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The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization

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SUMMARY

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The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization

The Violence Against Women Act (VAWA; Title IV of P.L. 103-322) was originally enacted in 1994. It addressed congressional concerns about violent crime, and violence against women in particular, in several ways. It allowed for enhanced sentencing of repeat federal sex offenders; mandated restitution to victims of specified federal sex offenses; and authorized grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women, among other things. VAWA has been reauthorized three times since its original enactment. Most recently, Congress passed and President Obama signed the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4), which reauthorized most VAWA programs through FY2018, among other things.

The fundamental goals of VAWA are to prevent violent crime; respond to the needs of crime victims; learn more about crime; and change public attitudes through a collaborative effort by the criminal justice system, social service agencies, research organizations, schools, public health organizations, and private organizations. The federal government tries to achieve these goals primarily through federal grant programs that provide funding to state, tribal, territorial, and local governments; nonprofit organizations; and universities.

VAWA programs generally address domestic violence, sexual assault, dating violence, and stalking—crimes for which the risk of victimization is highest for women—although some VAWA programs address additional crimes. VAWA grant programs largely address the criminal justice system and community response to these crimes, but certain programs address prevention as well.

The Office on Violence Against Women (OVW) administers the majority of VAWA-authorized programs, while other federal agencies, including the Centers for Disease Control and Prevention (CDC) and the Office of Justice Programs (OJP), also manage VAWA programs. Since its creation in 1995 through FY2018, OVW has awarded more than $8 billion in grants and cooperative agreements to state, tribal, and local governments, nonprofit organizations, and universities. In FY2019, approximately $559 million was appropriated for VAWA-authorized programs administered by OVW, OJP, and CDC. While several extensions of authorization for VAWA were provided through FY2019 continuing appropriations, authorizations for appropriations for all VAWA programs have since expired. However, all VAWA programs funded in FY2018 have been funded in FY2019 (select programs at slightly higher levels), and thus far it appears that the expiration of authorizations has not impacted the continuing operation of VAWA programs. The Administration has requested FY2020 funding for all VAWA-authorized programs funded in FY2019.

There are several issues that Congress may consider in efforts to reauthorize VAWA. These include, but are not limited to, improvements to data collection on domestic violence and stalking or the rape kit backlog; assessing the implementation and future direction of tribal jurisdiction over non-tribal members, including potentially adding new crimes under VAWA; new approaches for law enforcement in assisting victims; and enforcement of the federal prohibition on firearms for those convicted of a misdemeanor crime of domestic violence and those who are subject to a domestic violence protective order. Congress may also consider further changes to VAWA programs.

In the 116th Congress, the House passed the Violence Against Women Reauthorization Act of 2019 (H.R. 1585). Among other things, it would reauthorize funding for VAWA programs and authorize new programs; amend and add definitions used for VAWA programs; amend federal criminal law relating to firearms, custodial rape, and stalking; and expand tribal jurisdiction over certain crimes committed on tribal lands.

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Introduction

The Violence Against Women Act (VAWA) was originally enacted in 1994 (P.L. 103-322). It addressed congressional concerns about violent crime, and violence against women in particular, in several ways. Among other things, it allowed for enhanced sentencing of repeat federal sex offenders; mandated restitution to victims of specified federal sex offenses; and authorized grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women.[1]

This report provides a brief history of VAWA and an overview of the crimes addressed through the act. It includes brief descriptions of earlier VAWA reauthorizations and a more-detailed description of the most recent reauthorization in 2013. It also briefly addresses reauthorization activity in the 116th Congress. The report concludes with a discussion of VAWA programs and a five-year history of funding from FY2015 through FY2019.

Origins of VAWA

The enactment of VAWA was ultimately spurred by decades of growing unease over a rising violent crime rate and a focus on women as crime victims. In the 1960s, the violent crime rate rose fairly steadily—it more than doubled from 1960 (160.9 per 100,000) to 1969 (328.7 per 100,000)[2]—igniting concern from both the public and the federal government. Adding to this was the concern about violent crimes committed against women. In the 1970s, grassroots organizations began to stress the need for attitudinal change among both the public and the law enforcement community regarding violence against women.[3]

In the 1970s and 1980s, researchers increased their attention on the issue of violence against women as well. In one study, researchers collected data on family violence and attributed declines in spousal assault to heightened awareness of the issue in men as well as the criminal justice system.[4] The public and the criminal justice system were beginning to view family violence as a crime rather than a private family matter.[5]

In 1984, Congress and President Reagan enacted the Family Violence Prevention and Services Act (FVPSA, P.L. 98-457) to assist states in preventing incidents of family violence and to provide shelter and related assistance to victims and their dependents. While FVPSA authorized programs similar to those discussed in this report and FVPSA reauthorizations subsequently reauthorized programs that were originally created by VAWA, such as the National Domestic Violence Hotline, it is a separate piece of legislation and beyond the scope of this report.[6]

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[1] While U.S. code headings and general purpose areas refer to "violent crimes against women," most grant purpose areas are not specific to women.

[2] U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reporting Statistics*, and U.S. Department of Justice, Bureau of Justice Statistics, UCR Data Tool, https://www.bjs.gov/ucrdata/. Violent crime includes murder, nonnegligent manslaughter, rape, robbery, and aggravated assault.

[3] Kimberley D. Bailey, "Lost in Translation: Domestic Violence, the Personal is Political, and the Criminal Justice System," *Journal of Criminal Law and Criminology*, vol. 100, no. 4 (Fall 2010), pp. 1255-1300.

[4] Murray Straus and Richard Gelles, "Societal Change and Change in Family Violence from 1975 to 1985," *Journal of Marriage and Family*, vol. 48, Issue 3, August 1986.

[5] Ibid.

[6] For more information about FVPSA, see CRS Report R42838, *Family Violence Prevention and Services Act (FVPSA): Background and Funding*.

In 1994, Congress passed and President Clinton signed into law, the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), which included VAWA as Title IV. The act created an unprecedented number of programs geared toward helping local law enforcement fight violent crime and providing services to victims of violent crime, among other things. In their opening remarks on VAWA in 1994, Senators Barbara Boxer and Joseph Biden highlighted the insufficient response to violence against women by police and prosecutors.[7] The shortfalls of legal responses and the need for a change in attitudes toward violence against women were primary reasons cited for the passage of VAWA.[8]

VAWA has been reauthorized three times since its original enactment. Most recently, Congress passed and President Obama signed the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4), which reauthorized most of the programs under VAWA, among other things. In addition, this VAWA reauthorization amended and authorized appropriations for the Trafficking Victims Protection Act of 2000, enhanced measures to combat trafficking in persons, and amended VAWA grant purpose areas to include sex trafficking. Moreover, P.L. 113-4 gave American Indian tribes authority to enforce tribal laws pertaining to domestic violence and related crimes against non-tribal members,[9] and established a nondiscrimination provision for VAWA grant programs. The reauthorization also included new provisions to address states' rape kit backlogs.

Violence Against Women Act of 1994

The Violence Against Women Act of 1994, among other things, (1) enhanced investigations and prosecutions of sex offenses; (2) provided for a number of grant programs to address the issue of violence against women from a variety of angles, including law enforcement, public and private entities and service providers, and victims of crime; and (3) established immigration provisions for abused aliens. The sections below highlight examples of these VAWA provisions.

Investigations and Prosecutions

As originally enacted, VAWA impacted federal investigations and prosecutions of cases involving violence against women in a number of ways. For instance, it established new offenses and penalties for the violation of a protection order or *stalking* in which an abuser crossed a state line to injure or harass another, or forced a victim to cross a state line under duress and then physically harmed the victim in the course of a violent crime. It added new provisions to require states, tribes, and territories to enforce protection orders issued by other states, tribes, and territories. VAWA allowed for enhanced sentencing of repeat federal sex offenders, and it also authorized funding for the Attorney General to develop training programs to assist probation and parole officers in working with released sex offenders.

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[7] Senators Joseph Biden and Barbara Boxer, "Violence Against Women," Remarks in the Senate, *Congressional Record*, June 21, 1994.

[8] Senator Joseph Biden, "Violence Against Women: The Congressional Response," *American Psychologist*, vol. 48, no. 10 (October 1993), pp. 1059-1061; Barbara Vobejda, "Battered Women's Cry Relayed Up From Grass Roots," *The Washington Post*, July 6, 1994, p. A1.

[9] The law specifies that a participating tribe may exercise special domestic violence criminal jurisdiction over a defendant only if the defendant (1) resides in the Indian country of the participating tribe; (2) is employed in the Indian country of the participating tribe; or (3) is a spouse, intimate partner, or dating partner of a member of the participating tribe or an Indian who resides in the Indian country of the participating tribe. A *participating tribe* means an Indian tribe that elects to exercise special domestic violence criminal jurisdiction over the Indian country of that tribe.

In addition, VAWA established a new requirement for pretrial detention of defendants in federal sex offense or child pornography felony cases. It also modified the Federal Rules of Evidence to include new procedures specifying that, with few exceptions, a victim's past sexual behavior was not admissible in federal criminal and civil cases of sexual misconduct.[10] Moreover, VAWA directed the Attorney General to study states' actions to ensure confidentiality between sexual assault or domestic violence victims and their counselors.

VAWA mandated restitution to victims of specified federal sex offenses, particularly sexual abuse, sexual exploitation, and other abuse of children. It also established new provisions such as a civil remedy that allows victims of sexual assault to seek civil penalties from their alleged assailants,[11] and a provision that allows rape victims to demand that their alleged assailants be tested for HIV.

Grant Programs

The original VAWA created a number of grant programs for a range of activities, including programs aimed at (1) preventing domestic violence and sexual assault; (2) encouraging collaboration among law enforcement, judicial personnel, and public/private sector providers with respect to services for victims of domestic violence and related crimes; (3) investigating and prosecuting domestic violence and related crimes; (4) encouraging states, tribes, and local governments to treat domestic violence as a serious crime and implement arrest policies; (5) bolstering investigations and prosecutions of domestic violence and child abuse in rural states;[12] and (6) preventing crime in public transportation as well as public and national parks.

VAWA created new and reauthorized grants under FVPSA.[13] These included grants for youth education on domestic violence and intimate partner violence as well as grants for community intervention and prevention programs. It authorized the grant for the National Domestic Violence Hotline and authorized funding for its operation.[14] VAWA also reauthorized funding for battered women's shelters.

VAWA authorized research and education grants for judges and court personnel in federal court circuits to gain a better understanding of the nature and the extent of gender bias in the federal courts. It additionally authorized grants for developing model programs for training of state and tribal judges and personnel on laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender. It also authorized a new grant to be used for assisting state and local governments with entering data on stalking and domestic violence into local, state, and national databases—such as the National Crime Information Center (NCIC) database.

VAWA authorized the expansion of grants under the Public Health Service Act[15] to include rape prevention education. Additionally, it expanded the purposes of the Runaway and Homeless

[10] Fed. R. Evid. 412.

[11] In 2000, the U.S. Supreme Court struck down a provision of VAWA that allowed for a civil remedy for victims of gender-based violence. For more information, see *U.S. v. Morrison*, 529 U.S. 598 (2000).

[12] For the purposes of the program, the term "rural state" means a state that has a population density of 52 or fewer persons per square mile or a state in which the largest county has fewer than 150,000 people, based on the decennial census of 1990 through FY1997.

[13] 42 U.S.C. §10401 et seq.

[14] The National Domestic Violence Hotline was most recently authorized by FVPSA (P.L. 111-320) and is codified at 42 U.S.C. §10413.

[15] 42 U.S.C. §280b et seq.

Youth Act[16] to allow for grant funding to assist youth at risk of or who have been subjected to sexual abuse. VAWA reauthorized the Court-Appointed Special Advocate Program and the Child Abuse Training Programs for Judicial Personnel and Practitioners. It also authorized funding for Grants for Televised Testimony by Victims of Child Abuse.

Immigration Provisions[17]

VAWA of 1994 addressed immigration-related problems faced by battered aliens.[18] It included three provisions related to abused aliens: self-petitioning by abused foreign national spouses and their children, required evidence for demonstrating abuse, and suspension of deportation and cancellation of removal.[19] These petitions allowed battered foreign national spouses and their children to essentially substitute a self-petition for lawful status in place of a petition for lawful status that was based on sponsorship by the abusive spouse, clarified the evidence required for joint petition waivers, and established requirements for battered foreign national spouses and children to stay deportation.

Other VAWA Requirements

Beyond the criminal justice improvements, grant programs, and immigration provisions, VAWA included provisions for several other activities, including

- requiring that the U.S. Postal Service take measures to ensure confidentiality of domestic violence shelters' and abused persons' addresses;
- mandating federal research by the Attorney General, National Academy of Sciences, and Secretary of Health and Human Services to increase the government's understanding of violence against women; and
- requesting special studies on campus sexual assault and battered women's syndrome.

