practices for health care providers, community health aides, and community health practitioners to improve the quality of, and increase access to, forensic services for all survivors of interpersonal violence. \$2,000,000 is authorized for this for each of fiscal years 2023 through 2027.

Finally, a national report is required to be submitted to the Secretary by the Office for Victims of Crime of the Department of Justice, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Indian Health Service, the Office on Women's Health of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice on the listed requirements.

42 U.S. Code § 280g–4c (2022)

Expanding access to forensics for victims of interpersonal violence

(a) Definitions

In this section:

(1) Community health aide; community health practitioner

The terms “community health aide” and “community health practitioner” have the meanings given such terms for purposes of section 1616l of title 25.

(2) Health care provider

The term “health care provider” has the meaning given such term by the Secretary, and includes registered nurses, nurse practitioners, nurse midwives, clinical nurse specialists, physician assistants, and physicians.

(3) Indian tribe; Tribal organization

The terms “Indian Tribe” and “Tribal organization” shall have the meanings given such terms in section 5304 of title 25.

(4) Institution of higher education

The term “institution of higher education” has the meaning given such term in section 1001 of title 20.

(5) Interpersonal violence

The term “interpersonal violence” means any form of violence that is emotional and trauma-inducing for victims, families of victims, perpetrators, and communities.

(6) Native Hawaiian organization

The term “Native Hawaiian organization” has the meaning given such term in section 11711 of this title.

(7) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(8)Trauma-informed care

The term “trauma-informed care” means care received by trauma survivors that is culturally competent in accordance with professional standards of practice and accounting for patients’ experiences and preferences in order to eliminate or mitigate triggers that may cause re-traumatization of the patient.

(9)Urban Indian organization

The term “Urban Indian organization” has the meaning given such term in section 1603 of title 25.

(b)Demonstration grants for comprehensive forensic training

(1)Establishment of program

The Secretary shall establish a demonstration program to award grants to eligible entities for the clinical training of health care providers to provide generalist forensic services and trauma-informed care to survivors of interpersonal violence of all ages.

(2)Purpose

The purpose of the demonstration program under this subsection is to develop training and curriculum to provide health care providers with the skills to support the provision of forensic assessment and trauma-informed care to individuals, families, and communities that have experienced violence or trauma and to be available to collaborate with members of an inter-professional forensic team.

(3)Term

Grants under this subsection shall be for a term of 5 years.

(4)Eligible entities

To be eligible to receive a grant under this subsection, an entity shall—

(A)be an institute of higher education, including a minority serving institution as described in section 1067q of title 20; and

(B)submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(5)Grant amount

Each grant awarded under this subsection shall be in an amount that does not exceed \$400,000 per year. A grant recipient may carry over funds from one fiscal year to the next without obtaining approval from the Secretary.

(6)Authorization of appropriations

(A)In general

There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2023 through 2027.

(B)Set-aside

Of the amount appropriated under this paragraph for a fiscal year, the Secretary shall reserve 10 percent for purposes of making grants to support training and curricula that addresses the unique needs of Indian Tribes, Tribal organizations, Urban Indian organizations, and Native Hawaiian

organizations. Amounts so reserved may be used to support training, referrals, and the delivery of emergency first aid, culturally competent support, and forensic evidence collection training.

(c) Technical assistance grants and learning collectives

(1) In general

The Secretary shall establish a State and Tribal forensic provider technical resource center to provide technical assistance and support collaboration and best practices for health care providers, community health aides, and community health practitioners to improve the quality of, and increase access to, forensic services for all survivors of interpersonal violence. The Secretary may enter into contracts with national experts for purposes of carrying out this subsection.

(2) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection, \$2,000,000 for each of fiscal years 2023 through 2027.

(d) National report

Not later than 1 year after March 15, 2022, and annually thereafter, the Office for Victims of Crime of the Department of Justice, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Indian Health Service, the Office on Women's Health of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice shall jointly submit to the Secretary a report on the need for, throughout the States, Indian Tribes, and territories—

(1) access to generalist medical forensic services, evidence collection, and documentation that aids in meeting the needs of health care patients and improves future law enforcement investigation and prosecution; and

(2) data for research to support the response to and prevention of interpersonal violence, improved ability of health care providers to adequately respond to patients who exhibit signs of victimization, and address the unique needs of Tribal communities.

The CLERY ACT (1986) (1987) (1990) (1991) (1992) (1993) (1994) (1996) (1998) (2000) (2008) (2009) (2013) (2020) (see red text)

20 U.S.C § 1092 (CLERY ACT) Summary

Discusses Institutional and financial assistance information for students. It also requires eligible institutions participating to carry out information dissemination activities for prospective and enrolled students regarding the institution and all financial assistance. It also requires the information to be accessible and readily available upon request. The information must also be given out annually to all enrolled students. It also continues to list the other additional information that is required to be provided by institutions to students.

This code also discusses an exit counseling requirement for borrowers of loans and provides a list of requirements that must be included in the counseling.

Additionally, each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information. It also discusses the possibility of waiving the requirement that an employee or employees be available on a full-time basis when total enrollment is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

Further, the Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. It also discusses the required information to be included to tell the student.

This code also requires institution of higher education which participates in any program under this subchapter and is attended by students receiving athletically related student aid to submit an annual report and lists the information that needs to be included in the report.

This code also requires each institution to collect and disclose information related to campus crime statistics and campus security policies of that institution.

Each institution must prepare, publish, and distribute to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information:

1. A statement of current campus policies regarding procedures for students and others to report criminal actions or emergencies occurring on campus and policies concerning the institution's response to such reports, A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
2. A statement of current policies concerning campus law enforcement, including the law enforcement authority of campus security personnel and the working relationship of campus security personnel with State and local law enforcement agencies, A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
3. A description of programs designed to inform students and employees about the prevention of crimes.
4. Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available of the following criminal offenses

reported to campus security authorities or local police agencies: murder; sex offenses, forcible or nonforcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson;

5. arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice; and of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.
6. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.
7. A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011i of this title.
8. A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) [3] of title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.
9. A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;
10. publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
11. test emergency response and evacuation procedures on an annual basis.
12. Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

Each institution participating in any program under this subchapter, shall also make timely reports to the campus community on crimes considered to be a threat to other students and employees that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Additionally, each institution that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including the nature, date, time, and general location of each crime, and the disposition of the complaint.

All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

each institution on an annual basis shall also submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000; make copies of the statistics submitted to the Secretary available to the public; and in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

This code also provides definitions for the terms “domestic violence,” “campus,” “non-campus building or property,” “public property,” “sexual assault,” and “operating expenses.”

The statistics described in clause (i) and (ii) of paragraph 1(f) shall also be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 12291(a) of title 34. Such statistics shall not identify victims of crimes or persons accused of crimes.

Further, each institution of higher education participating in any program under this subchapter and title IV of the Economic Opportunity Act of 1964, shall also develop and distribute as part of the report described in paragraph (1) a statement of policy regarding:

The institution’s programs to prevent domestic violence, dating violence, sexual assault, and stalking; and the procedures that the institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

Additionally, the policy described in subparagraph (A) shall address the following areas: Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for all incoming students and new employees, which shall include:

1. a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
2. the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;
3. the definition of consent, in reference to sexual activity, in the applicable jurisdiction;
4. safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
5. information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
6. ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).
7. Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
8. Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—
9. the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
10. to whom the alleged offense should be reported;
11. options regarding law enforcement and campus authorities, including notification of the victim's option to notify proper law enforcement authorities, including on-campus and local police;
12. be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and decline to notify such authorities; and where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
13. Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that such proceedings shall provide a prompt, fair, and impartial investigation and resolution; and
14. be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
15. the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and both the accuser and the accused shall be simultaneously informed, in writing, of

- the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
16. the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final.
 17. information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.
 18. Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.
 19. Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
 20. A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options, as described in clauses (ii) through (vii) of subparagraph (B).

Further, nothing in this code shall be construed to require the reporting or disclosure of privileged information. It also requires The Secretary, in consultation with the Attorney General of the United States, to provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance and report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

The Secretary also shall impose a civil penalty upon a determination that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.

For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur on campus, in or on a non-campus building or property; on public property; and in dormitories or other residential facilities for students on campus.

Nothing in this subsection may be construed to create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or establish any standard of care.

Additionally, Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection. The Secretary shall also annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

Further, the Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies. The Secretary must also seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.

This code also prohibits any officer, employee, or agent of an institution participating in any program under this subchapter to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.

This code also may be cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".

Additionally, this code also requires an annual report and lists the information required from each coeducational institution of higher education that participates in any program under this subchapter and has an intercollegiate athletic program. It also lists the required information that must be included in the report.

Further, each institution of higher education shall publicly disclose, in a readable and comprehensible manner, the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and a list of institutions of higher education with which the institution has established an articulation agreement. However, nothing in this subsection shall be construed to authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit, authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association, limit the application of the General Education Provisions Act [20 U.S.C. 1221 et seq.]; or create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

This code also requires each eligible institution participating in any program under this subchapter that maintains on-campus student housing facilities to publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution. make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and make annual reports to the campus community on such fires. This code also lists the required information that must be included in the report. However, nothing in this code requires particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

This code also lists the responsibilities of The Secretary. The Secretary is also required to annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education,

Further, nothing in this subsection shall be construed to authorize the Secretary to create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or establish any standard of care.

Additionally, the required responsibilities of each institution of higher education that provides on-campus housing and participates in any program under this subchapter is also listed. This code also requires an institution of higher education to provide in a timely manner to students upon enrolment a separate, clear, and conspicuous written notice that advises the student of the penalties under section 1091(r) of this title. Institutions of higher education are also required to provide notice to each student who has lost eligibility for any grant, loan, or work-study assistance under this subchapter as a result of the penalties listed under section 1091(r)(1) of this title a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 1091(r)(2) of this title.

This code also discusses and lists information to be made available to loan borrowers. It also encourages the Secretary to carry out the requirements through the use of interactive programs that test the borrower's understanding of the terms and conditions of the borrower's loans using simple and understandable language and clear formatting.

Finally, this code lists the information required to be included in reports that are to be submitted annually by each institution participating in any program under this subchapter and requires the

Secretary to summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.

20 U.S. Code § 1092 (CLERY ACT) (2020)

Institutional and financial assistance information for students

(a) Information dissemination activities

(1) Each eligible institution participating in any program under this subchapter shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this subchapter. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 444 of the General Education Provisions Act [20 U.S.C. 1232g] (commonly known as the “Family Educational Rights and Privacy Act of 1974”), together with a statement of the procedures required to obtain such information. The information required by this section shall accurately describe—

(A) the student financial assistance programs available to students who enroll at such institution;

(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

(D) the rights and responsibilities of students receiving financial assistance under this subchapter;

(E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

(F) a statement of—

(i) the requirements of any refund policy with which the institution is required to comply;

(ii) the requirements under section 1091b of this title for the return of grant or loan assistance provided under this subchapter; and

(iii) the requirements for officially withdrawing from the institution;

(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, (iii) the faculty and other instructional personnel, and (iv) any plans by the institution for improving the academic program of the institution;

(H) each person designated under subsection (c) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

(I) special facilities and services available to students with disabilities;

(J)the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing;

(K)the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 1091(a)(2) of this title;

(L)the completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students entering such institutions;

(M)the terms and conditions of the loans that students receive under parts B, D, and E;

(N)that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance;

(O)the campus crime report prepared by the institution pursuant to subsection (f), including all required reporting categories;

(P)institutional policies and sanctions related to copyright infringement, including—

- (i)an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
- (ii)a summary of the penalties for violation of Federal copyright laws; and
- (iii)a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system;

(Q)student body diversity at the institution, including information on the percentage of enrolled, full-time students who—

- (i)are male;
- (ii)are female;
- (iii)receive a Federal Pell Grant; and
- (iv)are a self-identified member of a major racial or ethnic group;

(R)the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

(S)the types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

(T)the fire safety report prepared by the institution pursuant to subsection (i);

(U)the retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering such institution; and

(V)institutional policies regarding vaccinations.