Office on Violence Against Women

In 1995, the Office on Violence Against Women (OVW) was administratively created within the Department of Justice (DOJ) to administer grants authorized under VAWA. In 2002, OVW was codified through Title IV of the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273).[20] Since its creation through FY2018, OVW has awarded more than $8 billion in grants and cooperative agreements to state, tribal, and local governments, nonprofit organizations, and universities.[21] While OVW administers the majority of VAWA-authorized grants, other federal agencies, including the Centers for Disease Control and Prevention (CDC) and the Office of Justice Programs (OJP), also manage VAWA programs.

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[16] 42 U.S.C. §5711 et seq.

[17] For additional details, see CRS Report R42477, *Immigration Provisions of the Violence Against Women Act (VAWA)*.

[18] *Alien* is the term used in the law. The Immigration and Nationality Act (8 U.S.C. §101(a)(3)) defines the term as a noncitizen.

[19] Suspension of deportation and cancellation of removal are forms of discretionary relief that allow an individual subject to deportation or removal to remain in the United States as a lawful permanent resident alien.

[20] See 34 U.S.C. §10442.

[21] See U.S. Department of Justice, Office on Violence Against Women, *About the Office and Awards*, https://www.justice.gov/ovw.

Categories of Crime Addressed through VAWA

VAWA programs generally address domestic violence, sexual assault, dating violence, and stalking, although some VAWA programs address additional crimes.[22] VAWA grant programs largely address the criminal justice system and community response to these crimes, but certain programs address prevention as well. These crimes involve a wide range of victim demographics, but the risk of victimization is highest for women.[23]

Public concern over violence against women prompted the original passage and enactment of VAWA. As such, VAWA legislation and programs have historically emphasized women victims. More recently, however, there has been a focus on ensuring that the needs of all victims are met through provisions of VAWA programs.[24] Of note, while the title of the act and some headings and general purpose areas refer to women only, most VAWA grant purpose areas are not specific to women.

National victimization data on domestic violence, sexual assault, dating violence, and stalking are available from two surveys, the National Crime Victimization Survey (NCVS) and the Youth Risk Behavior Surveillance System.[25] Offense data[26] are available from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program.[27] UCR data differ from victimization data because the UCR data describe crimes that were reported to law enforcement, while victimization data include crimes that might not have been reported to law enforcement. Due to differences in what they are trying to measure, victimization data are not directly comparable to UCR data.[28]

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[22] For example, the Justice for Families Program (also called Grants to Support Families in the Justice System) addresses child sexual abuse, and a priority of the STOP Program is to improve services for and/or the response to victims of sex trafficking and other severe forms of trafficking in persons *who have also* experienced domestic violence, sexual assault, dating violence, or stalking.

[23] Sharon G. Smith, Xinjian Zhang, and Kathleen C. Basile et al., *The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release*, Centers for Disease Control and Prevention, November 2018, pp. 1-10 (hereinafter, *National Intimate Partner Sexual Violence Survey, 2015*); Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance—United States, 2017*, *Morbidity and Mortality Weekly Report*, Surveillance Summaries/Vol. 67/No. 8, June 15, 2018, pp. 22-23, https://www.cdc.gov/healthyyouth/data/yrbs/pdf/2017/ss6708.pdf; U.S. Department of Justice, Bureau of Justice Statistics, *Rates of rape/sexual assaults by sex* and *Rates of violent victimizations and simple assaults by sex and victim-offender relationship*, 2016, generated using the NCVS Victimization Analysis Tool (NVAT) at http://www.bjs.gov/index.cfm?ty=nvat, June 22, 2018.

[24] U.S. Congress, Senate Committee on the Judiciary, *The Need to Reauthorize the Violence Against Women Act*, Statement of the Honorable Katharine T. Sullivan, Principal Deputy Director, Office on Violence Against Women, 115th Cong., 2nd sess., March 20, 2018.

[25] Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance System (YRBSS)*, http://www.cdc.gov/healthyyouth/yrbs/; and U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *National Crime Victimization Survey*, https://www.bjs.gov/index.cfm?iid=245&ty=dcdetail.

[26] Offenses known to law enforcement.

[27] U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reporting Program*, https://ucr.fbi.gov/ucr.

[28] For additional information regarding the differences in crime data collection and limitations of the data, see CRS Report RL34309, *How Crime in the United States Is Measured*. For a comparison of methodologies used by the UCR and National Crime Victimization Survey, see U.S. Department of Justice, Bureau of Justice Statistics, *The Nation's Two Crime Measures*, September 2014, https://www.bjs.gov/content/pub/pdf/ntcm_2014.pdf.

Domestic Violence

Domestic violence can take many forms, but is often labeled as family violence or intimate partner violence. Under VAWA, domestic violence is generally interpreted as intimate partner violence; it includes felony or misdemeanor crimes committed by spouses or ex-spouses, boyfriends or girlfriends, and ex-boyfriends or ex-girlfriends. Crimes may include sexual assault, simple or aggravated assault, and homicide. As defined in statute for the purposes of VAWA grant programs, *domestic violence* includes

> felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[29]

From 1993 to 2017, the rate of serious intimate partner violence victimization[30] declined by 70% for females, from 5.7 victimizations per 1,000 females aged 12 and older in 1993 to 1.7 per 1,000 in 2017; and 87% for males, from 1.5 victimizations per 1,000 males aged 12 and older in 1993 to 0.2 per 1,000 in 2017.[31] In 2015, a survey conducted by the CDC included questions about lifetime victimization. The CDC estimates that 21.4% of women and 14.9% of men have experienced severe physical violence[32] by an intimate partner in their lifetime.[33]

Intimate Partner Homicide

Since peaking in the early 1990s, the violent crime rate (including homicide and intimate partner homicide) has declined.[34] Although it has fluctuated over the last several years, the violent crime rate remains far lower now than it was in the 1990s.[35] In examining the initial decline in the 1990s and early 2000s, researchers studied a range of social factors that may influence homicide rates and suggested possible reasons for the decline in the intimate partner homicide rate.[36] For

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[29] 34 U.S.C. §12291(a)(8). The Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) revised the definition of *domestic violence* specifically to include "intimate partners" in addition to "current and former spouses."

[30] The Bureau of Justice Statistics defines *serious intimate partner violence* as violent crimes including rape or sexual assault, robbery, and aggravated assault against an intimate partner.

[31] CRS analysis of NCVS victimization data using the NCVS Victimization Analysis Tool (NVAT), U.S. Department of Justice, Bureau of Justice Statistics, http://www.bjs.gov/index.cfm?ty=nvat. This survey has been redesigned two times since 1993, once in 2006 and once in 2016, to adjust for the results of the 2000 and 2010 Decennial Census. Both redesigns caused a statistically noticeable increase in reported victimization rates. 2016 and 1993 numbers are not direct representations of the same sample design, although the overall decreases among these groups of victimization seem to overwhelm the increases attributed to redesign.

[32] The CDC provided the following examples of *severe physical violence*: "hit with a fist or something hard, kicked, hurt by pulling hair, slammed against something, tried to hurt by choking or suffocating, beaten, burned on purpose, used a knife or gun."

[33] *National Intimate Partner Sexual Violence Survey, 2015*.

[34] In some years, violent and/or property crime increased, but overall, violent and property crime rates have declined since the early 1990s. CRS analysis of NCVS victimization data using NCVS Victimization Analysis Tool (NVAT); U.S. Department of Justice, Bureau of Justice Statistics, http://www.bjs.gov/index.cfm?ty=nvat.

[35] U.S. Department of Justice, Federal Bureau of Investigation, *2017 Crime in the United States*; and UCR Data Tool available at https://www.bjs.gov/ucrdata/.

[36] Margaret A. Zahn, "Intimate Partner Homicide: An Overview," *National Institute of Justice Journal*, vol. 250 (November 2003), p. 2, https://www.ncjrs.gov/pdffiles1/jr000250f.pdf.

instance, most intimate partner homicides involve married couples; as such, some researchers suggested the decline in marriage rates among young adults is a contributing factor in the decline in intimate partner homicide rates.[37] Additionally, divorce and separation rates increased. Fewer marriages may result in less exposure to abusive partners, and may suggest that those who do marry are more selective in choosing a partner.[38]

Overall, homicide is committed largely by males, mostly victimizing other males. In 2017, males made up 84% of all offenders and 78% of all homicide victims; however, 78% of all intimate partner homicide victims were female.[39] From 2003-2014, the CDC found that approximately 55% of female homicides for which circumstances were known were related to intimate partner violence.[40]

Sexual Assault

Sexual assault may include the crimes of forcible rape, attempted forcible rape, assault with intent to rape, statutory rape,[41] and other sexual offenses. For VAWA programs, *sexual assault* is defined as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent."[42] Sexual assault is termed as "sexual abuse" and "aggravated sexual abuse" under federal criminal law.[43] Of note, *intimate partner violence* can, and often does, include sexual assault.[44]

Until 2012, and for the purposes of its UCR program, the FBI defined *forcible rape* as "the carnal knowledge of a female forcibly and against her will."[45] In January 2012, the FBI revised its definition of *rape*, and 2013-2017 rape data[46] rely on the following definition: "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."[47] The new, more inclusive definition

- includes either male or female victims or offenders,
- includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity, and

[37] Laura Dugan, Daniel Nagin, and Richard Rosenfeld, "Do Domestic Violence Services Save Lives?", *National Institute of Justice Journal*, Issue 250 (November 2003), p. 22.

[38] Ibid.

[39] CRS analysis of data from U.S. Department of Justice, Federal Bureau of Investigation, *2017 Crime in the United States*, September 2018.

[40] Emiko Petrosky, Janet M. Blair, Carter J. Betz et al., *Racial and Ethnic Differences in Homicides of Adult Women and the Role of Intimate Partner Violence—United States, 2003–2014*, CDC, July 21, 2017.

[41] *Statutory rape* refers to nonforcible sexual intercourse with or between individuals, at least one of whom is younger than the age of consent.

[42] 34 U.S.C. §12291(a) (29).

[43] See 18 U.S.C. §2241 et seq.

[44] Sharon G. Smith, Jieru Chen, and Kathleen C. Basile, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, April 2017, p. 2; and Shannan Catalano, Erica Smith, and Howard Snyder et al., Female Victims of Violence, September 2009, p. 2.

[45] U.S. Department of Justice, Federal Bureau of Investigation, *Crime in the United States, 2012*, October 2013.

[46] The FBI continues to report data relying on the legacy definition in addition to the new definition of rape.

[47] U.S. Department of Justice, Federal Bureau of Investigation, *2017 Crime in the United States*, October 2018; and U.S. Department of Justice, Office of Public Affairs, *Attorney General Eric Holder Announces Revisions to the Uniform Crime Report's Definition of Rape*, http://www.justice.gov/opa/pr/2012/January/12-ag-018.html.

- reflects the various forms of sexual penetration understood to be rape.[48]

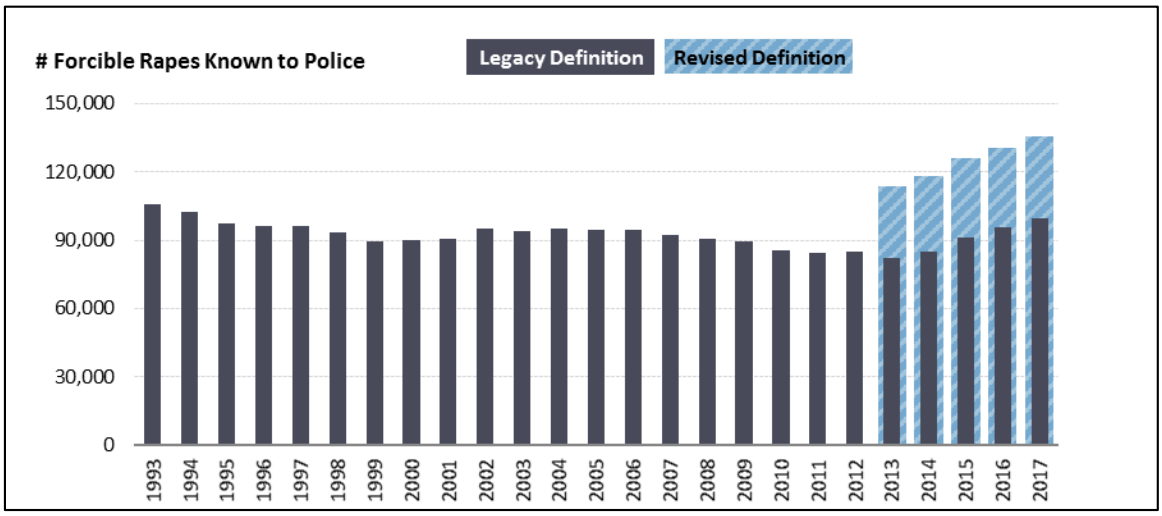
Both the legacy definition and the current definition exclude statutory rape—nonforcible sexual intercourse with or between individuals, at least one of whom is younger than the age of consent.[49]

According to UCR data, and applying the revised definition of rape, 135,755 forcible rapes were reported to law enforcement in 2017—a rate of 41.7 per 100,000 people.[50] From 2013-2017, the number of rapes (revised definition) increased by 19.4%, and the rate increased each year, from 35.9 per 100,000 in 2013 to 41.7 per 100,000 in 2017.[51]

Using the legacy definition, 99,856 forcible rapes were reported to law enforcement in 2017. Since 1990, when 102,555 forcible rapes (previous definition) were reported, the number has fluctuated but has generally declined, though it also has increased each year since 2013 (see **Figure 1**).

Figure 1. Forcible Rapes Known to Police

(United States, 1993-2017)



Source: CRS presentation of UCR data. These data are available at https://ucr.fbi.gov.

Notes: For the legacy and revised definitions of forcible rape, see the text of the report.

According to statistics from the National Crime Victimization Survey (NCVS), it is estimated that there were 393,980 sexual assaults (1.4 per 1,000 aged 12 and older) in 2017—which is nearly triple the number of forcible rapes reported in the 2017 UCR.[52] As noted, NCVS estimates are not directly comparable to UCR program data because victimizations are self-reported during

[48] U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reporting (UCR) Program Summary Reporting System (Summary) New Rape Definition is Effective January 1, 2013*, https://ucr.fbi.gov/new-rape-fact-sheet.

[49] For a broader discussion of statutory rape, see this older report from the U.S. Department of Justice: Karyl Troup-Leasure and Howard N. Snyder, *Statutory Rape Known to Law Enforcement*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, August 2005.

[50] U.S. Department of Justice, Federal Bureau of Investigation, *2017 Crime in the United States*, Table 1, September 2018.

[51] Ibid.

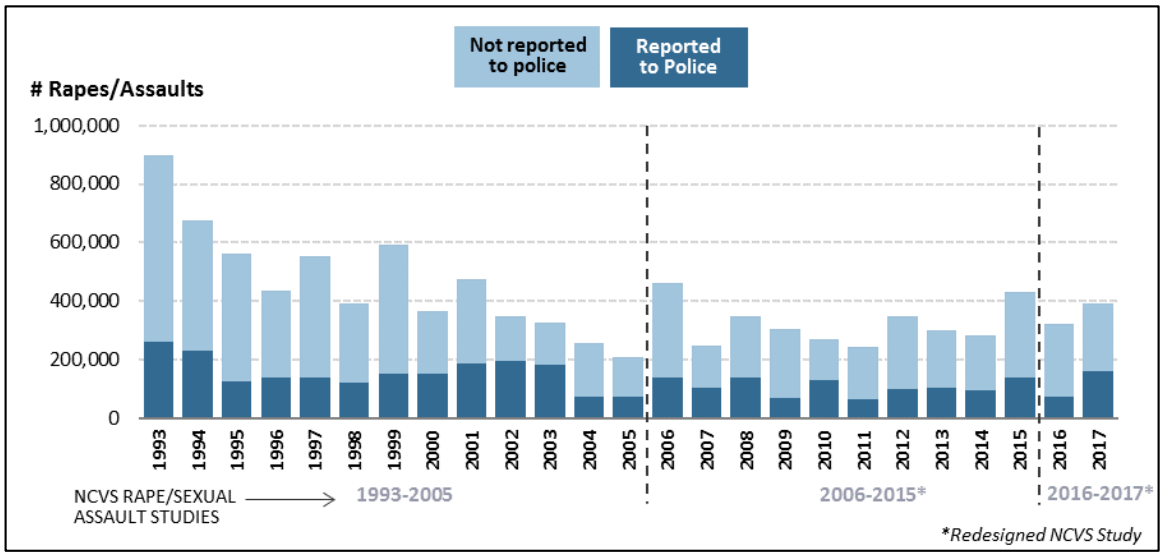
[52] U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2017*, December 2018, p. 3.

interviews[53] and may not have been reported to law enforcement. The UCR and NCVS also measure rape and sexual assault differently—among other variations, the NCVS combines rape and sexual assault into one category.[54]

As shown in **Figure 2**, and similar to UCR data, NCVS data reflect a decline in sexual assaults since 1993; however, the victimization survey went through a redesign in 2006 and 2016, so data over time should be interpreted with caution.[55] **Figure 2** demonstrates that a fairly low percentage of rape/sexual assaults are reported to police each year. In 2017, it is estimated that 40% of rape or sexual assault incidents were reported to the police—nearly double the percentage that were reported in 2016.[56]

Figure 2. Sexual Assault Victimizations Reported and Not Reported to Police

Estimates from National Crime Victimization Survey Data, United States: 1993-2017



Source: CRS presentation of estimates from the U.S. Department of Justice, Bureau of Justice Statistics. Estimates generated using the NCVS Victimization Analysis Tool (NVAT) at http://www.bjs.gov/index.cfm?ty=nvat, April 11, 2019.

Notes: The National Crime Victimization Survey sample went through redesigns in 2006 and 2016, so estimates should be interpreted with caution. For further details, see U.S. Department of Justice, Bureau of Justice Statistics, *Data Collection: National Crime Victimization Survey (NCVS)*.

[53] U.S. Census Bureau representatives conduct interviews in person and by telephone.

[54] The NCVS defines rape as "forced sexual intercourse including both psychological coercion as well as physical force. Forced sexual intercourse means penetration by the offender(s)." It includes attempted rapes, male and female victims, and both heterosexual and same sex rape. Attempted rape includes verbal threats of rape. It defines sexual assault as a "wide range of victimizations, separate from rape or attempted rape. These crimes include attacks or attempted attacks generally involving unwanted sexual contact between victim and offender. Sexual assaults may or may not involve force and include such things as grabbing or fondling. Sexual assault also includes verbal threats." See U.S. Department of Justice, Bureau of Justice Statistics, Statistical Table Index, https://www.bjs.gov/content/pub/html/cvus/definitions.cfm. See also U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2017*, December 2018, p. 5, 19-21.

[55] For a summary of methodological changes in 2006 and 2016, see U.S. Department of Justice, Bureau of Justice Statistics, *Data Collection: National Crime Victimization Survey (NCVS)*.

[56] U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2017*, December 2018, p. 6.

Dating Violence

Under VAWA, *dating violence* refers to "violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim."[57] The relationship between the offender and victim is determined based on the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.[58]

While teenagers are not the only demographic subject to dating violence, data reports on dating violence usually refer to teenagers as the relevant age demographic. According to the CDC's *2017 Youth Risk Behavior Survey*, approximately 8.0% of high school students who dated or went out with someone during the 12 months before the survey reported being "hit, slammed into something, or injured with an object or weapon on purpose by someone they were dating or going out with" one or more times in the past year.[59] The prevalence of physical dating violence victimization was higher among female students (9.1%) than male students (6.5%).[60] The overall percentage of high school students experiencing physical dating violence has declined since the CDC first included the question in its 2013 survey. In 2013, approximately 10.3% of high school students reported being a victim of physical dating violence; in 2015, it was 9.6%; and in 2017, it was 8.0%.[61]

Stalking

All 50 states, the District of Columbia, and U.S. territories have stalking laws, though they vary in definition.[62] Federal law makes it unlawful to travel across state lines[63] or use the mail or computer and electronic communication services[64] with the intent to kill, injure, harass, or intimidate another person, and as a result, place that person in reasonable fear of death or serious bodily injury or cause substantial emotional distress to that person, a spouse or intimate partner of that person, or a member of that person's family.[65]

The NCVS Supplemental Victimization Survey (SVS)[66] defines *stalking* as "a course of conduct directed at a specific person that would cause a reasonable person to feel fear."[67] The SVS measures these unwanted stalking behaviors:

- making unwanted phone calls;

[57] 34 U.S.C. §12291(a)(10).

[58] Ibid.

[59] Centers for Disease Control and Prevention, *Youth Risk Behavior Surveillance, United States, 2017*. Nationwide, it is estimated that 69% of students dated or went out with someone during the 12 months before the survey.

[60] Ibid.

[61] Centers for Disease Control and Prevention, High School YRBS, *Youth Online*, https://nccd.cdc.gov/Youthonline/.

[62] Shannan Catalano, *Stalking Victims in the United States – Revised*, U.S. Department of Justice, Bureau of Justice Statistics, September 2012, p. 1 (hereinafter, *Stalking Victims in the United States – Revised*).

[63] More precisely, the person travels in interstate or foreign commerce, is present within special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country when committing the stalking behavior.

[64] More precisely, the 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 when committing the stalking behavior.

[65] 18 U.S.C. §2261A.

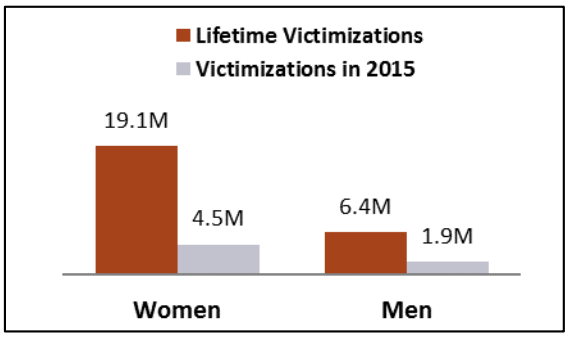
[66] The SVS was conducted in 2006 as part of the NCVS.

[67] *Stalking Victims in the United States – Revised*, p. 1.

- sending unsolicited or unwanted letters or emails;
- following or spying on;
- showing up at places without a legitimate reason;
- waiting at places for the victim;
- leaving unwanted items, presents, or flowers; or
- posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.

According to the NCVS SVS, an estimated 3.3 million individuals aged 18 and older were victims of stalking in 2006. More females than males were stalked. Also, the percentage of individuals targeted decreased with age; those aged 18-24 experienced the highest incidence of stalking.[68]

Figure 3. Estimated Number of Stalking Victims, Lifetime and 12-Month Period



Source: CRS presentation of data from Sharon G. Smith, Xinjian Zhang, and Kathleen C. Basile et al., *The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release*, Centers for Disease Control and Prevention (CDC), November 2018.

The CDC measures stalking differently than the NCVS. For the purposes of CDC reports, a person is considered a stalking victim "if they experienced multiple stalking tactics or a single stalking tactic multiple times by the same perpetrator and felt very fearful, or believed that they or someone close to them would be harmed or killed as a result of the perpetrator's behavior."[69] The CDC measured the following stalking tactics:

- unwanted phone calls, voice or text messages, hang-ups;
- unwanted emails, instant messages, messages through social media;
- unwanted cards, letters, flowers, or presents;
- watching or following from a distance, spying with a listening device, camera, or global positioning system (GPS);
- approaching or showing up in places, such as the victim's home, workplace, or school, when it was unwanted;
- leaving strange or potentially threatening items for the victim to find;
- sneaking into victim's home or car and doing things to scare the victim or let the victim know the perpetrator had been there.

The CDC asked about two additional tactics after respondents were identified as possible stalking victims:

- damaged personal property or belongings, such as in their home or car; and

[68] *Stalking Victimization in the United States – Revised*, pp. 3-4.

[69] Sharon G. Smith, Jieru Chen, and Kathleen C. Basile, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 2017, p. 85.

- made threats of physical harm.

According to 2015 data from the CDC, 16.0% of women (19.1 million) and 5.8% of men (6.4 million) have been stalked by an intimate partner in their lifetimes. In the 12 months preceding the survey, approximately 4.5 million women and 2.1 million men were victims of stalking.[70] See **Figure 3**.

Federal Programs Authorized by VAWA

The fundamental goals of VAWA are to prevent violent crime; respond to the needs of crime victims; learn more about crime; and change public attitudes through a collaborative effort by the criminal justice system, social service agencies, research organizations, schools, public health organizations, and private organizations. The federal government tries to achieve these goals primarily through federal grant programs that provide funding to state, tribal, territorial, and local governments; nonprofit organizations; and universities.

As previously mentioned, OVW administers the majority of VAWA-authorized programs, while other federal agencies, including OJP and the CDC, also manage VAWA programs. Since its creation in 1995 through FY2018, OVW has awarded more than $8 billion in grants and cooperative agreements to state, tribal, and local governments; nonprofit organizations; and universities.[71]

FY2018–FY2019 Appropriations

In FY2018 and FY2019, $553 million and $559 million, respectively, were appropriated for VAWA programs administered by OVW, OJP, and the CDC, as shown in **Table 1**. For program descriptions, authorization levels, and a five-year history of appropriations, see the **Appendix**.

Table 1. FY2018 and FY2019 Appropriations and Set-Asides for VAWA Programs

(Dollars in millions)

Office and Program	FY2018 VAWA Authorization Level	FY2018 Enacted Appropriations and Set-Asides	FY2019 Enacted Appropriations and Set-Asides
Office on Violence Against Women			
STOP (Services, Training Officers, and Prosecutors) Violence Against Women Formula Grant Program	*$222.00*	$215.00	$215.00
Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program (also known as Grants to Encourage Arrest Policies or Arrest Program)	*$73.00*	$53.00	$53.00
Civil Legal Assistance for Victims Grant Program	*$57.00*	$45.00	$45.00
Tribal Governments Program	[a]	($40.15)	($40.45)

[70] *National Intimate Partner Sexual Violence Survey, 2015*.

[71] See U.S. Department of Justice, Office on Violence Against Women, *About the Office* and *Awards*, https://www.justice.gov/ovw; and Executive Office of the President, Office of Management and Budget, *A Budget for a Better America – President's Budget FY2020,* Appendix, p. 721.