(2)For the purpose of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

(3)In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e), a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the

student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

(A) shall be made available by July 1 each year to enrolled students and prospective students prior to the students enrolling or entering into any financial obligation; and

(B) shall cover the one-year period ending on August 31 of the preceding year.

(4) For purposes of this section, institutions may—

(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection.

(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4) or for students transferring into the institution or information showing the rate at which students transfer out of the institution.

(7)

(A)

(i) Subject to clause (ii), the information disseminated under paragraph (1)(L), or reported under subsection (e), shall be disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under part B or D (other than a loan made under section 1078–8 of this title or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under part B or D (other than a loan made under section 1078–8 of this title or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting will not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.

(ii) The requirements of clause (i) shall not apply to two-year, degree-granting institutions of higher education until academic year 2011-2012.

(B)

(i) In order to assist two-year degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e), the Secretary, in consultation with the Commissioner for Education Statistics, shall, not later than 90 days after August 14, 2008, convene a group of representatives from diverse institutions of higher education, experts in the field of higher education policy, state [1] higher education officials, students, and other

stakeholders in the higher education community, to develop recommendations regarding the accurate calculation and reporting of the information required to be disseminated or reported under paragraph (1)(L) and subsection (e) by two-year, degree-granting institutions of higher education. In developing such recommendations, the group of representatives shall consider the mission and role of two-year degree-granting institutions of higher education, and may recommend additional or alternative measures of student success for such institutions in light of the mission and role of such institutions.

(ii)The Secretary shall widely disseminate the recommendations required under this subparagraph to two-year, degree-granting institutions of higher education, the public, and the authorizing committees not later than 18 months after the first meeting of the group of representatives convened under clause (i).

(iii)The Secretary shall use the recommendations from the group of representatives convened under clause (i) to provide technical assistance to two-year, degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e).

(iv)The Secretary may modify the information required to be disseminated or reported under paragraph (1)(L) or subsection (e) by a two-year, degree-granting institution of higher education—

(I)based on the recommendations received under this subparagraph from the group of representatives convened under clause (i);

(II)to include additional or alternative measures of student success if the goals of the provisions of paragraph (1)(L) and subsection (e) can be met through additional means or comparable alternatives; and

(III)during the period beginning on August 14, 2008, and ending on June 30, 2011.

(b)Exit counseling for borrowers

(1)

(A)Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 1078–3 of this title or loans under section 1078–2 of this title made on behalf of a student) or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made on behalf of a student) or made under part E of this subchapter prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

(i)information on the repayment plans available, including a description of the different features of each plan and sample information showing the average anticipated monthly payments, and the difference in interest paid and total payments, under each plan;

(ii)debt management strategies that are designed to facilitate the repayment of such indebtedness;

(iii)an explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans;

(iv)for any loan forgiveness or cancellation provision of this subchapter, a general description of the terms and conditions under which the borrower may obtain full or partial forgiveness or cancellation of the principal and interest, and a copy of the information provided by the Secretary under section 1092(d) of this title;

(v)for any forbearance provision of this subchapter, a general description of the terms and conditions under which the borrower may defer repayment of principal or interest or be granted

forbearance, and a copy of the information provided by the Secretary under section 1092(d) of this title;

(vi)the consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

(vii)information on the effects of using a consolidation loan under section 1078–3 of this title or a Federal Direct Consolidation Loan to discharge the borrower’s loans under parts B, D, and E, including at a minimum—

(I)the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

(II)the effects of consolidation on a borrower’s underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;

(III)the option of the borrower to prepay the loan or to change repayment plans; and

(IV)that borrower benefit programs may vary among different lenders;

(viii)a general description of the types of tax benefits that may be available to borrowers;

(ix)a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower’s loans; and

(x)an explanation that—

(I)the borrower may be contacted during the repayment period by third-party student debt relief companies;

(II)the borrower should use caution when dealing with those companies; and

(III)the services that those companies typically provide are already offered to borrowers free of charge through the Department or the borrower’s servicer; and

(B)In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2)

(A)Each eligible institution shall require that the borrower of a loan made under part B, D, or E submit to the institution, during the exit interview required by this subsection—

(i)the borrower’s expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii)the name and address of the borrower’s expected employer after leaving the institution;

(iii)the address of the borrower’s next of kin; and

(iv)any corrections in the institution’s records relating the borrower’s name, address, social security number, references, and driver’s license number.

(B)The institution shall, within 60 days after the interview, forward any corrected or completed information received from the borrower to the guaranty agency indicated on the borrower’s student aid records.

(C)Nothing in this subsection shall be construed to prohibit an institution of higher education from utilizing electronic means to provide personalized exit counseling.

(c)Financial assistance information personnel

Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a). The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the

enrollment participating in programs under this subchapter at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

(d) Departmental publication of descriptions of assistance programs

(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this subchapter. Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for loans made, insured, or guaranteed under part B and income-contingent and income-based repayment plans for loans made under part D. In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the Department's Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(4) The Secretary shall widely publicize the location of the information described in paragraph (1) among the public, eligible institutions, and eligible lenders, and promote the use of such

information by prospective students, enrolled students, families of prospective and enrolled students, and borrowers.

(e) Disclosures required with respect to athletically related student aid

(1) Each institution of higher education which participates in any program under this subchapter and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student's parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association's member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.

(3) For purposes of this subsection, institutions may—

(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by—

(A) individual institutions of higher education; and

(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term “athletically related student aid” means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(9) The reports required by this subsection shall be due each July 1 and shall cover the 1-year period ending August 31 of the preceding year.

(f) Disclosure of campus security policy and campus crime statistics

(1) Each eligible institution participating in any program under this subchapter, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution’s response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

(i) the law enforcement authority of campus security personnel;

(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies, when the victim of such crime elects or is unable to make such a report.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

(I) murder;

(II) sex offenses, forcible or nonforcible;

(III) robbery;

(IV) aggravated assault;

(V) burglary;

(VI) motor vehicle theft;

(VII) manslaughter;

(VIII) arson;

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, [2] ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice; and

(iii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011i of this title.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) [3] of title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;

(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

(iii) test emergency response and evacuation procedures on an annual basis.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this subchapter, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

(4)

(A) Each institution participating in any program under this subchapter, other than a foreign institution of higher education, that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including—

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B)

(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this subchapter, other than a foreign institution of higher education, shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

(A) review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)

(A) In this subsection:

(i) The terms “dating violence”, “domestic violence”, and “stalking” have the meaning given such terms in section 12291(a) of title 34.

(ii) The term “campus” means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in

direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(iii) The term "non-campus building or property" means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iv) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(v) The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in clauses (i) and (ii) of paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 12291(a) of title 34. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)

(A) Each institution of higher education participating in any program under this subchapter and title IV of the Economic Opportunity Act of 1964,³ other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

(i) such institution's programs to prevent domestic violence, dating violence, sexual assault, and stalking; and

(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

- (aa)a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
- (bb)the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;
- (cc)the definition of consent, in reference to sexual activity, in the applicable jurisdiction;
- (dd)safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
- (ee)information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- (ff)the information described in clauses (ii) through (vii); and
- (II)ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).
- (ii)Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.
- (iii)Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—
 - (I)the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
 - (II)to whom the alleged offense should be reported;
 - (III)options regarding law enforcement and campus authorities, including notification of the victim's option to—
 - (aa)notify proper law enforcement authorities, including on-campus and local police;
 - (bb)be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (cc)decline to notify such authorities; and
- (IV)where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- (iv)Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—
 - (I)such proceedings shall—
 - (aa)provide a prompt, fair, and impartial investigation and resolution; and
 - (bb)be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - (II)the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and
 - (III)both the accuser and the accused shall be simultaneously informed, in writing, of—
 - (aa)the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
 - (bb)the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;
 - (cc)of any change to the results that occurs prior to the time that such results become final; and

(dd)when such results become final.

(v)Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

(vi)Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(vii)Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

(C)A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options, as described in clauses (ii) through (vii) of subparagraph (B).

(9)The Secretary, in consultation with the Attorney General of the United States, shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10)Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11)The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12)For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

(A)on campus;

(B)in or on a non-campus building or property;

(C)on public property; and

(D)in dormitories or other residential facilities for students on campus.

(13)Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.

(14)

(A)Nothing in this subsection may be construed to—

(i)create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii)establish any standard of care.

(B)Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15)The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(16)

(A)The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(B)The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.

(17)No officer, employee, or agent of an institution participating in any program under this subchapter shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.

(18)This subsection may be cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".

(g)Data required

(1)In general

Each coeducational institution of higher education that participates in any program under this subchapter, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A)The number of male and female full-time undergraduates that attended the institution.

(B)A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i)The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii)Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

(iii)Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv)The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C)The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

(D)The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E)The total amount of expenditures on recruiting, separately for men's and women's teams overall.

(F)The total annual revenues generated across all men's teams and across all women's teams, except that an institution may also report such revenues by individual team.

(G)The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

(H)The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

(I)

(i)The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from the institution's intercollegiate athletics activities.

(ii)For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)

(i)The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for the institution's intercollegiate athletics activities.

(ii)For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

(2)Special rule

For the purposes of paragraph (1)(G), if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

(3)Disclosure of information to students and public

An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

(4)Submission; report; information availability

(A)On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B)The Secretary shall ensure that the reports described in subparagraph (A) are made available to the public within a reasonable period of time.

(C)Not later than 180 days after October 7, 1998, the Secretary shall notify all secondary schools in all States regarding the availability of the information made available under paragraph (1), and how such information may be accessed.

(5)"Operating expenses" defined

For the purposes of this subsection, the term “operating expenses” means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

(h)Transfer of credit policies

(1)Disclosure

Each institution of higher education participating in any program under this subchapter shall publicly disclose, in a readable and comprehensible manner, the transfer of credit policies established by the institution which shall include a statement of the institution’s current transfer of credit policies that includes, at a minimum—

(A)any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

(B)a list of institutions of higher education with which the institution has established an articulation agreement.

(2)Rule of construction

Nothing in this subsection shall be construed to—

(A)authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

(B)authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

(C)limit the application of the General Education Provisions Act [20 U.S.C. 1221 et seq.]; or

(D)create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

(i)Disclosure of fire safety standards and measures

(1)Annual fire safety reports on student housing required

Each eligible institution participating in any program under this subchapter that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

(A)statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

(i)the number of fires and the cause of each fire;

(ii)the number of injuries related to a fire that result in treatment at a medical facility;

(iii)the number of deaths related to a fire; and

(iv)the value of property damage caused by a fire;

(B)a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

(C)the number of regular mandatory supervised fire drills;

(D)policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

(E)plans for future improvements in fire safety, if determined necessary by such institution.