Office and Program	FY2018 VAWA Authorization Level	FY2018 Enacted Appropriations and Set-Asides	FY2019 Enacted Appropriations and Set-Asides
Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance	*$50.00*	$40.00	$42.00
Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program	*$35.00*	$35.00	$36.00
Sexual Assault Services Program (SASP)	*$40.00*	$35.00	$37.50
Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program	*$12.00*	$20.00	$20.00
Justice for Families Program (also known as Family Civil Justice Program or Grants to Support Families in the Justice System)	*$22.00*	$16.00	$16.00
Consolidated Youth Oriented Program	[b]	$11.00	$11.00
State and Territorial Sexual Assault and Domestic Violence Coalitions Program	[a]	($10.75)	($10.75)
Grants to Enhance Culturally Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	[a]	($7.45)	($7.55)
Tribal Domestic Violence and Sexual Assault Coalitions Grant Program	[a]	($6.49)	($6.49)
Training and Services to End Violence Against Women with Disabilities Grant Program	*$9.00*	$6.00	$6.00
Grants for Outreach and Services to Underserved Populations	[a]	($5.36)	($5.36)
Enhanced Training And Services To End Abuse In Later Life Program	*$9.00*	$5.00	$5.00
Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction	*$5.00*	$4.00	$4.00
Domestic Violence Homicide Prevention Initiative	[c]	($4.00)	($4.00)
Research and Evaluation on Violence Against Women[d]	[e]	$3.50	$3.00
SASP Culturally Specific Services	[a]	($3.50)	($3.75)
Tribal SASP	[a]	($3.50)	($3.75)
SASP State Coalitions	[a]	($3.15)	($3.38)
Rape Survivor Child Custody Act[f]	*$5.00*	$1.50	$1.50
Research on Violence Against Indian Women[d]	[g]	$1.00	$1.00
National Indian Country Clearinghouse on Sexual Assault	[c]	$0.50	$0.50
National Resource Center on Workplace Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking	*$1.00*	$0.50	$1.00

Office and Program	FY2018 VAWA Authorization Level	FY2018 Enacted Appropriations and Set-Asides	FY2019 Enacted Appropriations and Set-Asides
SASP Tribal Coalitions	a	($0.35)	($0.38)
Total OVW	h	**$492.00**	**$497.50**
(Total OVW Set-Asides)	a	**($84.70)**	**($85.85)**
Office of Justice Programs			
Court Appointed Special Advocates for Victims of Child Abuse	*$12.00*	$12.00	$12.00
Centers for Disease Control and Prevention			
Rape Prevention and Education Grants	*50.00*	$49.43	$49.43
Total VAWA	h	**$553.43**	**$558.93**

Source: FY2018 enacted amounts were taken from the joint explanatory statement to accompany P.L. 115-141, printed in the March 22, 2018, *Congressional Record* (pp. H2084-H2115). FY2019 enacted amounts were taken from H.Rept. 116-9. Set-aside amounts were provided by OVW.

Notes: Programs in this table include those authorized by the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) as well as supplemental funding for VAWA programs under the Rape Survivor Child Custody Act. Numbers in parentheses are set-asides and are not included in the sum total amounts. FY2019 authorization levels are not provided, because authorizations of appropriations for VAWA programs have expired.

a. Set-asides are authorized in VAWA statute. For example, the Tribal Governments Program is funded by authorized set-asides from seven other OVW grant programs: STOP; Grants to Encourage Arrest Policies and Enforcement of Protection Orders; Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance; Civil Legal Assistance for Victims; Grants to Support Families in the Justice System; and Transitional Housing.

b. This program does not have a specific authorization but rather relies on several separate authorizations. Congress authorized $15 million annually from FY2014 through FY2018 for CHOOSE Children and Youth and $15 million annually from FY2014 through FY2018 for SMART Prevention. The Consolidated Youth Oriented Program is a combination of these authorizations. For more information, see "Consolidation of Grant Programs."

c. Technical assistance initiatives are generally authorized under 34 U.S.C. §12291(b)(11).

d. These funds are transferred from OVW to OJP.

e. A research agenda is authorized under 34 U.S.C. §12331, but a funding amount is not specified.

f. Under the Rape Survivor Child Custody Act, states are eligible to receive additional funds in their STOP and SASP formula grant awards if they meet the requirements of the act.

g. VAWA 2013 reauthorized appropriations ($1 million each year) for the study of violence against Indian women for FY2014 and FY2015 only.

h. Total authorized amounts are not provided because not all VAWA-authorized programs are included in this table. Only those that received funding in FY2018 and FY2019 are included.

FY2020 Appropriations

While authorizations of appropriations for VAWA programs have expired,[72] the Administration has requested FY2020 funding for VAWA-authorized programs. The Administration's budget

[72] Authorizations of appropriations for VAWA programs were due to expire at the end of FY2018, however, there were three short-term extensions of VAWA in the continuing resolutions for FY2019 appropriations (P.L. 115-245; P.L. 115-298; and P.L. 116-5). VAWA extension language is provided in H.Rept. 115-952. An extension was not included in final appropriations for FY2019 (P.L. 116-6).

request proposes to fund OVW at $492.5 million for FY2020 (a 1% decrease from FY2019), all of which would be derived from a transfer from the Crime Victims Fund.[73] The Administration requests $9.0 million for OJP (a 25% decrease from FY2019) for the Court Appointed Special Advocates (CASA).[74] Also for FY2020, the Administration requests level funding ($49.4 million) for the Rape Prevention and Education Program at the CDC.[75]

Grantee Data

OVW publishes large amounts of data on its programs. It submits biennial reports on its programs to Congress as well as other reports, such as reports on stalking, and makes them available on the website.[76] It also publishes grantee award data by program and state.[77]

OJP publishes both award data and VAWA-authorized research on its agency websites. For information on funding for CASA, see the OJP website.[78] For information on the VAWA-authorized research agenda, see the website for the National Institute of Justice (NIJ).[79]

The Department of Health and Human Services (HHS) publishes grantee award data for the Rape Prevention and Education (RPE) program on the Tracking Accountability in Government Grants System (TAGGS).[80]

Past Reauthorizations and Changes to VAWA

Since it was enacted in 1994, VAWA has been reauthorized three times. Of note, the reauthorizations in 2000 and 2005 had broad bipartisan support, while the most recent reauthorization in 2013 had bipartisan support but faced greater opposition.[81] This section will provide comparatively more detail for the 2013 reauthorization because it was the most recent and some issues may remain relevant to current reauthorization discussions.

2000 Reauthorization

In 2000, Congress reauthorized VAWA through the Victims of Trafficking and Violence Protection Act (P.L. 106-386; VAWA 2000). Modifications included additional protections for

[73] U.S. Department of Justice, Office on Violence Against Women, *FY2020 Congressional Submission*, https://www.justice.gov/jmd/page/file/1144201/download. For more information on the Crime Victims Fund, see CRS Report R42672, *The Crime Victims Fund: Federal Support for Victims of Crime*.

[74] U.S. Department of Justice, Office of Justice Programs, *FY2020 Performance Budget*, https://www.justice.gov/file/1144566/download.

[75] U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Justification of Estimates for Appropriation Committees*, FY2020, https://www.cdc.gov/budget/documents/fy2020/fy-2020-cdc-congressional-justification.pdf.

[76] U.S. Department of Justice, Office on Violence Against Women, *Reports to Congress*, https://www.justice.gov/ovw/reports-congress.

[77] U.S. Department of Justice, Office on Violence Against Women, *Awards*, https://www.justice.gov/ovw/awards.

[78] U.S. Department of Justice, Office of Justice Programs, *OJP Awards Data*, https://ojp.gov/funding/Explore/OJPAwardData.htm.

[79] National Institute of Justice, *Projects Funded by NIJ Awards*, https://nij.gov/funding/awards/Pages/welcome.aspx.

[80] U.S. Department of Health and Human Services, *TAGGS*, https://taggs.hhs.gov/.

[81] In 2000, the House passed the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) with a 371-1 vote and the Senate passed the bill unanimously. In 2005, the House passed the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) with a 415-4 vote, and the Senate again passed the bill unanimously. In 2013, the Senate passed the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) with a 78-22 vote, and the House passed the bill with a 286-138 vote.

battered nonimmigrants,[82] a new program for victims of domestic violence, dating violence, sexual assault, and stalking in need of transitional housing, a requirement for grant recipients to submit reports on the effectiveness of programs, new programs designed to protect elderly and disabled women, mandatory funds to be used exclusively for rape prevention and education programs, and inclusion of victims of dating violence.[83]

VAWA 2000 amended interstate stalking and domestic violence law to include (1) a person who travels in interstate or foreign commerce with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who in the course of such travel commits or attempts to commit a crime of violence against the spouse or intimate partner; (2) a person who causes a spouse or intimate partner to travel in interstate or foreign commerce by force or coercion and in the course of such travel commits or attempts to commit a crime of violence against the spouse or intimate partner; (3) a person who travels in interstate or foreign commerce with the intent of violating a protection order or causes a person to travel in interstate or foreign commerce by force or coercion and violates a protection order; and (4) a person who uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that would place a person in reasonable fear of harm to themselves or their immediate family or intimate partner.[84]

2005 Reauthorization

In 2005, Congress reauthorized VAWA through the Violence Against Women and Department of Justice Reauthorization Act (P.L. 109-162; VAWA 2005).[85] VAWA 2005 added protections for battered and/or trafficked nonimmigrants,[86] programs for American Indian victims, and programs designed to improve the public health response to domestic violence. The act emphasized collaboration among law enforcement; health and housing professionals; and women, men, and youth alliances, and it encourages community initiatives to address these issues.

This reauthorization enhanced penalties for repeat stalking offenders and expanded the federal criminal definition of stalking to include cyberstalking. It also amended the federal criminal code to revise the definition of the crime of interstate stalking to (1) include placing someone under surveillance with the intent to kill, injure, harass, or intimidate that person; and (2) require consideration of substantial emotional harm to the stalking victim.

2013 Reauthorization

Authorization for appropriations for the programs under VAWA expired in 2011; however, programs continued to receive appropriations in FY2012 and FY2013. In 2013, the 113th Congress reauthorized VAWA through the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4; VAWA 2013). Most VAWA grants were reauthorized from FY2014 through FY2018. This section briefly describes provisions of VAWA 2013.

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[82] For more information, see CRS Report R42477, *Immigration Provisions of the Violence Against Women Act (VAWA)*.

[83] The term *dating violence* was not used in the original VAWA and was added in VAWA 2000.

[84] 18 U.S.C. §§2261 and 2262.

[85] Provisions in VAWA 2005 were modified in A Bill to Make Technical Corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-271).

[86] For more information, see CRS Report R42477, *Immigration Provisions of the Violence Against Women Act (VAWA)*.

Consolidation of Grant Programs

VAWA 2013 reauthorized most VAWA grant programs and authorized appropriations at a lower level, in general. It consolidated several VAWA grant programs, and in doing so authorized new grant programs. These actions are summarized below.

- The Grants to Support Families in the Justice System program was created by consolidating two previously authorized programs: (1) the Safe Havens for Children program (also referred to as Supervised Visitation), and (2) the Court Training and Improvements program.[87] The purpose of this program is to improve the civil and criminal justice systems' responses to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse.
- The Creating Hope Through Outreach, Options, Services, and Education for Children and Youth (CHOOSE Children & Youth) was created by consolidating two previously authorized programs: (1) Services to Advocate for and Respond to Youth (also referred to as Youth Services) and (2) Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking in Middle and High Schools (also referred to as Supporting Teens through Education and Protection, or STEP).[88] The purpose of this program is 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. The program also aims to prevent future violence.
- The Saving Money and Reducing Tragedies Through Prevention (SMART Prevention) was created by consolidating two previously authorized programs: (1) Engaging Men and Youth in Prevention and Grants to Assist Children and (2) Youth Exposed to Violence.[89] The SMART Prevention program aims to prevent domestic violence, sexual assault, dating violence, and stalking through awareness and education programs, and also through assisting children who have been exposed to violence and abuse. In addition, this program aims to prevent violence by engaging men as leaders and role models.
- The Grants to Strengthen the Healthcare System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking was created using the purpose areas of three previously unfunded programs—(1) Interdisciplinary Training and Education on Domestic Violence and Other Types of Violence and Abuse, (2) Research on Effective Interventions in the Health Care Setting, and (3) Grants to Foster Public Health Responses to Domestic Violence, Dating

[87] Subtitle J of the Violence Against Women Act of 1994 was repealed. Grants to Support Families in the Justice System is codified under 34 U.S.C. §12464.

[88] Subtitle L of the Violence Against Women Act of 1994 was amended by striking Sections 41201 through 41204 (42 U.S.C. §14043c through §14043c-3) and inserting Section 41201 (34 U.S.C. §12451). Access to Justice for Youth and Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment were eliminated; these two programs had never received appropriations. CHOOSE Children & Youth is codified under 34 U.S.C. §12451.