(2)Report to the Secretary

Each institution described in paragraph (1) shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

(3)Current information to campus community

Each institution described in paragraph (1) shall—

(A)make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

(B)make annual reports to the campus community on such fires.

(4)Responsibilities of the Secretary

The Secretary shall—

(A)make the statistics submitted under paragraph (1)(A) to the Secretary available to the public; and

(B)in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

(i)identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;

(ii)disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;

(iii)make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

(iv)develop a protocol for institutions to review the status of their fire safety systems.

(5)Rules of construction

Nothing in this subsection shall be construed to—

(A)authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

(B)affect section 444 of the General Education Provisions Act [20 U.S.C. 1232g] (commonly known as the “Family Educational Rights and Privacy Act of 1974”) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

(C)create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(D)establish any standard of care.

(6)Compliance report

The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary’s monitoring of such compliance.

(7)Evidence

Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(j)Missing person procedures

(1)Option and procedures

Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall—

(A) establish a missing student notification policy for students who reside in on-campus housing that—

- (i) informs each such student that such student has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by the institution under subparagraph (B);
- (ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours;
- (iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing in accordance with such procedures;
- (iv) informs each such residing student that the institution will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; and
- (v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student's designation; and

(B) establish official notification procedures for a missing student who resides in on-campus housing that—

- (i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours;
- (ii) requires any official missing person report relating to such student be referred immediately to the institution's police or campus security department; and
- (iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires—

(I) such department to contact the individual identified by such student under subparagraph

(A)(i);

(II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and

(III) if subclauses (I) or (II) do not apply to a student determined to be a missing person, inform the appropriate law enforcement agency.

(2) Rule of construction

Nothing in this subsection shall be construed—

(A) to provide a private right of action to any person to enforce any provision of this subsection; or

(B) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

(k) Notice to students concerning penalties for drug violations

(1) Notice upon enrollment

Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 1091(r) of this title.

(2) Notice after loss of eligibility

An institution of higher education shall provide in a timely manner to each student who has lost eligibility for any grant, loan, or work-study assistance under this subchapter as a result of the penalties listed under section 1091(r)(1) of this title a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 1091(r)(2) of this title.

(1) Entrance counseling for borrowers

(1) Disclosure required prior to disbursement

(A) In general

Each eligible institution shall, at or prior to the time of a disbursement to a first-time borrower of a loan made, insured, or guaranteed under part B (other than a loan made pursuant to section 1078–3 of this title or a loan made on behalf of a student pursuant to section 1078–2 of this title) or made under part D (other than a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student), ensure that the borrower receives comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan in accordance with paragraph (2). Such information—

(i) shall be provided in a simple and understandable manner; and

(ii) may be provided—

(I) during an entrance counseling session conducted in person;

(II) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

(III) online, with the borrower acknowledging receipt of the information.

(B) Use of interactive programs

The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrower's understanding of the terms and conditions of the borrower's loans under part B or D, using simple and understandable language and clear formatting.

(2) Information to be provided

The information to be provided to the borrower under paragraph (1)(A) shall include the following:

(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

(B) An explanation of the use of the master promissory note.

(C) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.

(D) In the case of a loan made under section 1078–2 or 1078–8 of this title, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.

(E) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment.

(F) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation.

- (G) Sample monthly repayment amounts based on—
 - (i) a range of levels of indebtedness of—
 - (I) borrowers of loans under section 1078 or 1078–8 of this title; and
 - (II) as appropriate, graduate borrowers of loans under section 1078, 1078–2, or 1078–8 of this title; or
 - (ii) the average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution.
- (H) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.
- (I) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.
- (J) Information on the National Student Loan Data System and how the borrower can access the borrower's records.
- (K) The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.
- (m) Disclosures of reimbursements for service on advisory boards
- (1) Disclosure

Each institution of higher education participating in any program under this subchapter shall report, on an annual basis, to the Secretary, any reasonable expenses paid or provided under section 1650(d) of title 15 to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. Such reports shall include—

- (A) the amount for each specific instance of reasonable expenses paid or provided;
- (B) the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;
- (C) the dates of the activity for which the expenses were paid or provided; and
- (D) a brief description of the activity for which the expenses were paid or provided.

(2) Report to Congress

The Secretary shall summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.

Adam Walsh Child Protection and Safety Act

34 U.S.C § 20911 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Defines the terms “sex offender,” “tier I sex offender,” “tier II sex offender,” “tier III sex offender,” “sex offense,” “student,” “minor,” “resides,” “employee,” “jurisdiction,” “sex offender registry,” “convicted,” “specified offense against a minor,” and “criminal offense.”

This code also discusses foreign convictions and offenses involving consensual sexual conduct. Specifically, A foreign conviction is not a sex offense if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 20912 of this title.

Additionally, an offense involving consensual sexual conduct is not a sex offense if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

34 U.S.C § 20911 (2006) (Adam Walsh Child Protection and Safety Act)

Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators

In this subchapter the following definitions apply:

(1)Sex offender

The term “sex offender” means an individual who was convicted of a sex offense.

(2)Tier I sex offender

The term “tier I sex offender” means a sex offender other than a tier II or tier III sex offender.

(3)Tier II sex offender

The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A)is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i)sex trafficking (as described in section 1591 of title 18);

(ii)coercion and enticement (as described in section 2422(b) of title 18);

(iii)transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) [1] of title 18;

(iv)abusive sexual contact (as described in section 2244 of title 18);

(B)involves—

(i)use of a minor in a sexual performance;

(ii)solicitation of a minor to practice prostitution; or

(iii)production or distribution of child pornography; or

(C)occurs after the offender becomes a tier I sex offender.

(4)Tier III sex offender

The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18); or

(ii) abusive sexual contact (as described in section 2244 of title 18) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) Amie Zyla expansion of sex offense definition

(A) Generally

Except as limited by subparagraph (B) or (C), the term “sex offense” means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) Foreign convictions

A foreign conviction is not a sex offense for the purposes of this subchapter if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 20912 of this title.

(C) Offenses involving consensual sexual conduct

An offense involving consensual sexual conduct is not a sex offense for the purposes of this subchapter if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) Criminal offense

The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) Expansion of definition of “specified offense against a minor” to include all offenses by child predators

The term “specified offense against a minor” means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent or guardian) involving kidnapping.

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F)Video voyeurism as described in section 1801 of title 18.

(G)Possession, production, or distribution of child pornography.

(H)Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I)Any conduct that by its nature is a sex offense against a minor.

(8)Convicted as including certain juvenile adjudications

The term “convicted” or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18), or was an attempt or conspiracy to commit such an offense.

(9)Sex offender registry

The term “sex offender registry” means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10)Jurisdiction

The term “jurisdiction” means any of the following:

(A)A State.

(B)The District of Columbia.

(C)The Commonwealth of Puerto Rico.

(D)Guam.

(E)American Samoa.

(F)The Northern Mariana Islands.

(G)The United States Virgin Islands.

(H)To the extent provided and subject to the requirements of section 20929 of this title, a federally recognized Indian tribe.

(11)Student

The term “student” means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12)Employee

The term “employee” includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13)Resides

The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.

(14)Minor

The term “minor” means an individual who has not attained the age of 18 years.

34 U.S.C § 20912 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Requires each jurisdiction to maintain a jurisdiction-wide sex offender registry conforming to the requirements.

34 U.S.C § 20912 (2006) (Adam Walsh Child Protection and Safety Act)

Registry requirements for jurisdictions

a) Jurisdiction to maintain a registry

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this subchapter.

(b) Guidelines and regulations

The Attorney General shall issue guidelines and regulations to interpret and implement this subchapter.

34 U.S.C § 20913(2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses the sex offender registry requirements. Including initial registration, keeping the registration current and penalties for failure to comply.

34 U.S.C § 20913 (2006) (Adam Walsh Child Protection and Safety Act)

Registry requirements for sex offenders

(a) In general

A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(b) Initial registration

The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) Keeping the registration current

A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) Initial registration of sex offenders unable to comply with subsection (b)

The Attorney General shall have the authority to specify the applicability of the requirements of this subchapter to sex offenders convicted before the enactment of this chapter or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

(e) State penalty for failure to comply

Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this subchapter.

34 U.S.C § 20914 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses the information required of the offender in a sex offender registry. Including the time and manner.

34 U.S.C § 20914 (2006) (Adam Walsh Child Protection and Safety Act)

Information required in registration

(a) Provided by the offender

The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of each residence at which the sex offender resides or will reside.

(4) The name and address of any place where the sex offender is an employee or will be an employee.

- (5)The name and address of any place where the sex offender is a student or will be a student.
- (6)The license plate number and a description of any vehicle owned or operated by the sex offender.
- (7)Information relating to intended travel of the sex offender outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information required by the Attorney General.
- (8)Any other information required by the Attorney General.
- (b)Provided by the jurisdiction
The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:
 - (1)A physical description of the sex offender.
 - (2)The text of the provision of law defining the criminal offense for which the sex offender is registered.
 - (3)The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.
 - (4)A current photograph of the sex offender.
 - (5)A set of fingerprints and palm prints of the sex offender.
 - (6)A DNA sample of the sex offender.
 - (7)A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.
 - (8)Any other information required by the Attorney General.
- (c)Time and manner
A sex offender shall provide and update information required under subsection (a), including information relating to intended travel outside the United States required under paragraph (7) of that subsection, in conformity with any time and manner requirements prescribed by the Attorney General.

34 U.S.C § 20915 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses the duration requirements of the sex offender registry.

Specifically, A sex offender shall keep the registration current for the full registration period. The full registration period is 15 years, if the offender is a tier I sex offender; 25 years, if the offender is a tier II sex offender; and the life of the offender, if the offender is a tier III sex offender.

This code further discusses a reduction for a sex offender who maintains a clean record for the periods described.

34 U.S.C § 20915 (2006) (Adam Walsh Child Protection and Safety Act)

Duration of registration requirement

(a) Full registration period

A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

- (1) 15 years, if the offender is a tier I sex offender;
- (2) 25 years, if the offender is a tier II sex offender; and
- (3) the life of the offender, if the offender is a tier III sex offender.

(b) Reduced period for clean record

(1) Clean record

The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by—

- (A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;
- (B) not being convicted of any sex offense;
- (C) successfully completing any periods of supervised release, probation, and parole; and
- (D) successfully completing of [1] an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) Period

In the case of—

- (A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and
- (B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this subchapter, the period during which the clean record shall be maintained is 25 years.

(3) Reduction

In the case of—

- (A) a tier I sex offender, the reduction is 5 years;
- (B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

34 U.S.C § 20918 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses the requirement of in person verification for sex offenders and the frequency of verification.

34 U.S.C § 20918 (2006) (Adam Walsh Child Protection and Safety Act)

Periodic in person verification

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

- (1) each year, if the offender is a tier I sex offender;
- (2) every 6 months, if the offender is a tier II sex offender; and
- (3) every 3 months, if the offender is a tier III sex offender.

34 U.S.C § 20919 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses the requirements of an appropriate official to notify sex offenders to register, ensure the offender registers, and inform the offender of the registration requirements.

34 U.S.C § 20919 (2006) (Adam Walsh Child Protection and Safety Act)

Duty to notify sex offenders of registration requirements and to register

(a) In general

An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

- (1) inform the sex offender of the duties of a sex offender under this subchapter and explain those duties;
- (2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and
- (3) ensure that the sex offender is registered.

(b) Notification of sex offenders who cannot comply with subsection (a)

The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

34 U.S.C § 20920 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses public access to the sex offender information through the Internet. Specifically, it discusses each jurisdiction making available all information about each sex offender in the registry on the Internet, in a manner that is readily accessible to all jurisdictions.

It also discusses and lists the mandatory and optional exemptions.

34 U.S.C § 20920 (2006) (Adam Walsh Child Protection and Safety Act)

Public access to sex offender information through the Internet

(a) In general

Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) Mandatory exemptions

A jurisdiction shall exempt from disclosure-

- (1) the identity of any victim of a sex offense;
- (2) the Social Security number of the sex offender;
- (3) any reference to arrests of the sex offender that did not result in conviction; and
- (4) any other information exempted from disclosure by the Attorney General.

(c) Optional exemptions

A jurisdiction may exempt from disclosure-

- (1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;
- (2) the name of an employer of the sex offender;
- (3) the name of an educational institution where the sex offender is a student; and
- (4) any other information exempted from disclosure by the Attorney General.

(d) Links

The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) Correction of errors

The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) Warning

The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

34 U.S.C § 20921 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Establishes the National Sex Offender Registry and discusses electronic forwarding. Specifically, the Attorney General shall ensure that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

34 U.S.C § 20921 (2006) (Adam Walsh Child Protection and Safety Act)

National Sex Offender Registry

(a) Internet

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) Electronic forwarding

The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

34 U.S.C § 20941 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Allows for federal assistance including the resources of Federal law enforcement, such as the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

34 U.S.C § 20941 (2006) (Adam Walsh Child Protection and Safety Act)

Federal assistance with respect to violations of registration requirements

(a) In general

The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

34 U.S.C § 20985 (2006) Summary (Adam Walsh Child Protection and Safety Act)

Discusses grants for rape, abuse, and incest. It also discusses the numerous findings on sexual assault. Some of these findings include:

1. More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.
2. In 2004, 1 American was sexually assaulted every 2.5 minutes.
3. One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.

It also discusses and lists the duties and functions of the administrator. It further allows annual grants to RAINN, which shall be used for the performance of the organization's national programs and lists what purposes the grants may be used for.

It provides the definitions for the terms “administrator,” and “RAINN”. Lastly, it authorizes \$3,000,000 for each of fiscal years 2007 through 2010.

34 U.S.C § 20985 (2006) (Adam Walsh Child Protection and Safety Act)

Grants for Rape, Abuse & Incest National Network

(a) Findings

Congress finds as follows:

- (1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.
- (2) In 2004, 1 American was sexually assaulted every 2.5 minutes.
- (3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.
- (4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.
- (5) The Federal Government, through the Victims of Crime Act [34 U.S.C. 20101 et seq.], Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.
- (6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.
- (7) Due in part to the combined efforts of law enforcement officials at the local, State, and Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.
- (8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.
- (9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.
- (10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).
- (11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) Worth magazine selected RAINN as one of "America's 100 Best Charities", in recognition of the organization's "efficiency and effectiveness".¹

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) Duties and functions of the Administrator

(1) Description of activities

The Administrator shall-

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) Annual grant to Rape, Abuse & Incest National Network

The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include-

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) Definitions

For the purposes of this section:

(1) Administrator

The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN

The term "RAINN" means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this section, \$3,000,000 for each of fiscal years 2007 through 2010.

Family Violence Prevention and Services Act

42 U.S.C § 10401 (2010) Summary (Family Violence Prevention and Services Act)

Discusses efforts to increase public awareness about prevention of family violence, domestic violence, and dating violence. It also assists States and Indian tribes in efforts to increase public awareness about a primary and secondary prevention of family and domestic violence, to provide to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents, provide for a national domestic violence

hotline, and to provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs.

42 U.S.C § 10401 (2010) (Family Violence Prevention and Services Act)

a)Short title

This chapter may be cited as the “Family Violence Prevention and Services Act”.

(b)Purpose

It is the purpose of this chapter to—

- (1)assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;
- (2)assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;
- (3)provide for a national domestic violence hotline;
- (4)provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

42 U.S.C § 10402 (2010) (2015) Summary (Family Violence Prevention and Services Act)

Defines the terms “Alaskan native,” “dating violence,” “domestic violence,” “family violence,” “native Hawaiian,” “personally identifying information,” “secretary,” “shelter,” “state,” “Indian,” “Indian Tribe,” “tribal organization,” “State Domestic Violence Coalition,” “Supportive Services,” “tribally designated official,” and “undeserved populations.”

42 U.S.C § 10402 (2010) (2015) Summary (Family Violence Prevention and Services Act)

In this chapter:

- (1)Alaska Native

The term “Alaska Native” has the meaning given the term “Native” in section 1602 of title 43.

(2) Dating violence

The term “dating violence” has the meaning given such term in section 12291(a) of this title.

(3) Domestic violence

The term “domestic violence” has the meaning given such term in section 12291(a) of this title.

(4) Family violence

The term “family violence” means any act or threatened act of violence, including any forceful detention of an individual, that—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

(i) is related by blood;

(ii) is or was related by marriage or is or was otherwise legally related; or

(iii) is or was lawfully residing.

(5) Indian; Indian tribe; tribal organization

The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in section 5304 of title 25.

(6) Native Hawaiian

The term “Native Hawaiian” has the meaning given the term in section 7517 of title 20.

(7) Personally identifying information

The term “personally identifying information” has the meaning given the term in section 12291(a) of this title.

(8) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(9) Shelter

The term “shelter” means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

(10) State

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

(11) State Domestic Violence Coalition

The term “State Domestic Violence Coalition” means a statewide nongovernmental nonprofit private domestic violence organization that—

(A)has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

(B)has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

(C)has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

(D)serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

(12)Supportive services

The term “supportive services” means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

(A)meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

(B)provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

(13)Tribally designated official

The term “tribally designated official” means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 10409 of this title.

(14)Underserved populations

The term “underserved populations” has the meaning given the term in section 12291(a) of this title. For the purposes of this chapter, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 12291(a) [1] of this title.

42 U.S.C § 10403 Summary (Family Violence Prevention and Services Act)

Discusses the percentages of grants that should be allocated to certain causes.

Specifically, For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 10412 of this title. Additionally, not less than 70 percent shall be used for making grants under section 10406(a) of this title and not less than 10 percent shall be used to carry out section 10409 of this title (grants to tribes).

1. not less than 6 percent shall be used by the Secretary for making grants under section 10410 of this title (technical assistance and training)

2. not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 10411 of this title (Domestic Violence Coalitions).
3. not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this chapter. (Administration, evaluation and monitoring)

it also authorizes \$3,500,000 for each of fiscal years 2011 through 2015 to carry out section 10413 of this title and authorizes \$6,000,000 for each of fiscal years 2011 through 2015 to carry out section 10414 of this title

It also lists amounts for additional funding. Some of these include \$180,000,000 to carry out sections 10401 through 10412 of this title, to be allocated in the manner described, \$18,000,000 to carry out section 10409 of this title, and \$2,000,000 to carry out section 10413 of this title, of which \$1,000,000 shall be allocated to support Indian communities.

42 U.S.C § 10403 (Family Violence Prevention and Services Act)

(a)Formula grants to States

(1)In general

There is authorized to be appropriated to carry out sections 10401 through 10412 of this title, \$175,000,000 for each of fiscal years 2011 through 2015.

(2)Allocations

(A)Formula grants to States

(i)Reservation of funds

For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 10412 of this title.

(ii)Formula grants

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 10406(a) of this title.

(B)Grants to tribes

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 10409 of this title.

(C)Technical assistance and training centers

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 10410 of this title.

(D)Grants for State Domestic Violence Coalitions

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 10411 of this title.

(E)Administration, evaluation and monitoring

Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this chapter.

(b)National domestic violence hotline

There is authorized to be appropriated to carry out section 10413 of this title \$3,500,000 for each of fiscal years 2011 through 2015.

(c)Domestic Violence Prevention Enhancement and Leadership Through Alliances

There is authorized to be appropriated to carry out section 10414 of this title \$6,000,000 for each of fiscal years 2011 through 2015.

(d)Additional funding

For the purposes of carrying out this chapter, in addition to amounts otherwise made available for such purposes, there are appropriated, out of any amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended except as otherwise provided in this subsection, each of the following:

(1)\$180,000,000 to carry out sections 10401 through 10412 of this title, to be allocated in the manner described in subsection (a)(2), except that—

(A)a reference in subsection (a)(2) to an amount appropriated under subsection (a)(1) shall be considered to be a reference to an amount appropriated under this paragraph;

(B)the matching requirement in section 10406(c)(4) of this title and condition in section 10408(d)(3) [1] of this title shall not apply; and

(C)each reference in section 10405(e) of this title to “the end of the following fiscal year” shall be considered to be a reference to “the end of fiscal year 2025”; and

(D)funds made available to a State in a grant under section 10406(a) of this title and obligated in a timely manner shall be available for expenditure, by the State or a recipient of funds from the grant, through the end of fiscal year 2025;[2]

(2)\$18,000,000 to carry out section 10409 of this title.

(3)\$2,000,000 to carry out section 10413 of this title, of which \$1,000,000 shall be allocated to support Indian communities.

42 U.S.C § 10404 (2010) Summary (Family Violence Prevention and Services Act)

Discusses the authority of the Secretary. Specifically, some authorities include :

1. appoint and fix the compensation of such personnel as are necessary;
2. procure, to the extent authorized by section 3109 of title 5, such temporary and intermittent services of experts and consultants as are necessary;

3. make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;
4. prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this chapter, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this chapter by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this chapter; and
5. coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

Additionally, administrative responsibilities of the secretary are also listed. Some of these include:

1. assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this chapter, including carrying out evaluation and monitoring under this chapter, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;
2. provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;
3. provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;
4. collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this chapter and by other governmental or nongovernmental sources of funds; and
5. coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence;

It also requires reports to be submitted every 2 years and lists the requirements to be included in the report.

42 U.S.C § 10404 (2010) (Family Violence Prevention and Services Act)

(a) Authorities

In order to carry out the provisions of this chapter, the Secretary is authorized to—

- (1) appoint and fix the compensation of such personnel as are necessary;
- (2) procure, to the extent authorized by section 3109 of title 5, such temporary and intermittent services of experts and consultants as are necessary;
- (3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;
- (4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this chapter, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this chapter by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this chapter; and
- (5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

(b) Administration

The Secretary shall—

- (1) assign one or more employees of the Department of Health and Human Services to carry out the provisions of this chapter, including carrying out evaluation and monitoring under this chapter, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;
- (2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;
- (3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—
 - (A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;
 - (B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this chapter and by other governmental or nongovernmental sources of funds; and
 - (C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and
- (4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

(c)Reports

Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this chapter and the effectiveness of the programs administered pursuant to this chapter, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 10406(d) of this title. The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 10406(d) of this title.

42 U.S.C § 10405 (2010) Summary (Family Violence Prevention and Services Act)

Describes the allotment of funds. Specifically, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{8}$ of 1 percent of the amounts available for grants under section 10406(a) of this title for the fiscal year for which the allotment is made; and each State shall be allotted for a grant under section 10406(a) of this title, \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

Further, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary,

This code also discusses ratable reduction and reallocation of funds when if required.