[89] Sections 41304 and 41305 (42 U.S.C. §14043d-3 and §14043d-4) of the Violence Against Women Act of 1994 and Section 403 (42 U.S.C. §14045c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 were repealed. Two previously unfunded programs, the Development of Curricula and Pilot Programs for Home Visitation Projects (42 U.S.C. §14043d-3) and Public Awareness Campaign (42 U.S.C. §14045c), were eliminated. SMART Prevention is codified under 34 U.S.C. §12463.

Violence, Sexual Assault, and Stalking—these programs were eliminated.[90] The purpose of this program is to improve training and education for health professionals in preventing and responding to domestic violence, dating violence, sexual assault, and stalking.

VAWA Grant Provisions

VAWA 2013 established new provisions for all VAWA grant programs. It established a nondiscrimination provision to ensure that victims are not denied services and are not subjected to discrimination based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability. It also enhanced protection of personally identifiable information of victims and specified the type of information that may be shared by grantees and subgrantees.[91] It also required that *any* grantee or subgrantee that provides legal assistance must comply with certifications required under the Legal Assistance for Victims Grant Program.[92]

The 2013 reauthorization also added, modified, or expanded several definitions of terms in VAWA. Examples include the following:

- The definition of *domestic violence* was revised to specifically include "intimate partners" in addition to "current and former spouses."
- The term *linguistically* was removed from the Culturally Specific Services Grant and the definition of "culturally specific services" was amended to address the needs of culturally specific communities.
- With respect to providing VAWA-related services, the act added the terms *population specific services* and *population specific organizations*, which focus on "members of a specific underserved population."[93]
- *Underserved populations* was redefined to include those who may be discriminated against based on religion, sexual orientation, or gender identity.[94]
- The definition of *cyberstalking* was expanded to include use of any "electronic communication device or electronic communication service or electronic communication system of interstate commerce."[95]

[90] Section 40297 of the Violence Against Women Act of 1994 (42 U.S.C. §13973) and Section 758 of the Public Health Service Act (42 U.S.C. §294H) were repealed. Grants to Strengthen the Healthcare System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking is codified under 42 U.S.C. §280-4.

[91] For example, VAWA 2013 allows sharing of law enforcement-generated and prosecution-generated information necessary for law enforcement or prosecution.

[92] These certification requirements are listed under 34 U.S.C. §20121(d).

[93] VAWA 2013 defined a *population specific organization* as 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."

It defined *population specific services* as "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."

[94] Under 34 U.S.C. §12291, *underserved populations* was defined as "populations underserved because of geographic location, 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."

[95] 18 U.S.C. §2261A.

- A definition of *rape crisis center* was added, meaning "a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance … 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 … and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services."[96]
- *Individual in later life* was defined as a person who is 50 years of age or older.
- *Youth* was defined as a person who is 11 to 24 years of age.
- The definition of *rural state* was revised to include states with more densely populated rural areas than under the prior definition.[97]

Accountability of Grantees

VAWA 2013 imposed new accountability provisions, including an audit requirement and mandatory exclusion from eligibility if a grantee is found to have an unresolved audit finding. Additionally, it required OVW to establish a biennial conferral process with state and tribal coalitions and technical assistance providers that receive OVW funding.[98] It prohibited conferences funded through cooperative agreements from using more than $20,000 in funding without prior written approval by DOJ officials.

Sexual Assault and Rape Kit Backlog

VAWA 2013 amended the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106-546)[99] to strengthen audit requirements for sexual assault evidence backlogs. It also required that for each fiscal year through FY2018, not less than 75% of the total Debbie Smith grant[100] amounts be awarded to carry out DNA analyses of samples from crime scenes for inclusion in the Combined DNA Index System (CODIS)[101] and to increase the capacity of state or local government laboratories to carry out DNA analyses.

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[96] 34 U.S.C. §12291(a)(25).

[97] Previously, a *rural state* was defined as "a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census." P.L. 113-4 substituted "57" for "52" and "250,000" for "150,000."

[98] The areas of conferral include (1) the administration of grants, (2) unmet needs, (3) promising practices in the field, and (4) emerging trends. After the conferral with grantees, OVW is required to publish a comprehensive report that summarizes the issues presented and what, if any, policies it intends to implement to address those issues.

[99] 34 U.S.C. §40701.

[100] The Debbie Smith DNA Backlog Grant Program provides grants to state and local governments for five major purposes: (1) conducting analyses of DNA samples collected under applicable legal authority for inclusion in the National DNA Index System (NDIS), (2) conducting analyses of forensic DNA samples for inclusion in the NDIS, (3) increasing the capacity of state and local laboratories to carry out DNA analyses, (4) collecting DNA samples from people required to submit them and forensic samples from crimes, and (5) ensuring that analyses of forensic DNA samples are carried out in a timely manner. For more information on Debbie Smith grants, see CRS Report R41800, *DNA Testing in Criminal Justice: Background, Current Law, and Grants*.

[101] CODIS searches three indexes (convicted offenders, arrestee, and forensic) to generate investigative leads. The convicted offender index contains DNA profiles developed from samples collected from convicted offenders; the arrestee index contains DNA profiles developed from samples collected from arrested but not yet convicted individuals; and the forensic index contains DNA profiles developed from samples collected at crime scenes. CODIS searches across these indexes to look for potential matches. For more information, see U.S. Department of Justice, Federal Bureau of Investigation: *Frequently Asked Questions on CODIS and NDIS*, https://www.fbi.gov/services/

Additionally, VAWA 2013 expanded the purpose areas of several VAWA grants to respond to the needs of sexual assault survivors by addressing rape kit backlogs. It also established a new requirement that at least 20% of funds within the STOP (Services, Training, Officers, Prosecutors) program and 25% of funds within the Grants to Encourage Arrest Policies and Enforce Protection Orders program be directed to programs that meaningfully address sexual assault.

Trafficking in Persons

VAWA 2013 amended and authorized appropriations for the Trafficking Victims Protection Act of 2000 (Division A of P.L. 106-386).[102] It enhanced measures to combat trafficking in persons, and amended the purpose areas for several grants to address sex trafficking. VAWA 2013 also clarified that victim services and legal assistance include services and assistance to victims of domestic violence, dating violence, sexual assault, or stalking who are *also* victims of severe forms of trafficking in persons.[103]

American Indian Tribes

VAWA 2013 included new provisions for American Indian tribes. It granted authority to tribes to exercise special domestic violence criminal jurisdiction and civil jurisdiction to issue and enforce protection orders over any person.[104] It also created a voluntary two-year pilot program for tribes that make a request to the Attorney General to be designated as a participating tribe to have *special criminal jurisdiction* over domestic violence cases. (Note: The Attorney General may grant a request after concluding that the tribe's criminal justice system has adequate safeguards in place to protect defendants' rights.) In addition, it created a new grant program to assist tribes in exercising special criminal jurisdiction in cases involving domestic violence.

VAWA 2013 also expanded the purpose areas of grants for tribal governments and coalitions to

- include sex trafficking;
- develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women; and
- raise awareness of and response to domestic violence, including identifying and providing technical assistance to enhance access to services for Indian women victims of domestic and sexual violence, including sex trafficking.

laboratory/biometric-analysis/codis/codis-and-ndis-fact-sheet.

[102] For more information regarding the Trafficking Victims Protection Act and trafficking in persons, see CRS In Focus IF10587, *Human Trafficking and Foreign Policy: An Introduction*; and CRS Report R44315, *Justice for Victims of Trafficking Act of 2015: Changes to Domestic Human Trafficking Policies*.

[103] Under 22 U.S.C. §7102, *severe forms of trafficking in persons* means (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

[104] See relevant definitions under 25 U.S.C. §1301 et seq. These provisions do not apply to Indian tribes in the state of Alaska, with the exception of two tribes. Prior to VAWA 2013, tribes did not have criminal jurisdiction over non-Indians (*Oliphant v. Suquamish Indian Tribe*, 435 U.S. (191, 210 1978). For a report on tribal implementation of the special jurisdiction, see National Congress of American Indians, *VAWA 2013's Special Domestic Violence Criminal Jurisdiction Five-Year Report*, 2018, http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf.

Battered Nonimmigrants

VAWA 2013 extended VAWA coverage to derivative children whose self-petitioning parent died during the petition process, a benefit currently afforded to foreign nationals under the family-based provisions of the Immigration and Naturalization Act (INA).[105] It also exempted VAWA self-petitioners, U visa petitioners,[106] and battered foreign nationals from being classified as inadmissible for legal permanent resident status if their financial circumstances raised concerns about them becoming potential public charges.[107] Additionally, it amended the INA to expand the definition of the nonimmigrant U visa to include victims of stalking.

VAWA 2013 added several new purpose areas to the Grants to Encourage Arrest Policies and Enforcement of Protection Orders program (Arrest Program), one of which was to improve the criminal justice system response to immigrant victims of domestic violence, sexual assault, dating violence, and stalking.

Underserved Populations

In addition to expanding the definition of *underserved populations*, VAWA 2013 established several new grant provisions to address the needs of underserved populations. It required STOP implementation plans to include demographic data on the distribution of underserved populations within states and how states will meet their needs. It expanded the purpose areas of the Grants to Combat Violent Crimes on Campuses program to address the needs of underserved populations on college campuses. It also dedicated 2% of annual appropriated funding for the Arrest and STOP programs to Grants for Outreach to Underserved Populations, a previously unfunded VAWA program.

Housing

VAWA 2013 added housing rights for victims of domestic violence, dating violence, sexual assault, and stalking, including a provision stating that applicants may not be denied public housing assistance based on their status as victims of domestic violence, dating violence, sexual assault, or stalking. It also required each executive department carrying out a covered housing program[108] to adopt a plan whereby tenants who are victims of domestic violence, dating

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[105] The INA includes provisions to assist foreign nationals who have been victims of domestic abuse. These provisions, initially enacted by Congress with the Immigration Act of 1990 and VAWA in 1994, offer benefits to abused foreign nationals and allow them to self-petition for lawful permanent resident (LPR) status independently of the U.S. citizen or LPR relatives who originally sponsored them. Congress reauthorized VAWA with the Battered Immigrant Women Protection Act of 2000, which also created the U visa for foreign national victims of a range of crimes—including domestic abuse—who assisted law enforcement. VAWA 2005 added protections and expanded eligibility for abused foreign nationals.

[106] A U visa is for victims of certain crimes involving mental or physical abuse who assist law enforcement in the investigation or prosecution of criminal activity. For more information, see U.S. Citizenship and Immigration Services, *Victims of Criminal Activity: U Nonimmigrant Status*, https://www.uscis.gov.

[107] For additional information, see CRS Report R42477, *Immigration Provisions of the Violence Against Women Act (VAWA)*; and CRS Report R45313, *Immigration: Frequently Asked Questions about "Public Charge"*.

[108] A *covered housing program* means (1) the program under Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); (2) the program under Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); (3) the program under Subtitle D of Title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.); (4) the program under Subtitle A of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.); (5) the program under Subtitle A of Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.); (6) the program under paragraph (3) of Section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) that bears interest at a rate determined under the proviso under paragraph 5 of such section

violence, sexual assault, or stalking can be transferred to another available and safe unit of assisted housing. Additionally, it required the Secretary of Housing and Urban Development to establish policies and procedures under which a victim requesting such a transfer may receive Section 8 assistance under the U.S. Housing Act of 1937.[109]

Under the VAWA-authorized Transitional Housing Assistance Grant program, the act ensured that victims receiving transitional housing assistance are not subject to prohibited activities, including background checks or clinical evaluations, to determine eligibility for services. It removed the requirement that victims must be "fleeing" from a violent situation in order to receive transitional housing assistance. It also specified that transitional housing services may include employment assistance.

Institutions of Higher Education (IHEs)

VAWA 2013 made several changes to higher education policy. It amended the Clery Act[110] and incorporated provisions from the Campus Sexual Violence Elimination Act.[111] These provisions required, among other things, IHEs to report data on domestic violence, dating violence, and stalking in annual security reports (ASRs). Newly reportable crime categories included domestic violence, dating violence, and stalking. VAWA 2013 also added two new categories of bias applicable to hate crime reporting (i.e., national origin and gender identity).

VAWA 2013 required ASRs to include a statement of the IHE's policy on programs to prevent sexual assaults, domestic violence, dating violence, and stalking; policies to address these incidents if they occur, including a statement on the standard of evidence that will be used during an institutional conduct proceeding regarding these crimes;[112] and primary prevention programs to promote awareness of these crimes for incoming students and new employees, as well as providing ongoing awareness and prevention training for students and faculty. It also required that crime statistics on victims who were "intentionally selected" because of their national origin or gender identity are recorded and reported according to category of prejudice.

In addition, VAWA 2013 required that students and employees receive written notification of available victim services including counseling, advocacy, and legal assistance, as well as options for modifying a victim's academic, living, transportation, or work arrangements. Victims were to

221(d); (7) the program under Section 236 of the National Housing Act (12 U.S.C. 1715z-1); (8) the programs under Sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f); (9) rural housing assistance provided under Sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p-2); and (10) the low income housing tax credit program under Section 42 of the Internal Revenue Code of 1986.