Additionally, this code requires the continued availability of funds until the end of the following year and All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 10414 of this title. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 10414 of this title, for not more than 1 year from the date on which the funds are made available to the Secretary.

Lastly, this code defines “state.”

42 U.S.C § 10405 (2010) (Family Violence Prevention and Services Act)

(a)In general

From the sums appropriated under section 10403 of this title and available for grants to States under section 10406(a) of this title for any fiscal year—

(1)Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{8}$ of 1 percent of the amounts available for grants under section 10406(a) of this title for the fiscal year for which the allotment is made; and

(2)each State shall be allotted for a grant under section 10406(a) of this title, \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

(b)Population

For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13.

(c)Ratable reduction

If the sums appropriated under section 10403 of this title for any fiscal year and available for grants to States under section 10406(a) of this title are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d)Reallotment

If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10403 of this title, the amount allotted to a State has not been made available to such State in a grant under section 10406(a) of this title because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallot such amount to States that meet such requirements.

(e)Continued availability of funds

All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 10406(a) of this title, shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 10414 of this title. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 10414 of this title, for not more than 1 year from the date on which the funds are made available to the Secretary.

(f)Definition

In subsection (a)(2), the term “State” does not include any jurisdiction specified in subsection (a)(1).

42 U.S.C § 10406 Summary (Family Violence Prevention and Services Act)

Awards grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence, domestic violence, and dating violence to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

this code also discusses the allotment of funds. Specifically, not more than 5 percent of the grant funds for State administrative costs. The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 10408 of this title.

Additionally, subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

This code also lists and describes the enforcement authorities of the Secretary and Attorney General.

This code further prohibits an income eligibility standard to be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this chapter and requires that no grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

Additionally, this code discusses and describes nondisclosure policies of any personally identifying information, the release of such information, and information sharing.

IT further discloses that nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this chapter to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate

and exercising congressional oversight authority as long as personally identifying information of individuals is omitted.

Nothing in this paragraph shall also prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved and nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

Lastly, this code discusses the confidentiality of the location of any shelter facility assisted under this chapter, the prohibition of discrimination on the basis of sex, age, or religion, and the requirement of reports to be submitted annually.

42 U.S.C § 10406 (Family Violence Prevention and Services Act)

a)Formula grants to States

The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

- (1)to prevent incidents of family violence, domestic violence, and dating violence;
- (2)to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and
- (3)to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

(b)Administrative expenses

(1)Administrative costs

Each State may use not more than 5 percent of the grant funds for State administrative costs.

(2)Subgrants to eligible entities

The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 10408 of this title.

(c)Grant conditions

(1)Approved activities

In carrying out the activities under this chapter, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

(2)Discrimination prohibited

(A)Application of civil rights provisions

For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this chapter are considered to be programs and activities receiving Federal financial assistance.

(B) Prohibition on discrimination on basis of sex, religion

(i) In general

No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this chapter. Nothing in this chapter shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

(ii) Enforcement

The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such clause.

(iii) Construction

This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

(C) Enforcement authorities of Secretary

Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this chapter has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 [29 U.S.C. 794, 794a], or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

(iii) take such other action as may be provided by law.

(D) Enforcement authority of Attorney General

When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in

subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(3)Income eligibility standards

No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this chapter. No fees may be levied for assistance or services provided with funds appropriated to carry out this chapter.

(4)Match

No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

(5)Nondisclosure of confidential or private information

(A)In general

In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this chapter shall protect the confidentiality and privacy of such victims and their families.

(B)Nondisclosure

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

(i)disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

(ii)reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

(I)shall be given by—

(aa)the person, except as provided in item (bb) or (cc);

(bb)in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

(cc)in the case of an individual with a guardian, the individual's guardian; and

(II)may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

(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 release of the 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

Grantees and subgrantees may share—

- (i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;
- (ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and
- (iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(E) Oversight

Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this chapter to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

(F) Statutorily permitted reports of abuse or neglect

Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

(G) Preemption

Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

(H) Confidentiality of location

The address or location of any shelter facility assisted under this chapter that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

(6) Supplement not supplant

Federal funds made available to a State or Indian tribe under this chapter shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this chapter.

(d) Reports and evaluation

Each grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 10409 of this title, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

42 U.S.C § 10407 (2010) Summary (Family Violence Prevention and Services Act)

Discusses application requirements for the chief executive officer of a State seeking funds under section 10406(a) of this Title.

Some requirements for an application include:

1. provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 10406(c) and 10408(d) of this title;
2. provide, with respect to funds described in paragraph (1), assurances that—
3. not more than 5 percent of such funds will be used for administrative costs;
4. the remaining funds will be distributed to eligible entities as described in section 10408(a) of this title for approved activities as described in section 10408(b) of this title; and
5. in the distribution of funds by a State under section 10408(a) of this title, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—
6. have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or
7. provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;
8. in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;
9. in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 10408(a) of this title and the administration of the grant programs and projects;
10. describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations.

The Secretary shall approve any application that meets the listed requirements and section 10406 of this title and The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

Further, The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 10406 of this title have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds.

this code also allows State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 10406(c) of this title.

Lastly, The Secretary can suspend funding for an approved application if the applicant fails to submit an annual performance report under section 10406(d) of this title, or if funds are expended for purposes other than those set forth in section 10406(b) of this title,

42 U.S.C § 10407 (2010) (Family Violence Prevention and Services Act)

(a)Application

(1)In general

The chief executive officer of a State seeking funds under section 10406(a) of this title or a tribally designated official seeking funds under section 10409(a) of this title shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(2)Contents

Each such application shall—

(A)provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 10406(c) and 10408(d) of this title;

(B)provide, with respect to funds described in paragraph (1), assurances that—

(i)not more than 5 percent of such funds will be used for administrative costs;

(ii)the remaining funds will be distributed to eligible entities as described in section 10408(a) of this title for approved activities as described in section 10408(b) of this title; and

(iii)in the distribution of funds by a State under section 10408(a) of this title, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

(I)have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

(II)provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

(C)in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(D)in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 10408(a) of this title and the administration of the grant programs and projects;

(E)describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

(F)describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 10408(b) of this title;

(G)specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this chapter, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

(H)provide an assurance that the State or Indian tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures, where appropriate; and

(I)meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this chapter.

(b)Approval of application

(1)In general

The Secretary shall approve any application that meets the requirements of subsection (a) and section 10406 of this title. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

(2)Correction of deficiencies

The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 10406 of this title have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 10406 of this title to such State or under section 10409 of this title to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

(3)State or tribal Domestic Violence Coalition participation in determinations of compliance State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 10406(c) of this title, except that no funds made available under section 10411 of this title shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this chapter.

(4)Failure to report; nonconforming expenditures

The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 10406(d) of this title, or if funds are expended for purposes other than those set forth in section 10406(b) of this title, after following the procedures set forth in paragraphs (1), (2), and (3).

42 U.S.C § 10408 (2010) Summary (Family Violence Prevention and Services Act)

Provides subgrants to eligible entities for programs and projects within such State, that is [1] designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

It also lists purposes funds may be used for. Some of these include:

1. provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—
2. provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;
3. assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;
4. provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;
5. provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;
6. provision of culturally and linguistically appropriate services;

Additionally, not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence and not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

This code also describes and lists eligible entities and Direct payments to victims or dependents.

42 U.S.C § 10408 (2010) (Family Violence Prevention and Services Act)

a)Subgrants

A State that receives a grant under section 10406(a) of this title shall use grant funds described in section 10406(b)(2) of this title to provide subgrants to eligible entities for programs and projects within such State, that is [1] designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

(b)Use of funds

(1)In general

Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

(A)provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

(B)assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

(C)provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

(D)provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

(E)provision of culturally and linguistically appropriate services;

(F)provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the non-abusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the non-abusing parent and child together;

(G)provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

(i)assistance in accessing related Federal and State financial assistance programs;

(ii)legal advocacy to assist victims and their dependents;

(iii)medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

(iv)assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

(v)provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

(vi)parenting and other educational services for victims and their dependents; and

(H)prevention services, including outreach to underserved populations.

(2)Shelter and supportive services

Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

(c)Eligible entities

To be eligible to receive a subgrant from a State under this section, an entity shall be—

(1)a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

(2)a partnership of 2 or more agencies or organizations that includes—

(A)an agency or organization described in paragraph (1); and

(B)an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

(d)Conditions

(1)Direct payments to victims or dependents

No funds provided under this chapter may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

(2)Voluntarily accepted services

Receipt of supportive services under this chapter shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

42 U.S.C § 10409 (2010) Summary (Family Violence Prevention and Services Act)

Discusses grants for Indian tribes. Specifically, it describes and lists the requirements for eligible entities, the application process and the use of funds.

42 U.S.C § 10409 (2010) (Family Violence Prevention and Services Act)

Grants for Indian tribes

(a) Grants authorized

The Secretary, in consultation with tribal governments pursuant to Executive Order No. 13175 (25 U.S.C. 450 note) [1] and in accordance with section 20126 of title 34, shall continue to award grants for Indian tribes from amounts appropriated under section 10403(a)(2)(B) of this title to carry out this section.

(b) Eligible entities

To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

(c) Conditions

Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 10406 of this title.

(d) Grantee application

To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 10407 of this title at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this chapter. The Secretary shall approve any application that meets requirements consistent with the requirements of section 10406(c) of this title and section 10407(a) of this title.

(e) Use of funds

An amount provided under a grant to an eligible entity shall be used for the services described in section 10408(b) of this title.

42 U.S.C § 10410 Summary (Family Violence Prevention and Services Act)

Provides resource information, training, and technical assistance relating to the objectives of this chapter to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

It also discusses and lists who grants may be awarded to.

The Secretary shall also award grants to eligible entities for a National Resource Center on Domestic Violence, and a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women.

Grants may also be awarded to

1. eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts
2. eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

Grant requirements are also listed under this code. These include

1. to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;
2. to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and
3. to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

National Indian Resource Centers, Special issue resource centers concerned with racial and ethnic minority groups, and State resource centers to reduce tribal disparities are further discussed.

Lastly, this code discusses eligibility for the grant and lists the requirements for eligible entities to use the grant.

42 U.S.C § 10410 (Family Violence Prevention and Services Act)

(a) Purpose and grants authorized

(1) Purpose

The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this chapter to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

(2) Grants authorized

From the amounts appropriated under this chapter and reserved under section 10403(a)(2)(C) of this title, the Secretary—

(A) shall award grants to eligible entities for the establishment and maintenance of—

(i) 2 national resource centers (as provided for in subsection (b)(1)); and

(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

(B) may award grants, to—

(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

(b) Domestic violence resource centers

(1) National resource centers

In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

(A) a National Resource Center on Domestic Violence, which shall—

(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

(I) the incidence and prevention of family violence and domestic violence; and

(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); [1]

(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes

of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 [42 U.S.C. 3796gg–10 note]; 1 and

(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

(2) Special issue resource centers

In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

(3) State resource centers to reduce tribal disparities

(A) In general

In accordance with subsection (a)(2), the Secretary may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

(B) Requirements

An eligible entity shall use a grant provided under this paragraph—

(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and

local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

(c) Eligibility

(1) In general

To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

(2) National Indian Resource Center

To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); 1

(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); 1

(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

(3) Special issue resource centers concerned with racial and ethnic minority groups

To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

(B)

(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

(ii)demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and
(iii)has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

(4)State resource centers to reduce tribal disparities

To be eligible to receive a grant under subsection (b)(3), an entity shall—

(A)

(i)be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

(ii)be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

(B)demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

(d)Reports and evaluation

Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

42 U.S.C § 10411 (2010) Summary (Family Violence Prevention and Services Act)

Discusses grants to fund domestic violence coalitions. It also defines “covered territories”

This code further discusses the allotment of funds. Specifically, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to 1/56 of the amount so appropriated for such fiscal year.

Application requirements and uses for funds are also listed and discussed.

Some uses include:

1. further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—
2. working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;
3. participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 10408(a) of this title;

4. working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;
5. collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;
6. encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;
7. working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which family violence, domestic violence, or dating violence is present; and child abuse is present;

the limitation of fund use and the prohibition of lobbying is also discussed.

Additionally, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations and the requirements of an annual report are also discussed and listed.

42 U.S.C § 10411 (2010) (Family Violence Prevention and Services Act)

a)Grants

The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

(b)Allotment of funds

(1)In general

From the amount appropriated under section 10403(a)(2)(D) of this title for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to 1/56 of the amount so appropriated for such fiscal year.

(2)Definition

For purposes of this subsection, the term "covered territories" means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(c)Application

Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application

submitted by the coalition for the grant shall provide documentation of the coalition's work, satisfactory to the Secretary, demonstrating that the coalition—

(1) meets all of the applicable requirements set forth in this chapter; and

(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

(d) Use of funds

A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 10408(a) of this title;

(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

(A) family violence, domestic violence, or dating violence is present; and

(B) child abuse is present;

(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

(e) Limitation on use of funds

A coalition that receives a grant under this section shall not be required to use funds received under this chapter for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) [1] for such purposes; and

(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) 1 that address those purposes.

(f) Prohibition on lobbying

No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

(2) in connection with legislation or appropriations directly affecting the activities of the entity.

(g) Reports and evaluation

Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

(h) Indian representatives

For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

42 U.S.C § 10412 (2010) Summary (Family Violence Prevention and Services Act)

Discusses grants to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing the needs of children exposed to family violence, domestic violence, or dating violence.

Under this code, The Secretary may make grants to eligible entities for periods of not more than 2 years. However, if the Secretary determines that an entity has received such a grant and has been successful in meeting the objectives of the grant application, the Secretary may renew the grant for 1 additional period of not more than 2 years.

Eligible entities and application requirements are also described and listed.

Purposes for which an eligible entity may use the funds for are also listed. Some of these include:

1. to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;
2. to provide services for non-abusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and
3. where appropriate, to provide the services described in this subsection while working with such a non-abusing parent and child together; and
4. may use the funds made available through the grant—
5. to provide early childhood development and mental health services;
6. to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and
7. to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

Report requirements and evaluation requirements are also listed and discussed.

42 U.S.C § 10412 (2010) (Family Violence Prevention and Services Act)

(a)In general

(1)Program

The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

(2)Grants

The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

(b)Eligible entities

To be eligible to receive a grant under this section, an entity shall be a local agency, a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

(c)Application

An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

(1)a description of how the entity will prioritize the safety of, and confidentiality of information about—

(A)victims of family violence, victims of domestic violence, and victims of dating violence; and
(B)children of victims described in subparagraph (A);

(2)a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

(3)a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

(d)Use of funds

An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

(1)shall use the funds made available through the grant—

(A)to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;
(B)to provide services for non-abusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and
(C)where appropriate, to provide the services described in this subsection while working with such a non-abusing parent and child together; and

(2)may use the funds made available through the grant—

(A)to provide early childhood development and mental health services;
(B)to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and
(C)to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

(e)Reports and evaluation

Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

42 U.S.C § 10413 (2010) Summary (Family Violence Prevention and Services Act)

Discusses grants to entities to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization.

Priority will be given to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

Additionally, the Secretary shall award a grant under this section for a period of not more than 5 years.

Further, the provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

It also discusses application requirements, the requirements of an entity in establishing and operating the hotline, and the requirements for a report and evaluation.

42 U.S.C § 10413 (2010) (Family Violence Prevention and Services Act)

(a)In general

The Secretary shall award a grant to 1 or more private entities to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

(b)Term

The Secretary shall award a grant under this section for a period of not more than 5 years.

(c)Conditions on payment

The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

(d)Application

To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

- (1)contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;
- (2)include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—
 - (A)the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;
 - (B)the hiring criteria and qualifications for hotline personnel;
 - (C)the methods for the creation, maintenance, and updating of a resource database;
 - (D)a plan for publicizing the availability of the hotline;
 - (E)a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;
 - (F)a plan for facilitating access to the hotline by persons with hearing impairments; and
 - (G)a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;
- (3)demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;
- (4)demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;
- (5)demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;
- (6)demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;
- (7)demonstrate that the applicant complies with nondisclosure requirements as described in section 10406(c)(5) of this title and follows comprehensive quality assurance practices; and
- (8)contain such other information as the Secretary may require.

(e)Hotline activities

(1)In general

An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

(2)Activities

In establishing and operating the hotline, the entity—

- (A)shall contract with a carrier for the use of a toll-free telephone line;

(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

(D) shall widely publicize the hotline throughout the United States, including to potential users;

(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

(f) Reports and evaluation

The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

42 U.S.C § 10414 (2010) Summary (Family Violence Prevention and Services Act)

Discusses Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA).

It also discusses cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to combat violence using a coordinated community response model and through prevention and education programs.

It also discusses the conditions of payment. Specifically the e provision of payments under a cooperative agreement under this section shall be subject to annual approval by the Secretary; and the availability of appropriations for each fiscal year to make the payments.

Eligibility requirements and application requirements are also discussed.

The use of funds is also described. Specifically, The Secretary may use a portion of the funds provided under this section to provide technical assistance, to monitor the performance of organizations carrying out activities under the cooperative agreements; and conduct an independent evaluation of the program carried out under this section

other required uses include:

1. establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);
2. develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;
3. provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;
4. develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include educational workshops and seminars, training programs for professionals, the preparation of informational material, developmentally appropriate education programs, other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and
5. the dissemination of information about the results of programs conducted under this subparagraph;
6. utilize evidence-informed prevention program planning; and
7. recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

42 U.S.C § 10414 (2010) (Family Violence Prevention and Services Act)

Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA)

(a) In general

The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and

against youth, using a coordinated community response model and through prevention and education programs.

(b) Term

The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

(c) Conditions on payment

The provision of payments under a cooperative agreement under this section shall be subject to-

- (1) annual approval by the Secretary; and
- (2) the availability of appropriations for each fiscal year to make the payments.

(d) Eligibility

To be eligible to enter into a cooperative agreement under this section, an organization shall-

- (1) be a State Domestic Violence Coalition; and
- (2) include representatives of pertinent sectors of the local community, which may include-
 - (A) health care providers and State or local health departments;
 - (B) the education community;
 - (C) the faith-based community;
 - (D) the criminal justice system;
 - (E) family violence, domestic violence, and dating violence service program advocates;
 - (F) human service entities such as State child services divisions;
 - (G) business and civic leaders; and
 - (H) other pertinent sectors.

(e) Applications

An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that-

- (1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of-

(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

(B) the method to be used for identification and selection of project staff and a project evaluator;

(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

(6) contains such other information, agreements, and assurances as the Secretary may require.

(f) Geographical dispersion

The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

(g) Use of funds

(1) In general

An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

(2) Technical assistance, evaluation and monitoring

The Secretary may use a portion of the funds provided under this section to-

(A) provide technical assistance;

(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

(C) conduct an independent evaluation of the program carried out under this section.

(3) Requirements

In establishing and operating a project under this section, an eligible organization shall-

(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include-

(i) educational workshops and seminars;

(ii) training programs for professionals;

(iii) the preparation of informational material;

(iv) developmentally appropriate education programs;

(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

(vi) the dissemination of information about the results of programs conducted under this subparagraph;

(E) utilize evidence-informed prevention program planning; and

(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

(h) Reports and evaluation

Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary.

Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

Crime Victim Assistance Act

34 U.S.C § 20103 Summary (2016) (Crime Victim Assistance Act)

Defines the terms “base amount,” “state,” “services to victims of crime,” “services to victims of federal crime,” “crises intervention services,” and “chief executive.”

discusses the requirement of the Director to make an annual grant from any portion of the Fund made available by section 20101(d)(2) [1] of this title for the purpose of grants under this subsection, or for the purpose of grants under section 20102 of this title but not used for that purpose, to the chief executive of each State for the financial support of eligible crime victim assistance programs.

other requirements of the chief executive include:

1. certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;
2. certify that funds shall be made available for grants to programs which serve previously underserved populations of victims of violent crime. The Director, after consultation with State and local officials and representatives from private organizations, shall issue guidelines to implement this section that provide flexibility to the States in determining the populations of victims of violent crimes that may be underserved in their respective States;
3. certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and
4. provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

the amount of grants shall be the base amount to each State; and that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State’s population in relation to the population of all States. However, if the amount available for grants under paragraph (1) is insufficient to provide the base amount to each State, the funds available shall be distributed equally among the States.

n eligible crime victim assistance program for the purpose of grants for n agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory is also discussed.

Additional requirements of the chief executive include:

1. establishing and make public, a policy including the manner in which an eligible crime victim assistance program can request a match waiver; the criteria used to determine eligibility of the match waiver; and the process for decision making and notifying the eligible crime victim assistance program of the decision.

eligibility requirements for a victim assistance program is also discussed.

additionally, grant purposes include:

1. for victim services, demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs;
2. for the financial support of services to victims of Federal crime by eligible crime victim assistance programs; and
3. for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.

Further, of the grants provided not less than 50 percent shall be used for grants under paragraphs (1)(A) and (1)(C), not more than 50 percent shall be used for grants under paragraph (1)(B), and not more than \$10,000 shall be used for any single grant under paragraph (1)(C).

Additional duties of the director include:

1. be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under section 6 of the Victim and Witness Protection Act of 1982 (Public Law 97–291) [18 U.S.C. 1512 note];
2. consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;
3. coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations;
4. perform such other functions related to the purposes of this title 1 as the Director deems appropriate; and
5. use funds made available to the Director under this subsection—
6. for fellowships and clinical internships and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process; and
7. to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.

The Director may also reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

Make grants for the financial support of eligible crime victim assistance programs. It also

34 U.S.C § 20103 (2016) (Crime Victim Assistance Act)

(a) Grant authority of Director; chief executive of States; amount; insufficient funds

(1) Subject to the availability of money in the Fund, the Director shall make an annual grant from any portion of the Fund made available by section 20101(d)(2) [1] of this title for the purpose of grants under this subsection, or for the purpose of grants under section 20102 of this title but not used for that purpose, to the chief executive of each State for the financial support of eligible crime victim assistance programs.

(2) Such chief executive shall—

(A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(B) certify that funds shall be made available for grants to programs which serve previously underserved populations of victims of violent crime. The Director, after consultation with State and local officials and representatives from private organizations, shall issue guidelines to implement this section that provide flexibility to the States in determining the populations of victims of violent crimes that may be underserved in their respective States;

(C) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and

(D) provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

(3) The amounts of grants under paragraph (1) shall be—

(A) the base amount to each State; and

(B) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(4) If the amount available for grants under paragraph (1) is insufficient to provide the base amount to each State, the funds available shall be distributed equally among the States.