[109] For more information regarding Section 8 housing programs, see CRS Report RL32284, *An Overview of the Section 8 Housing Programs: Housing Choice Vouchers and Project-Based Rental Assistance*.

[110] The Clery Act (20 U.S.C. §1092) was originally enacted as Title II of the Student Right-to-Know and Campus Security Act of 1990 (P.L. 101-542); it was signed into federal law as an amendment to the Higher Education Act of 1965.

[111] See S. 128 and H.R. 812 from the 113th Congress.

[112] In 2011, the Obama Administration issued a policy letter that listed the responsibilities of schools receiving federal funding to address sexual misconduct incidents. In 2017, the Trump Administration rescinded this policy letter and subsequent Question and Answer guidance issued by the Obama Administration in 2014, and issued temporary guidelines. See U.S. Department of Education, *Department of Education Issues New Interim Guidance on Campus Sexual Misconduct*, September 22, 2017. The Department of Education is reportedly preparing new rules on campus sexual misconduct. See Erica L. Green, "New U.S. Sexual Misconduct Rules Bolster Rights of Accused and Protect Colleges," *New York Times*, August 29, 2018; and Laura Meckler, "Betsy DeVos set to bolster rights of accused in rewrite of sexual assault rules," *The Washington Post*, Nov. 14, 2018.

be notified of their rights, including their right to notify or not notify law enforcement and campus authorities of a crime of sexual violence. The law also required that officials who investigate a complaint or conduct an administrative proceeding regarding sexual assault, domestic violence, dating violence, or stalking receive annual training on how to conduct investigations or proceedings that protect the safety of victims and promote accountability.[113]

Other Changes

VAWA 2013 amended rules for sexual acts in federal custodial facilities by adding "the commission of a sexual act" as grounds for civil action by a federal prisoner and mandating that detention facilities operated by the Department of Homeland Security and custodial facilities operated by the Department of Health and Human Services adopt national standards established pursuant to the requirements in the Prison Rape Elimination Act of 2003 (P.L. 108-79). VAWA 2013 also enhanced criminal penalties for assaulting a spouse, intimate partner, or dating partner.[114]

Rape Survivor Child Custody Act

In May 2015, as part of the Justice for Victims of Trafficking Act (Title IV, P.L. 114-22), the Rape Survivor Child Custody Act was enacted into law. It requires the Attorney General (through OVW) to increase grant funding under the STOP and SASP formula grant programs to states that have a law allowing the mother of a child conceived through rape to seek court-ordered termination of the parental rights of her rapist. The increase in formula grants is allowed to be provided for a total of four two-year periods (eight years), and is equal to not more than 10% of the total amount of funding provided to the state averaged over the previous three years. Of the increased funding, 25% is for STOP grants and 75% for the SASP grants. The Rape Survivor Child Custody Act authorized $5 million a year for FY2015 through FY2019 for the grant increases.[115]

Current Efforts to Reauthorize VAWA

There are several issues that Congress may consider in current reauthorization efforts. These include, but are not limited to, improvements to data collection, assessing tribal jurisdiction over non-tribal members who commit VAWA-related crimes on tribal lands, new approaches for law enforcement in assisting victims, and enforcement of the federal prohibition on firearms for those

[113] For more information on the Clery Act and sexual violence at institutions of higher education, see CRS Report R43759, *History of the Clery Act: Fact Sheet*; and CRS Report R43764, *Sexual Violence at Institutions of Higher Education*.

[114] 18 U.S.C. §113.

[115] In 2016, OVW awarded Rape Survivor Child Custody Act funds for the first time. The following states received additional funding in their FY2016 STOP and SASP awards: Alaska, Colorado, Florida, Georgia, Hawaii, Indiana, Iowa, Maine, Michigan, Missouri, Texas, and Wisconsin. As of April 2019, two states do not allow for the termination or restriction of parental rights of rapists: Minnesota and Alabama. For state laws on parental rights and sexual assault, see National Conference of State Legislatures, *Parental Rights and Sexual Assault*, April 17, 2017, http://www.ncsl.org/research/human-services/parental-rights-and-sexual-assault.aspx; and Rape, Abuse & Incest National Network (RAINN), Laws in Your State, https://www.rainn.org/public-policy-action. These sources were last updated in 2017. CRS identified state laws enacted since 2017, and found that Minnesota and Alabama are the remaining states that do not allow for the termination or restriction of parental rights of rapists. Of note, Wyoming and North Dakota's laws are not effective until July 1 and August 1, 2019, respectively.

convicted of a misdemeanor crime of domestic violence and those who are subject to a domestic violence protective order. Congress may also consider further changes to VAWA programs.

The Violence Against Women Reauthorization Act of 2019 (H.R. 1585), as passed by the House, would address some of these issues. Among other things, it would reauthorize funding for VAWA programs and authorize new programs; amend and add definitions used for VAWA programs; amend federal criminal law relating to firearms, custodial rape, and stalking; and expand tribal jurisdiction over certain crimes committed on tribal lands.

Improvements to Data Collection

Congress may address issues concerning limited law enforcement data at the national level on the crimes of domestic violence and stalking. The data are limited because the UCR does not currently collect information on these offenses from state and local agencies like it does for its traditional violent and property crime offense categories.[116] In 2019, the UCR program plans to begin collecting domestic violence offense data through the National Incident-Based Reporting System (NIBRS). NIBRS also includes stalking as part of an *intimidation* offense category. Even though the NIBRS data are not yet nationally representative,[117] the FBI states that it is transitioning its UCR program to a "NIBRS only data collection" by 2021.[118] Congress may consider options to expand the NIBRS program sooner than 2021 or to adjust the UCR program in other ways, such as by requiring the FBI to collect data on stalking as its own offense under NIBRS rather than incorporating it into the intimidation offense category.

Congress may also address the availability of data on the sexual assault kit (SAK, or rape kit) backlog. According to the National Institute of Justice (NIJ), "it is unknown how many unanalyzed [SAKs] there are nationwide."[119] NIJ notes that while there are many reasons why there are no data on the number of untested SAKs in law enforcement's possession, one contributing factor is that there is no national system for collecting these data. Also, tracking and counting SAKs is an antiquated process in many jurisdictions (often done in nonelectronic formats), and the availability of computerized evidence-tracking systems has been an issue for many jurisdictions for years.

The Joyful Heart Foundation, a grassroots organization, addressed the SAK data void by attempting to count the backlog (through public records requests) and track data in cities and states across the country. While the organization's data are incomplete, it has estimates of rape kit backlogs for various cities and states. Thus far, it has identified approximately 41 municipal and

[116] The UCR violent crime category includes murder, rape, robbery, and aggravated assault. The property crime category includes burglary, larceny-theft, motor vehicle theft, and arson. For more information, see https://ucr.fbi.gov.

[117] Approximately 37% of the U.S. law enforcement agencies that participate in the UCR program also participate in NIBRS. The FBI added the domestic violence category to NIBRS based on the recommendation to do so from its Criminal Justice Information Services, Advisory Policy Board. See U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Report, *Crime in the United States, 2015*, *About the Uniform Crime Reporting (UCR) Program*; *2016 NIBRS Crime Data Released*, December 11, 2017; and Criminal Justice Information Services Division, *2019 National Incident-Based Reporting System User Manual Uniform Crime Reporting Program*.

[118] U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Report, *NIBRS Overview*, https://ucr.fbi.gov/nibrs-overview.

[119] National Institute of Justice, *Untested Evidence in Sexual Assault Cases*, March 2016, https://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/untested-sexual-assault.aspx.

county jurisdictions with known rape kit backlogs ranging from several hundred to thousands—its current total is 40,000 untested SAKs.[120]

Congress may assess the SAK backlog and debate if the federal response should be changed as the issue evolves and agencies, including NIJ, capture the full breadth of the problem.

H.R. 1585, as passed by the House, would authorize several new activities related to increasing or improving data collection. These include, but are not limited to, the following:

- requiring the Attorney General to establish an interagency working group to study federal efforts to collect data on sexual violence and to make recommendations on the harmonization of such efforts,
- authorizing funding for tribal governments to improve data collection and to enter information into and obtain information from national crime information databases,[121] and
- requiring NIJ to prepare a report on the status of women in federal incarceration—this requirement allows for inmate and personnel data to be collected from the Bureau of Prisons.

Tribal Jurisdiction

As discussed previously, VAWA 2013 granted authority to American Indian tribes to exercise special domestic violence criminal jurisdiction and civil jurisdiction to issue and enforce protection orders over any person, including non-tribal members.[122] As of March 2018, 18 tribes were exercising this authority.[123] These tribes have reported 143 arrests of 128 non-tribal individuals, which led to 74 convictions and five acquittals with 24 cases pending as of March 2018.[124] According to the National Congress of American Indians (NCAI), tribes are exercising jurisdiction "with careful attention to the requirements of federal law and in a manner that upholds the rights of defendants."[125]

While NCAI issued its assessment report in 2018, Congress also may elect to assess implementation in the five years since this authority was granted. If it so chooses, Congress may require the Government Accountability Office (GAO) to evaluate tribal jurisdiction.

Congress may elect to grant special jurisdiction over non-tribal members for additional VAWA crimes such as sexual assault and stalking, as well as non-VAWA crimes. NCAI stated in its

[120] CRS accessed the data in April 2019, but the organization does not indicate the date of the most recent rape kit backlog count. The Joyful Heart Foundation issued public records requests to police departments in 49 jurisdictions to reveal whether they possess any untested rape kits. See The Joyful Heart Foundation, End the Backlog, *The Backlog*, http://www.endthebacklog.org.

[121] These databases include the National Crime Information Center, the Combined DNA Index System, the Next Generation Identification System, and any other database or system of a law enforcement agency under which a report of a missing or murdered American Indian may be submitted, including the Violent Criminal Apprehension Program or the National Missing and Unidentified Persons System.

[122] These provisions do not apply to Indian tribes in the state of Alaska, with the exception of two tribes.

[123] National Congress of American Indians, *VAWA 2013's Special Domestic Violence Criminal Jurisdiction Five-Year Report*, 2018, http://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf.

[124] Ibid., p. 1.

[125] Ibid., p. 1.

assessment report that many implementing tribes were unable to prosecute non-tribal members for many crimes that co-occur with domestic violence such as drug and alcohol offenses.

H.R. 1585, as passed by the House, would amend tribal criminal jurisdiction authorized under Section 204 of the Indian Civil Rights Act. Among other changes, tribal jurisdiction over criminal behavior on tribal lands would consist of domestic violence (H.R. 1585 would also expand the definition of domestic violence used for tribal jurisdiction), as well as obstruction of justice, assaulting a law enforcement officer, sex trafficking, sexual violence, and stalking.[126]

New Approaches for Law Enforcement

As there are further developments in the fields of criminal justice and public health, researchers and practitioners report new and developing approaches and methods for law enforcement and other criminal justice personnel in working with victims of domestic violence, sexual assault, dating violence, and stalking. Congress may consider these new approaches when debating additions to grant purpose areas or encouraging states to adopt certain practices. For example, over the last decade there has been a push for criminal justice professionals to incorporate trauma-informed policing and response policies.[127] Congress may consider requiring law enforcement grantees to incorporate trauma-informed training and policies into their required training or standard operating procedures or creating new funding opportunities to develop these trainings and policies.[128] Of note, OVW has supported several initiatives related to trauma-informed approaches.[129] Other new and developing approaches include, but are not limited to, new protocols for police officers about when they would activate their body-worn cameras as they interact with victims of domestic violence, sexual assault, dating violence, or stalking and so-called "red flag" laws that allow law enforcement or family members to petition a court to have firearms removed from those who are a danger to themselves or others.

H.R. 1585, as passed by the House, would authorize a new demonstration program under OVW to promote trauma-informed training for law enforcement. Through this program, OVW would make grants on a competitive basis to eligible entities[130] to implement evidence-based or promising policies and practices to incorporate trauma-informed techniques designed to prevent re-traumatization of crime victims and improve communication between victims and law

[126] For a broader discussion of the proposed changes to tribal jurisdiction outlined in H.R. 1585, see CRS Legal Sidebar LSB10277, *VAWA Reauthorization: Substantive Criminal Law Proposals*.

[127] For additional information on trauma informed law enforcement policies, see Substance Abuse and Mental Health Services Administration, *Trauma Training for Criminal Justice Professionals*, https://www.samhsa.gov/gains-center/trauma-training-criminal-justice-professionals; Rebecca Campbell, Giannina Fehler-Cabral, and Steven J. Pierce et al., *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*, National Institute of Justice, December 2015, https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf; and U.S. Department of Justice, Office for Victims of Crime, Training and Technical Assistance Center, *Using a Trauma-Informed Approach*, Human Trafficking Task Force e-Guide, https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/41-using-a-trauma-informed-approach/.

[128] In the 116th Congress, the Abby Honold Act (H.R. 600; S. 171) would direct OVW to make competitive grants to law enforcement agencies and victim services organizations to implement evidence-based, trauma-informed approaches in responding to and investigating domestic violence, dating violence, sexual assault, or stalking.

[129] See, for example, National Association of State Mental Health Program Directors, Federal Partners, *Impact of Trauma*, https://www.nasmhpd.org/sites/default/files/FedPartnersOVW.pdf; and International Association of Chiefs of Police, *Trauma Informed Sexual Assault Investigation Training*, http://www.theiacp.org/trauma-informed-sexual-assault-investigation-training.

[130] Eligible entities would include state, local, territorial, or tribal law enforcement agencies; or national, regional, or local victim services organizations or agencies working in collaboration with law enforcement agencies.

enforcement officers, among other purpose areas, in an effort to increase the likelihood of successful investigations and prosecutions of reported crime in a manner that protects the victim to the greatest extent possible.

Domestic Violence and Federal Prohibition of Possession of Firearms

The Gun Control Act (GCA)[131] prohibits certain individuals from possessing firearms, including individuals who have been convicted of a misdemeanor crime of domestic violence[132] and those who are subject to a protective order involving an intimate partner or child of an intimate partner.[133] Congress may consider any number of issues surrounding prohibitions on firearms possession and matters of domestic violence, but the issue of enforcement of domestic violence and protection order prohibitions has been subject to some debate.

While there is a federal process for preventing those convicted of a misdemeanor crime of domestic violence or those subject to a protective order from purchasing a firearm,[134] there is not a federal process for these individuals to surrender their firearms. The process is left up to states and local jurisdictions, which vary in their approaches to enforcing these prohibitions. In some jurisdictions, the process for informing defendants/respondents they must surrender their firearms can vary by judge.[135] Of note, VAWA 2005 established a provision that required states or units of local government to certify that its judicial policies and practices included notification to domestic violence offenders of the firearms prohibitions in Section 922(g)(8) and (g)(9) of Title 18 in order to be eligible to receive STOP funding.[136] Congress may choose to take further steps to ensure the enforcement of these prohibitions, such as adding to the certification requirement, or

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[131] 18 U.S.C. §921 et seq.

[132] Of note, the Gun Control Act prohibits any person convicted of any felony, a crime punishable by imprisonment for a term exceeding one year, from possessing firearms. See 18 U.S.C. §922(g)(1). Domestic violence can be a misdemeanor or a felony depending on the circumstances and the jurisdiction.

[133] More precisely, 18 U.S.C. §922(g)(8) and 18 U.S.C. §922(g)(9) state that it shall be unlawful for a person

(1) "who is subject to a court order that—(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury" or

(2) "who has been convicted in any court of a misdemeanor crime of domestic violence" to ship, transport, receive, or possess firearms or ammunition.

For more information on firearms restrictions and relevant laws, see Bureau of Alcohol, Tobacco, Firearms, and Explosives, Firearms, https://www.atf.gov/firearms.

[134] The process does not apply to all transactions. For information on the National Instant Criminal Background Check System, see U.S. Department of Justice, Federal Bureau of Investigation, *National Instant Criminal Background Check System (NICS)*, https://www.fbi.gov/services/cjis/nics. For discussion of federal regulation of firearms, see CRS Report R44655, *Gun Control: Federal Law and Legislative Action in the 114th Congress*.

[135] Laurie Duker, *Do domestic violence victims in Montgomery County have full access to justice?*, Court Watch Montgomery, June 28, 2018, https://courtwatchmontgomery.org/wp-content/uploads/2018/07/CWM-Fundamentals-Report.FIN-6.28.18.pdf.

[136] See U.S. Department of Justice, Office on Violence Against Women, *OVW Fiscal Year 2019 STOP Formula Grant Program Solicitation*, March 2019, p. 13.

it might leave the decisions to the states, some of which have enacted laws requiring the removal of firearms from those subject to the prohibitions.

H.R. 1585, as passed by the House, includes several provisions that seek to reduce firearms-related intimate partner violence. It would amend federal law to prohibit persons convicted of misdemeanor stalking crimes from receiving or possessing a firearm or ammunition, and revise related provisions governing domestic violence protection orders and the definition of "intimate partner" under current law. H.R. 1585 also includes other provisions related to improving enforcement of federal firearm possession prohibitions under 18 U.S.C. §922, subsections (g)(8), (g)(9), and (g)(10).[137]

Other Changes to VAWA Programs

In the next effort to reauthorize VAWA, Congress may debate additional changes to VAWA programs such as adding new grant purpose areas or additional crimes, creating new programs, or consolidating existing programs. Examples of potential changes Congress may consider should it choose to reauthorize VAWA appropriations include the following:

- Female genital mutilation or female genital cutting (FGM/C) may be added to grant programs in a variety of ways. For example, it can be added as a crime for services eligibility, or Congress may try to encourage or require states (in order to receive grant funding) to make FGM/C a crime.[138]
- Many VAWA grant programs fund the same services and the same organizations.[139] For example, nine separate VAWA programs may be used to fund emergency shelter or transitional housing.[140] Congress may consider streamlining funding into fewer, larger grant programs. Currently, OVW administers 4 formula grant programs and 15 discretionary grant programs.[141]
- Congress may opt to support domestic violence courts.[142] While some grantees already use funds for this purpose and OVW has provided technical assistance to fund model domestic violence courts,[143] Congress may elect to create a program to support these specialized courts.
- While there is a large amount of grantee data available on the VAWA programs administered by OVW, grantee data from the Rape Prevention and Education (RPE) formula grant program administered by the CDC are limited. Congress

[137] For broader discussion of these proposed changes, see CRS In Focus IF11157, *Firearms Eligibility: Stalking- and Domestic Violence-Related Provisions in H.R. 1585*.

[138] According to the AHA Foundation (a women's advocacy group), just over half the states have criminalized FGM.

[139] For examples of organizations that receive multiple VAWA grants, see OVW, *Awards*, https://www.justice.gov/ovw/awards.

[140] See the following reports to Congress from OVW: *The 2016 Biennial Report to Congress on the Effectiveness of Grant Programs under the Violence Against Women Act; SASP Formula Grant Program, Sexual Assault Services Formula Grant Program, 2016 Report*; and *STOP Program, Services·Training·Officers·Prosecutors, 2016 Report.*

[141] This does not include the six formerly authorized grant programs. See OVW, *Grant Programs to End Violence Against Women*, https://www.justice.gov/ovw/grant-programs.

[142] A domestic violence court is a specialized court program that processes cases involving domestic violence offenses. For more information, see National Institute of Justice, *Domestic Violence Courts*, https://www.nij.gov/topics/courts/domestic-violence-courts.

[143] See 2016 reports to Congress from OVW and *OVW Fiscal Year 2017 Domestic Violence Mentor Court Technical Assistance Initiative Solicitation*, January 18, 2017.

may choose to require the CDC to submit reports on the activities supported with RPE funds.

H.R. 1585, as passed by the House, would define FGM/C for VAWA grant purposes, and amend the purpose areas of three VAWA grant programs (STOP, Outreach and Services to Underserved Populations, and CHOOSE Children and Youth) to include providing culturally specific victim services regarding responses to, and prevention of, FGM/C. The bill would also require the Director of the FBI to classify FGM/C, or female circumcision, as a part II crime in the UCR (see "Categories of Crime Addressed through VAWA" for discussion of UCR crime data).

H.R. 1585 would also amend the Rape Prevention and Education Grant Program to require the CDC Director to submit to Congress a report on the activities funded by grants and best practices relating to rape prevention and education.

H.R. 1585, if enacted, would make many other changes that are not discussed in detail in this report. These include changes to definitions used for VAWA grant purposes,[144] new housing protections for victims, and the creation of new grant programs that address issues such as lethality assessment in domestic violence cases and economic security for victims. Of note, H.R. 1585 would reauthorize funding for most VAWA programs[145] for FY2020-FY2024.

[144] For a discussion of proposed changes to the definition of domestic violence in H.R. 1585, see CRS Insight IN11085, *Defining Domestic Violence*.

[145] For a few VAWA programs, H.R. 1585 would increase annual authorization levels.

Appendix. Additional Data for VAWA Programs

The Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) authorized appropriations for most VAWA programs for FY2014 through FY2018.[146] **Table A-1** provides descriptions of currently funded VAWA programs, **Table A-2** provides a list of unfunded VAWA-authorized programs, and **Table A-3** provides a five-year funding history of VAWA programs by total funding amounts for each administrative office. For more-detailed program funding, see **Table 1**.

Table A-1. Current VAWA-Authorized Programs Funded Under the Departments of Justice and Health and Human Services

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Office on Violence Against Women		
Formula Grant Programs:		
STOP (Services, Training, Officers, and Prosecutors) Formula Grant Program *34 U.S.C. §§10441, 10446 – 10451, and 28 C.F.R. Part 90*	The purpose of this formula grant program is to enhance the capacity of local communities 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.	States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.[a]
Sexual Assault Services Formula Grant Program (SASP) *34 U.S.C. §12511*	The purpose of this formula grant program is to provide intervention, advocacy, accompaniment, support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault through rape crisis centers and other nonprofit organizations.	States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.
State and Territorial Sexual Assault and Domestic Violence Coalitions Program *34 U.S.C. §10441(c)*	The purpose of this formula grant program is for state and territorial coalitions to coordinate victim service activities and provide support to member rape crisis centers, member battered women's shelters, and other service providers.	State and territorial coalitions.[b]

[146] One VAWA program was authorized to receive funding over a two-year period: VAWA 2013 reauthorized appropriations for the study of violence against Indian women for FY2014-FY2015.

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program *34 U.S.C §10441(d) and 34 U.S.C. §12511(d)*	The purpose of this formula grant program is to support the development and operation of nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions. Tribal coalitions provide education, support, and technical assistance to member Indian service providers and tribes to enhance their response to victims of domestic violence, dating violence, sexual assault, and stalking.	Tribal coalitions.[c]
Office on Violence Against Women *Discretionary Grant Programs:*		
Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program (also known as Grants to Encourage Arrest Policies, or Arrest Program) *34 U.S.C. §§10461-10465*	The purpose of this grant program is to encourage partnerships between state, local, and tribal governments; courts; victim service providers; coalitions; and rape crisis centers to ensure that sexual assault, domestic violence, dating violence, and stalking are treated as serious violations of criminal law	States; the District of Columbia; the Commonwealth of Puerto Rico; the U.S. Virgin Islands; American Samoa; Guam; the Northern Mariana Islands tribal governments; units of local government; state, tribal, territorial, and local courts (including juvenile courts); state, tribal, and territorial domestic violence or sexual assault coalitions or victim service providers that partner with a state, tribal government, or unit of local government.[d]
Civil Legal Assistance for Victims Grant Program *34 U.S.C. §20121*	The purpose of this grant program is to strengthen and increase the availability of civil and criminal legal assistance for adult and youth victims of sexual assault, stalking, domestic violence, and dating violence through innovative and collaborative programs. Funds are used to provide direct legal services to victims in legal matters relating to or arising out of that abuse or violence, at minimal or no cost to the victims.	Private, nonprofit organizations; tribal governments and organizations; territorial organizations; and publicly funded organizations not acting in a governmental capacity (e.g., law schools).

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Tribal Governments Program *34 U.S.C. §10452*	The purpose of this grant program is to develop and enhance effective plans for tribal governments to reduce crimes of violence against American Indian women who are victims of domestic violence, dating violence, sexual assault, sex trafficking, and stalking and improve services for these women; increase the ability of a tribal government to respond to domestic violence, dating violence, sexual assault, sex trafficking, and stalking; strengthen the tribal criminal justice system; create community education and prevention campaigns; address the needs of children who witness domestic violence; provide supervised visitation and safe exchange programs; and provide transitional housing assistance and legal assistance.	Tribal governments; and authorized designees of tribal governments.
Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance[e] *34 U.S.C. §12341*	The purpose of this grant program is to enhance the safety of victims of domestic violence, dating violence, sexual assault, and stalking by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions.	States; the District of Columbia; the Commonwealth of Puerto Rico; Guam; American Samoa; the U.S. Virgin Islands; the Northern Mariana Islands; tribal governments; units of local government; nonprofit, public or private organizations, including tribal organizations. Applicants must propose to serve rural areas or rural communities, as defined in statute.
Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program *34 U.S.C. §12351*	The purpose of this grant program is to use a holistic, victim-centered approach to provide transitional housing services, short-term housing assistance, and related supportive services for victims of domestic violence, dating violence, sexual assault, and stalking, and to move them into permanent housing.	States; the District of Columbia; the Commonwealth of Puerto Rico; Guam; American Samoa; the U.S. Virgin Islands; the Northern Mariana Islands; tribal governments; units of local government; domestic violence and sexual assault victim service providers; domestic violence and sexual assault coalitions; and other nonprofit, nongovernmental organizations or community-based and culturally specific organizations that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking to carry out programs to provide assistance to minors, adults, and their dependents.