(5) As used in this subsection, the term "base amount" means—

(A) except as provided in subparagraph (B), \$500,000; and

(B) for the territories of the Northern Mariana Islands, Guam, American Samoa, and the Republic of Palau, \$200,000, with the Republic of Palau's share governed by the Compact of Free Association between the United States and the Republic of Palau.

(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime

victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).

(7)

(A) Each chief executive may waive a matching requirement imposed by the Director, in accordance with subparagraph (B), as a condition for the receipt of funds under any program to provide assistance to victims of crimes authorized under this subchapter. The chief executive shall report to the Director the approval of any waiver of the matching requirement.

(B) Each chief executive shall establish and make public, a policy including—

- (i) the manner in which an eligible crime victim assistance program can request a match waiver;
- (ii) the criteria used to determine eligibility of the match waiver; and
- (iii) the process for decision making and notifying the eligible crime victim assistance program of the decision.

(8) Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, each chief executive shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.

(b) Eligibility of program; factors; limitation on expending of sums

(1) A victim assistance program is an eligible crime victim assistance program for the purposes of this section if such program—

(A) is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;

(B) demonstrates—

(i) a record of providing effective services to victims of crime and financial support from sources other than the Fund; or

(ii) substantial financial support from sources other than the Fund;

(C) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;

(D) promotes within the community served coordinated public and private efforts to aid crime victims;

(E) assists potential recipients in seeking crime victim compensation benefits; and

(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.

(2) Except as provided in paragraph (3), an eligible crime victim assistance program shall expend sums received under subsection (a) only for providing services to victims of crime.

(3) Not more than 5 percent of sums received under subsection (a) may be used for training purposes and the administration of the State crime victim assistance program receiving such sums.

(c) Grants: purposes; distribution; duties of Director; reimbursement by Director

(1) The Director shall make grants—

(A) for victim services, demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs;

(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs; and

(C)for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.

(2)Of the amount available for grants under this subsection—

(A)not less than 50 percent shall be used for grants under paragraphs (1)(A) and (1)(C);

(B)not more than 50 percent shall be used for grants under paragraph (1)(B); and

(C)not more than \$10,000 shall be used for any single grant under paragraph (1)(C).

(3)The Director shall—

(A)be responsible for monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under section 6 of the Victim and Witness Protection Act of 1982 (Public Law 97–291) [18 U.S.C. 1512 note];

(B)consult with the heads of Federal law enforcement agencies that have responsibilities affecting victims of Federal crimes;

(C)coordinate victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations;

(D)perform such other functions related to the purposes of this title 1 as the Director deems appropriate; and

(E)use funds made available to the Director under this subsection—

(i)for fellowships and clinical internships and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process; and

(ii)to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.

(4)The Director may reimburse other instrumentalities of the Federal Government and contract for the performance of functions authorized under this subsection.

(d)Definitions

As used in this section—

(1)the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

(2)the term “services to victims of crime” includes—

(A)crises intervention services;

(B)providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures;

(C)assistance in participating in criminal justice proceedings; and

(D)payment of all reasonable costs for a forensic medical examination of a crime victim, to the extent that such costs are otherwise not reimbursed or paid;

(3)the term “services to victims of Federal crime” means services to victims of crime with respect to Federal crime, and includes—

(A)training of law enforcement personnel in the delivery of services to victims of Federal crime;

(B)preparation, publication, and distribution of informational materials—

(i)setting forth services offered to victims of crime; and

(ii)concerning services to victims of Federal crime for use by Federal law enforcement personnel; and

(C)salaries of personnel who provide services to victims of crime, to the extent that such personnel provide such services;

(4)the term “crises intervention services” means counseling to provide emotional support in crises arising from the occurrence of crime; and

(5)the term “chief executive” includes a person designated by a chief executive to perform the functions of the chief executive under this section.

34 U.S.C § 20109 Summary (2016) (Crime Victim Assistance Act)

Make grants to develop and disseminate to entities written notice of applicable rights and policies for sexual assault survivors.

Ensure that each entity provides individuals who identify as a survivor of a sexual assault, and who consent to receiving such information, with written notice of applicable rights and policies. Some of these include the right not to be charged fees for or prevented from pursuing a sexual assault evidence collection kit, the right to have a sexual assault medical forensic examination regardless of whether the survivor reports to or cooperates with law enforcement, the availability of a sexual assault advocate, victim compensation, and policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits.

Each recipient of a grant awarded under subsection shall provide the written notice to medical centers, hospitals, forensic examiners, sexual assault service providers, State and local law enforcement agencies, and any other State agency or department reasonably likely to serve sexual assault survivors; and make the written notice publicly available on the Internet website of the attorney general of the State.

Additionally, The Attorney General may provide technical assistance and guidance as necessary to help recipients meet the requirements of this section.

34 U.S.C § 20109 (2016) (Crime Victim Assistance Act)

Sexual assault survivors' notification grants

(a) In general

The Attorney General may make grants as provided in section 20103(c)(1)(A) of this title to States to develop and disseminate to entities described in subsection (c)(1) of this section written notice of applicable rights and policies for sexual assault survivors.

(b) Notification of rights

Each recipient of a grant awarded under subsection (a) shall make its best effort to ensure that each entity described in subsection (c)(1) provides individuals who identify as a survivor of a sexual assault, and who consent to receiving such information, with written notice of applicable rights and policies regarding-

- (1) the right not to be charged fees for or otherwise prevented from pursuing a sexual assault evidence collection kit;
- (2) the right to have a sexual assault medical forensic examination regardless of whether the survivor reports to or cooperates with law enforcement;
- (3) the availability of a sexual assault advocate;
- (4) the availability of protective orders and policies related to their enforcement;
- (5) policies regarding the storage, preservation, and disposal of sexual assault evidence collection kits;
- (6) the process, if any, to request preservation of sexual assault evidence collection kits or the probative evidence from such kits; and
- (7) the availability of victim compensation and restitution.

(c) Dissemination of written notice

Each recipient of a grant awarded under subsection (a) shall-

- (1) provide the written notice described in subsection (b) to medical centers, hospitals, forensic examiners, sexual assault service providers, State and local law enforcement agencies, and any other State agency or department reasonably likely to serve sexual assault survivors; and
- (2) make the written notice described in subsection (b) publicly available on the Internet website of the attorney general of the State.

(d) Provision to promote compliance

The Attorney General may provide such technical assistance and guidance as necessary to help recipients meet the requirements of this section.

(e) Integration of systems

Any system developed and implemented under this section may be integrated with an existing case management system operated by the recipient of the grant if the system meets the requirements listed in this section.

General Military Law (including amendment in NDAA of year 2017)

General Military Law Summary (including amendment in NDAA of 2017)

Discusses the elements of “rape” “sexual assault” “abusive sexual contact” and “aggravated sexual contact”

Defines the terms “sexual act” “sexual contact” “unlawful force” “threatening or placing that other person in fear” “consent” “incapable of consenting”

General Military Law (including amendment in 2017 NDAA)

10 U.S.C § 920 (General Military Law including 2017 amendment in NDAA)

Rape and sexual assault generally

(a) Rape.—Any person subject to this chapter who commits a sexual act upon another person by—

- (1) using unlawful force against that other person;
 - (2) using force causing or likely to cause death or grievous bodily harm to any person;
 - (3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;
 - (4) first rendering that other person unconscious; or
 - (5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct;
- is guilty of rape and shall be punished as a court-martial may direct.

(b) Sexual Assault.—Any person subject to this chapter who—

- (1) commits a sexual act upon another person by—
 - (A) threatening or placing that other person in fear;
 - (B) making a fraudulent representation that the sexual act serves a professional purpose; or
 - (C) inducing a belief by any artifice, pretense, or concealment that the person is another person;
- (2) commits a sexual act upon another person—
 - (A) without the consent of the other person; or
 - (B) when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or
- (3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—
 - (A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or

(B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person;
is guilty of sexual assault and shall be punished as a court-martial may direct.

(c) Aggravated Sexual Contact.—

Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

(d) Abusive Sexual Contact.—

Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (b) (sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

(e) Proof of Threat.—

In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

(f) Defenses.—

An accused may raise any applicable defenses available under this chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this section.

(g) Definitions.—In this section:

(1) Sexual act.—The term “sexual act” means—

(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

(B) contact between the mouth and the penis, vulva, scrotum, or anus; or

(C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

(2) Sexual contact.—

The term “sexual contact” means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.

(3) Grievous bodily harm.—

The term “grievous bodily harm” means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose.

(4) Force.—The term “force” means—

(A) the use of a weapon;

(B) the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or

(C) inflicting physical harm sufficient to coerce or compel submission by the victim.

(5) Unlawful force.—

The term “unlawful force” means an act of force done without legal justification or excuse.

(6) Threatening or placing that other person in fear.—

The term “threatening or placing that other person in fear” means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the

victim or another person being subjected to the wrongful action contemplated by the communication or action.

(7)Consent.—

(A)The term “consent” means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance does not constitute consent. Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent.

(B)A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear or under the circumstances described in subparagraph (B) or (C) of subsection (b)(1).

(C)All the surrounding circumstances are to be considered in determining whether a person gave consent.

(8)Incapable of consenting.—The term “incapable of consenting” means the person is—

(A)incapable of appraising the nature of the conduct at issue; or

(B)physically incapable of declining participation in, or communicating unwillingness to engage in, the sexual act at issue.

Older Americans Act

42 U.S.C § 3032b (2000) (Older Americans Act) Summary

Authorizes grants to States, area agencies on aging, nonprofit organizations, or tribal organizations for the listed purposes.

Some of these include:

1. support projects in local communities, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals.
2. develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation, including programs directed toward assisting the individuals in senior housing complexes.
3. expand access to family violence and sexual assault programs, including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services as emergency short-term shelters for older individuals who are the victims of elder abuse.
4. promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services.

This code also discusses giving preferential treatment to organizations that has the ability to carry out the activities described in this section and subchapter XI of this chapter and discusses encouraging organizations that receive a grant to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult

protective service programs, private nonprofit organizations, and by other entities receiving funds under subchapter XI of this chapter.

42 U.S.C § 3032b (2000) (Older Americans Act)

Older individuals' protection from violence projects

(a) Program authorized

The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b).

(b) Activities

A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to-

(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals;

(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including family violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

(3) expand access to family violence and sexual assault programs (including shelters, rape crisis centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including family violence and sexual assault; or

(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this chapter.

(c) Preference

In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and subchapter XI of this chapter.

(d) Coordination

The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging,

tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under subchapter XI of this chapter.

Indian Child Protection and Family Violence Prevention Act

25 U.S.C § 3208 Summary (Indian Child Protection and Family Violence Prevention Act)

Establishes an Indian Child Abuse Treatment Grant Program that provides grants to any Indian tribe or inter-tribal consortium for treatment programs for Indians who have been victims of child sexual abuse.

Grant application requirements, the maximum grant amount, grant administration and a final report requirement are also discussed.

25 U.S.C § 3208 (Indian Child Protection and Family Violence Prevention Act)

Indian Child Abuse Treatment Grant Program

(a) Establishment

The Secretary of Health and Human Services, acting through the Service and in cooperation with the Bureau, shall establish an Indian Child Abuse Treatment Grant Program that provides grants to any Indian tribe or inter-tribal consortium for the establishment on Indian reservations of treatment programs for Indians who have been victims of child sexual abuse.