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program *34 U.S.C. §20125*	The purpose of this grant program is to strengthen the response of institutions of higher education to the crimes of sexual assault, domestic violence, dating violence, and stalking on campuses and enhance collaboration among campuses, local law enforcement, and victim advocacy organizations.	Institutions of higher education.
Family Civil Justice Program (also known as Justice for Families Program or Grants to Support Families in the Justice System) *34 U.S.C. §12464*	The purpose of this grant program is to improve the civil and criminal justice systems' responses to families with a history of domestic violence, dating violence, sexual assault, or stalking, or in cases involving allegations of child sexual abuse	States; the District of Columbia; the Commonwealth of Puerto Rico; Guam; American Samoa; the U.S. Virgin Islands; the Northern Mariana Islands; units of local government; courts (including juvenile courts); tribal governments; nonprofit organizations; legal services providers; and victim service providers.
Consolidated Youth Oriented Program (also known as Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies)[f]	The purpose of this grant program is to support projects that implement one or both of the primary purpose areas: (1) comprehensive child- and youth-centered prevention and intervention projects that maximize community-based efforts and evidence-informed practices to more fully address domestic violence, dating violence, sexual assault and stalking (DDSS); and (2) multi-faceted prevention strategies that involve community organizing, outreach, and public education and mobilization that utilize men as influencers of other men and boys and encourages them to work as allies with women and girls to prevent DDSS.	Nonprofit, nongovernmental entities with (1) a demonstrated primary goal of providing services to children and youth who are victims of and/or exposed to domestic violence, dating violence, sexual assault, or stalking (DDSS), (2) a primary goal of serving adult victims of DDSS, but have a demonstrated history of providing comprehensive services to children or youth who are victims of and/or exposed to DDSS, or (3) a demonstrated history of creating effective public education and/or community organizing campaigns to encourage men and boys to work as allies with women and girls to prevent DDSS; tribal governments or tribal nonprofit organizations that provide services to children or youth who are victims of and/or exposed to DDSS; and territorial, tribal, or local government/unit of local government entities.
Grants to Enhance Culturally Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking *34 U.S.C. §20124*	The purpose of this grant program is to develop and support innovative culturally specific strategies and projects to enhance access to services and resources for victims of violence against women.	Community-based programs whose primary purpose is providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking; or whose primary purpose is providing culturally specific services and can partner with a program having demonstrated expertise in serving these victims.

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Training and Services to End Violence Against Women with Disabilities Grant Program *34 U.S.C. §20122*	The purpose of this grant program is to establish and strengthen multidisciplinary collaborative relationships and increase organizational capacity to provide accessible, safe, and effective services to individuals with disabilities and deaf individuals who are victims of sexual assault, domestic violence, dating violence, and stalking.	States; the District of Columbia; the Commonwealth of Puerto Rico; Guam; American Samoa; the U.S. Virgin Islands; the Northern Mariana Islands; units of local government; Indian tribal governments or tribal organizations; and victim service providers such as state or tribal domestic violence or sexual assault coalitions or nonprofit, nongovernmental organizations serving individuals with disabilities.
Grants for Outreach and Services to Underserved Populations *34 U.S.C. §20123*	The purpose of this grant program is to support the development and implementation of outreach strategies targeted at adult or youth victims of sexual assault, domestic violence, dating violence, or stalking in underserved populations and victim services for these populations.	Nonprofit organizations that serve populations traditionally underserved due to geographic location, religion, sexual orientation, or gender identity; underserved racial and ethnic populations; and populations underserved because of special needs (such as language barriers, disabilities, alien status, or age).
Enhanced Training and Services to End Abuse in Later Life Program *34 U.S.C. §12421*	The purpose of this grant program is to provide or enhance training and services for victims of elder abuse, neglect, or exploitation, including victims of domestic violence, dating violence, sexual assault, or stalking.	States; the District of Columbia; the Commonwealth of Puerto Rico; Guam; American Samoa; the U.S. Virgin Islands; the Northern Mariana Islands; units of local government; tribal governments or tribal organizations; population specific organizations with demonstrated experience in assisting individuals over 50 years of age; victim service providers with demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking; and state, tribal, or territorial domestic violence or sexual assault coalitions.
Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction *25 U.S.C. §1304(f)*	The purpose of this grant program is to assist Indian tribes in planning, implementing, and exercising special domestic violence criminal jurisdiction to hold accountable non-Indians who commit crimes of domestic violence or dating violence or violate certain protection orders in Indian country.	Indian tribal governments that have jurisdiction over Indian country.
Sexual Assault Services Culturally Specific Program *34 U.S.C. §12511(c)*	The purpose of this grant program is to create, maintain, and expand sustainable sexual assault services provided by organizations that are uniquely situated to respond to the needs of sexual assault victims from culturally specific populations.	Nonprofit organizations that focus primarily on culturally specific communities.

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Grant for National Resource Center on Workplace Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking *34 U.S.C. §12501*	The purpose of this grant program is to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence.[g]	Nonprofit organizations, and tribal organizations.
Tribal SASP *34 U.S.C. §12511(e)*	The purpose of this grant program is to enhance the ability of tribes to create, maintain, and expand sexual assault services in Indian tribal lands and Alaska Native villages.	Federally recognized tribal governments, tribal organizations, and nonprofit tribal organizations.
Office of Justice Programs		
Court Appointed Special Advocates for Victims of Child Abuse[h]	The purpose of this grant program is to provide trained individuals who are appointed by judges to advocate for the best interest of children who are involved in the juvenile and family court system due to abuse or neglect.[i]	National organizations that have broad membership among court-appointed special advocates (CASA) and demonstrated experience in grant administration of CASA programs and in providing training and technical assistance to CASA programs. The organization may be a local public or nonprofit agency that has demonstrated the willingness to initiate, sustain, and expand a CASA program.
Research and Evaluation on Violence Against Women *34 U.S.C. §12331*	The purpose of this research program (referred to as a research agenda in statute) is to promote the safety of women and family members, and to increase the efficiency and effectiveness of the criminal justice system's response to violence against women.	NA[j]
Research on Violence Against Indian Women, National Baseline Study *34 U.S.C. §10452 Note*	The purpose of this program is to examine violence against American Indian and Alaska Native women and identify factors that place this population at risk for victimization; evaluate the effectiveness of federal, state, tribal, and local responses to violence against American Indian and Alaska Native women; and propose recommendations to improve the effectiveness of these responses.	NA

Program and U.S. Code Citation (by Administrative Agency)	Purpose Areas	Eligible Applicants
Centers for Disease Control and Prevention		
Rape Prevention and Education Grant Program *42 U.S.C. §280b–1b*	The purpose of this formula grant program is to strengthen sexual violence prevention efforts in the states and territories and increase awareness about sexual violence through educational seminars, hotline operations, and development of informational materials.	States; District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Source: Descriptions of grant programs' purposes are taken from statute; OVW, *Grant Programs to End Violence Against Women*; National Institute of Justice, *Violence Against Women and Family Violence Program*; and CDC, *Rape Prevention and Education: Transforming Communities to Prevent Sexual Violence*. The organizations eligible to apply for grants are taken from the relevant statute; OVW FY2018 and FY2019 grant solicitations; and the RPE Grant Program description.

Notes: Technical assistance initiatives funded by OVW, such as the Domestic Violence Homicide Prevention Initiative and National Indian Country Clearinghouse on Sexual Assault, are not included in this table. Technical assistance initiatives are generally authorized under 34 U.S.C. §12291(b)(11). NA indicates "Not Applicable".

a. Indian tribal governments; units of local government; and nonprofit, nongovernmental victim service programs may receive subgrants from states.

b. State domestic violence coalitions are determined by HHS. State sexual assault coalitions are determined by the CDC.

c. Tribal coalitions must be recognized by OVW as (1) meeting the statutory definition of a tribal coalition (as defined under 34 U.S.C. §12291(a)(35)) and (2) providing services to Indian tribes. OVW may make discretionary awards to organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located and no tribal coalition exists. To be invited to apply for funding as a new coalition, organizations must engage in a multistep planning process.

d. Applicants must certify that their laws, policies, and practices comply with statutory requirements listed under 34 U.S.C. §12291.

e. The title of this program in code includes the term *child abuse enforcement assistance* but OVW does not include this term in its grant solicitations.

f. The Consolidated Youth Oriented Program is not defined in statute. Through FY2013 appropriations, Congress consolidated four VAWA-authorized programs in OVW: Engaging Men and Youth in Prevention, Grants to Assist Children and Youth Exposed to Violence, Supporting Teens through Education and Protection (STEP), and Services to Advocate and Respond to Youth. VAWA 2013 further amended the organization of these programs and their purpose areas in authorizing the new CHOOSE Children & Youth (34 U.S.C. §12451) and SMART Prevention (42 U.S.C. §14043d-2) programs. See "Consolidation of Grant Programs" for further clarification.

g. This grant currently funds The Workplaces Respond to Domestic and Sexual Violence: A National Resource Center Project, which is managed by Futures Without Violence. This project offers information to those interested in providing effective workplace responses to victims of domestic violence, sexual violence, dating violence, and stalking.

h. This program was originally authorized by the Victims of Child Abuse Act (P.L. 101-647). In 1994, 2000, 2005, and 2013, VAWA has reauthorized funding for this program.

i. The National Court Appointed Special Advocate (CASA) Program has received this award each year and makes subgrants, on a competitive basis, to local CASA programs. The CASA Program also provides training and technical assistance. For additional information, see http://www.casaforchildren.org.

j. In general, NIJ is authorized to make grants to, or enter into contracts or cooperative agreements with, states, territories, units of local government, federally recognized Indian tribal governments that perform law enforcement functions (as determined by the Secretary of the Interior), nonprofit and for-profit organizations (including tribal nonprofit and for-profit organizations), institutions of higher education (including tribal institutions of higher education), and certain qualified individuals. For-profit organizations must agree to forgo any profit or management fee. Foreign governments, foreign organizations, and foreign colleges and universities are not eligible to apply.

Table A-2. Unfunded VAWA-Authorized Programs

(Programs authorized as of FY2018 but did not receive funding in FY2019; dollars in millions)

Program and U.S. Code Citation (by Administrative Agency)	FY2018 Authorization Level
Office on Violence Against Women (OVW)	
Grants to Combat Violence Against Women in Public and Assisted Housing *(34 U.S.C. §12475)*	$4.0
Office of Justice Programs (OJP)	
Training Programs to Assist Probation and Parole Officers *(34 U.S.C. §12311)*	$5.0
National Stalker and Domestic Violence Reduction *(34 U.S.C. §12401 et seq.)*	$3.0
Tracking of Violence Against Women: National Tribal Sex Offender Registry *(34 U.S.C. §20903)*	$1.0
Executive Office of U.S. Attorneys (EOUSA)	
Federal Victim Assistants[a]	$1.0
Centers for Disease Control and Prevention (CDC)	
Grants to Strengthen the Healthcare System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking *(42 U.S.C. §280g–4)*	$10.0
Study Conducted by the Centers for Disease Control and Prevention *(42 U.S.C. §280b–4)*	$1.0
Administration for Children and Families (ACF)	
Collaborative Grants to Increase the Long-Term Stability of Victims *(34 U.S.C. §12474)*	$4.0

Source: The Violence Against Women Reauthorization Act of 2013 (P.L. 113-4).

Notes: Programs included in this table must have a specific authorization level for FY2018. Programs that are authorized *but not specifically authorized at a specified amount for FY2018* are not included in this table. For example, 34 U.S.C. §12301 (Section 40131 of the Violence Against Women Act of 1994; P.L. 103-322) authorized $10,000,000 for the Secretary of Transportation to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. While that authorization remains in code, there was not a specific authorization level for FY2018.

a. This program does not have a U.S. Code citation, but funding was authorized under Section 110 of VAWA 2005 and Section 1110 of VAWA 2013. Victim-witness coordinators at EOUSA and victim-witness specialists at the FBI are funded through the Crime Victims Fund and authorized under the Victims of Crime Act. For more information, see CRS Report R42672, *The Crime Victims Fund: Federal Support for Victims of Crime*.

Table A-3. Five-Year Funding History for VAWA by Administrative Agency

(Dollars in millions)

	FY2015	FY2016	FY2017	FY2018	FY2019
Office on Violence Against Women (OVW)	*$430.0*	*$480.0*	*$481.5*	*$492.0*	*$497.5*
Office of Justice Programs (OJP)	*$6.0*	*$9.0*	*$9.0*	*$12.0*	*$12.0*
Centers for Disease Control and Prevention (CDC)	*$38.8*	*$44.4*	*$44.3*	*$49.4*	*$49.4*
Total VAWA Spending	**$474.8**	**$533.4**	**$534.8**	**$553.4**	**$558.3**

Source: OVW and OJP funding amounts were taken from joint explanatory statements to accompany P.L. 113-76 (2014), P.L. 113-235 (2015), P.L. 114-113 (2016), P.L. 115-31 (2017), P.L. 115-141 (2018), and P.L. 116-6 (2019). CDC funding amounts were taken from the CDC operating plans, FY2015-FY2019.

Notes: Beginning in FY2016, OVW received transfers from the Crime Victims Fund to fund VAWA programs. These amounts were $379.0 million in FY2016, $326.0 million in FY2017, $492.0 million in FY2018, and $497.5

in FY2019. For more information on the Crime Victims Fund, see CRS Report R42672, *The Crime Victims Fund: Federal Support for Victims of Crime*.

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