(b) Grant applications

(1) Any Indian tribe or intertribal consortium may submit to the Secretary of Health and Human Services an application for a grant under subsection (a).

(2) Any application submitted under paragraph (1)—

(A) shall be in such form as the Secretary of Health and Human Services may prescribe;

(B) shall be submitted to such Secretary on or before the date designated by such Secretary; and

(C) shall specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based,

(iii) the extent to which the program plans to use or incorporate existing services available on the reservation, and

(iv) the specific treatment concepts to be used under the program.

(c) Maximum grant amount

The maximum amount of any grant awarded under subsection (a) shall not exceed \$500,000.

(d)Grant administration and final report

Each recipient of a grant awarded under subsection (a) shall—

(1)furnish the Secretary of Health and Human Services with such information as such Secretary may require to—

(A)evaluate the program for which the grant is made, and

(B)ensure that the grant funds are expended for the purposes for which the grant was made, and

(2)submit to such Secretary at the close of the term of the grant a final report which shall include such information as the Secretary may require.

(e)Authorization of appropriations

there [1] is hereby authorized to be appropriated to carry out the provisions of this section \$10,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

25 U.S.C § 3209 Summary (Indian Child Protection and Family Violence Prevention Act)

Establishes an Indian Child Resource and Family Services Center within each area office of the Bureau. It also requires The Secretary and the Secretary of Health and Human Services to enter into a Memorandum of Agreement for the staffing of the Centers established. This includes Each Center to be staffed by a multidisciplinary team of personnel with experience and training in prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect.

This code also lists the Center's responsibilities and functions. Some of these include:

1. provide training to appropriate personnel of Indian tribes, tribal organizations, the Bureau and the Service on the identification and investigation of cases of family violence, child abuse, and child neglect and, to the extent practicable, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees;
2. develop training materials on the prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect for distribution to Indian tribes and to tribal organizations;
3. develop recommendations to assist Federal and tribal personnel to respond to cases of family violence, child abuse, and child neglect; and
4. develop policies and procedures for each agency office of the Bureau and service unit of the Service within the area which, to the extent feasible, comply with tribal laws pertaining to cases of family violence, child abuse, and child neglect, including any criminal laws, and which provide for maximum cooperation with the enforcement of such laws.

Additionally, it requires the establishment of an advisory board to advise and assist such Center in carrying out its activities. Each advisory board shall consist of 7 members, who shall serve without compensation, appointed by the Secretary from Indian tribes and human service providers.

These Centers are also subject to the provisions of the Indian Self-Determination Act. However, This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as a Center if all of the tribes to be served by the Center agree to such designation.

Lastly, there is also a requirement for a multidisciplinary team.

25 U.S.C § 3209 (Indian Child Protection and Family Violence Prevention Act)

Indian Child Resource and Family Services Centers

(a) Establishment

The Secretary shall establish within each area office of the Bureau an Indian Child Resource and Family Services Center.

(b) Memorandum of Agreement

The Secretary and the Secretary of Health and Human Services shall enter into a Memorandum of Agreement which provides for the staffing of the Centers established under this section.

(c) Center staffing

Each Center established under subsection (a) shall be staffed by a multidisciplinary team of personnel with experience and training in prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect.

(d) Center responsibilities and functions

Each Center established under subsection (a) shall—

(1) provide advice, technical assistance, and consultation to Indian tribes, tribal organizations, and inter-tribal consortia upon request;

(2) provide training to appropriate personnel of Indian tribes, tribal organizations, the Bureau and the Service on the identification and investigation of cases of family violence, child abuse, and child neglect and, to the extent practicable, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees;

(3)develop training materials on the prevention, identification, investigation, and treatment of incidents of family violence, child abuse, and child neglect for distribution to Indian tribes and to tribal organizations;

(4)develop recommendations to assist Federal and tribal personnel to respond to cases of family violence, child abuse, and child neglect; and

(5)develop policies and procedures for each agency office of the Bureau and service unit of the Service within the area which, to the extent feasible, comply with tribal laws pertaining to cases of family violence, child abuse, and child neglect, including any criminal laws, and which provide for maximum cooperation with the enforcement of such laws.

(e)Multidisciplinary team personnel

Each multidisciplinary team established under this section shall include, but is not limited to, personnel with a background in—

(1)law enforcement,

(2)child protective services,

(3)juvenile counseling and adolescent mental health, and

(4)domestic violence.

(f)Center advisory board

The Secretary, in consultation with the Secretary of Health and Human Services, shall establish, for each Indian Child Resource and Family Services Center, an advisory board to advise and assist such Center in carrying out its activities under this chapter. Each advisory board shall consist of 7 members appointed by the Secretary from Indian tribes and human service providers served by an area office of the Bureau. Members shall serve without compensation, but may be reimbursed for travel and other expenses while carrying out the duties of the board. The advisory board shall assist the Center in coordinating programs, identifying training materials, and developing policies and procedures relating to family violence, child abuse, and child neglect.

(g)Application of Indian Self-Determination Act to Centers

Indian Child Resource and Family Services Centers established under subsection (a) shall be subject to the provisions of the Indian Self-Determination Act [25 U.S.C. 5321 et seq.]. If a Center is located in an area office of the Bureau which serves more than one Indian tribe, any application to enter into a contract to operate the Center pursuant to such Act must have the consent of each of the other tribes to be served under the contract, except that, in the Juneau Area, only the consent of such tribes or tribal consortia that are engaged in contracting of Indian Child Protection and Family Violence Prevention programs pursuant to such Act shall be required. This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as a Center if all of the tribes to be served by the Center agree to such designation.

(h)Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this section \$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

25 U.S. Code § 3210 Summary (Indian Child Protection and Family Violence Prevention Act)

Provides financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium for the development of an Indian Child Protection and Family Violence Prevention program.
This code also discusses Indian Self-Determination Act Agreements

25 U.S. Code § 3210 (Indian Child Protection and Family Violence Prevention Act)

Indian Child Protection and Family Violence Prevention Program

(a) Establishment

The Secretary shall establish within the Bureau an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium for the development of an Indian Child Protection and Family Violence Prevention program.

(b) Indian Self-Determination Act agreements

The Secretary is authorized to enter into agreements with Indian tribes, tribal organizations, or inter-tribal consortia pursuant to the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] for the establishment of Indian Child Protection and Family Violence Prevention programs on Indian reservations.

(c) Investigation and treatment and prevention of child abuse and family violence

An Indian tribe operating an Indian Child Protection and Family Violence Prevention program established under this section shall designate the agency or officials which shall be responsible—

- (1) for the investigation of reported cases of child abuse and child neglect; and
- (2) for the treatment and prevention of incidents of family violence; and
- (3) for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

(d) Program responsibilities and functions

Funds provided pursuant to this section may be used for—

- (1) the establishment of a child protective services program which may include—
 - (A) the employment of child protective services staff to investigate cases of child abuse and child neglect,
 - (B) training programs for child protective services personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of child abuse and child neglect, and
 - (C) purchase of equipment to assist in the investigation of cases of child abuse and child neglect;

(2)the establishment of a family violence prevention and treatment program which may include—

(A)the employment of family violence prevention and treatment staff to respond to incidents of family violence,

(B)the provision of immediate shelter and related assistance for victims of family violence and their dependents,

(C)training programs for family violence prevention and treatment personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of family violence; and

(D)construction or renovation of facilities for the establishment of family violence shelters;

(3)the development and implementation of a multidisciplinary child abuse investigation and prosecution program which may—

(A)coordinate child abuse prevention, investigation, prosecution, treatment, and counseling services,

(B)develop protocols among related agencies to ensure that investigations of child abuse cases, to the extent practicable, minimize the trauma to the child victim, and

(C)provide for the coordination and cooperation of law enforcement agencies, courts of competent jurisdiction, and other tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities;

(4)the development of tribal child protection codes and regulations;

(5)the establishment of training programs for—

(A)professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of family violence, child abuse, and child neglect,

(B)instruction in methods of protecting children from abuse and neglect for persons responsible for the welfare of Indian children, including parents of, and persons who work with, Indian children, or

(C)educational, identification, prevention and treatment services for child abuse and child neglect in cooperation with preschool, elementary and secondary schools, or tribally controlled college or university [1] (within the meaning of section 1801 of this title);

(6)other community education efforts for tribal members (including school children) regarding issues of family violence, child abuse, and child neglect; and

(7)such other innovative and culturally relevant programs and projects as the Secretary may approve, including programs and projects for—

(A)parental awareness and self-help,

(B)prevention and treatment of alcohol and drug-related family violence, child abuse, and child neglect, or

(C)home health visitor programs,

that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.

(f) [2] Secretarial regulations; base support funding

(1)The Secretary, with the participation of Indian tribes, shall establish, and promulgate by regulations, a formula which establishes base support funding for Indian Child Protection and Family Violence Prevention programs.

(2)In the development of regulations for base support funding for such programs, the Secretary shall develop, in consultation with Indian tribes, appropriate caseload standards and staffing

requirements which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare. Each level of funding assistance shall correspond to the staffing requirements established by the Secretary pursuant to this section.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) projected service population of the program;

(B) projected service area of the program;

(C) projected number of cases per month; and

(D) special circumstances warranting additional program resources, such as high incidence of child sexual abuse, high incidence of violent crimes against women, or the existence of a significant victim population within the community.

(4) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe; and

(B) an additional child protective services and family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.

(5) In any fiscal year that appropriations are not sufficient to fully fund Indian Child Protection and Family Violence Prevention programs at each level of assistance under the formula required to be established in this subsection, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

(g) Maintenance of effort

Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—

(1) treatment, including, but not limited to—

(A) individual counseling,

(B) group counseling, and

(C) family counseling;

(2) social services and case management;

(3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence, child abuse, and child neglect; and

(4) law enforcement services, including investigations and prosecutions.

(h) Contract evaluation and annual report

Each recipient of funds awarded pursuant to subsection (a) shall—

(1) furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the program for which the award is made, and

(B) ensure that funds are expended for the purposes for which the award was made; and

(2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this section \$30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

Survivors' Bill of Rights Act of 2016

18 USC §3772 (2016) (2022) (Survivors' Bill of Rights Act of 2016)

Sexual assault survivors' rights

(a) Rights of Sexual Assault Survivors: In addition to those rights provided in section 3771, a sexual assault survivor has the following rights:

(1) The right not to be prevented from, or charged for, receiving a medical forensic examination.

(2) The right to:

(A) subject to paragraph (3), have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(B) be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation;

(C) be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit; and

(D) be informed of the status and location of a sexual assault evidence collection kit.

(3) The right to:

(A) upon written request, receive written notification from the appropriate official with custody not later than 60 days before the date of the intended destruction or disposal; and

(B) upon written request, be granted further preservation of the kit or its probative contents.

(4) The right to be informed of the rights under this subsection.

(b) Applicability. Subsections (b) through (f) of section 3771 shall apply to sexual assault survivors.

(c) Definition of Sexual Assault. In this section, the term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(d) Funding. This section, other than paragraphs (2)(A) and (3)(B) of subsection (a), shall be carried out using funds made available under section 1402(d)(3)(A)(i) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)(A)(i)).¹ No additional funds are authorized to be appropriated to carry out this section.