The Violence Against Women Act: Overview, Legislation, and Federal Funding

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Summary

In 1994, Congress passed the Violence Against Women Act (VAWA, P.L. 103-322). The act was intended to change attitudes toward domestic violence, foster awareness of domestic violence, improve services and provisions for victims, and revise the manner in which the criminal justice system responds to domestic violence and sex crimes. The legislation created new programs within the Departments of Justice and Health and Human Services that aimed to reduce domestic violence and improve response to and recovery from domestic violence incidents. VAWA primarily addresses certain types of violent crime through grant programs to state, tribal, and local governments; nonprofit organizations; and universities. VAWA programs target the crimes of intimate partner violence, dating violence, sexual assault, and stalking.

In 1995, the Office on Violence Against Women (OVW) was created administratively within the Department of Justice to administer federal grants authorized under VAWA. In 2002, Congress codified the OVW as a separate office within the Department of Justice (DOJ). Since its creation, the OVW has awarded more than $4.7 billion in grants. While the OVW administers the majority of VAWA authorized grants, other federal agencies, including the Centers for Disease Control and Prevention and the Office of Justice Programs, also manage VAWA grants.

Since 1994, VAWA has been modified and reauthorized several times. In 2000, Congress reauthorized the programs under VAWA, enhanced federal domestic violence and stalking penalties, added protections for abused foreign nationals, and created programs for elderly and disabled women. In 2005, Congress again reauthorized VAWA. In addition to reauthorizing the programs under VAWA, the legislation enhanced penalties for repeat stalking offenders; added additional protections for battered and trafficked foreign nationals; and created programs for sexual assault victims and American Indian victims of domestic violence and related crimes; and created programs designed to improve the public health response to domestic violence.

Authorization for appropriations for the programs under VAWA expired in 2011. VAWA programs are currently unauthorized; however, programs have continued to receive appropriations. In the 112th Congress, bills (S. 1925 and H.R. 4970) were passed in each chamber that would have reauthorized most of the programs under VAWA, among other things. H.R. 4970 differed in substantive ways from S. 1925, including with respect to the VAWA-related immigration provisions, the authority it would have given Indian tribes to enforce domestic violence and related crimes against non-Indian individuals, and in the populations it would have included under its definition of underserved population. Neither bill was enacted into law. Selected issues with these bills are discussed in Appendix B.

In the 113th Congress, two bills (H.R. 11 and S. 47) have been introduced that would reauthorize most of the programs under VAWA, among other things. On February 12, 2013, the Senate passed S. 47 as amended. The Senate amended S. 47 so the bill would amend and authorize appropriations for the Trafficking Victims Protection Act of 2000, enhance measures to combat trafficking in persons, and amend VAWA grant purpose areas to include sex trafficking. Aside from these amendments, S. 47 and H.R. 11 are similar. A description of these bills is provided in this report.

H.R. 11 and S. 47 contain many of the same provisions that were in reauthorization bills from the 112th Congress. These bills would reauthorize most VAWA grant programs and authorize appropriations at a lower level. Like S. 1925, these bills propose new provisions for certain
populations such as American Indian tribes. Both bills would grant authority to Indian tribes to enforce domestic violence and related crimes against non-Indian individuals.

H.R. 11 and S. 47 also differ from reauthorization bills from the 112th Congress. The 113th bills include new provisions to address the rape kit backlog by amending the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106-546). As mentioned, S. 47 now includes provisions that would address trafficking in persons. Additionally, some items that had been included in reauthorization bills from the 112th Congress are not included in H.R. 11 and S. 47, such as the proposal (in S. 1925 only) to temporarily increase the cap on the number of U visas available for abused foreign nationals (from 10,000 to 15,000). These issues and others are discussed in this report.
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Background and History of the Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA), currently up for reauthorization, was originally passed by Congress as Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). This act addressed congressional concerns about violent crime, and violence against women in particular, in several ways. Among other things, it enhanced investigations and prosecutions of sex offenses by allowing for enhanced sentencing of repeat federal sex offenders; mandating restitution to victims of specified federal sex offenses; and providing grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women.

Congressional passage of VAWA was ultimately spurred on by decades of growing unease over the rising violent crime rate and a focus on women as crime victims. Beginning in the 1960s, the violent crime rate rose steadily, igniting concern from both the public and the federal government. Supplementing the concern for the nation’s rising violent crime rate was the concern for violence against women. In the 1970s, grassroots organizations began to stress the need for attitudinal change regarding violence against women. These organizations sought a change in attitude among both the public as well as the law enforcement community.

In the 1980s, researchers began to address the violence against women issue as well. For instance, Straus and Gelles collected data on family violence and attributed declines in spousal assault to heightened awareness of the issue by both men and the criminal justice system. The criminal justice system and the public were beginning to view family violence as a crime rather than a private family matter.

In 1984, Congress 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 of family violence and their dependents. While FVPSA authorized programs similar to those discussed in this report and has 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.

In 1994, Congress passed a major crime bill, the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). Among other things, the bill created an unprecedented number of programs geared toward helping local law enforcement fight violent crime and servicing victims of violent crime. In their introduction to the Violence Against Women Act, then-Senator Joseph Biden and Senator Barbara Boxer highlighted the weak response to violence against women by
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police and prosecutors. The shortfalls of legal response and the need for a change in attitudes toward violence against women were primary reasons cited for the passage of VAWA.

Since it was enacted in 1994, Congress has twice reauthorized VAWA. The most recent authorization of appropriations for VAWA programs expired in FY2011, however, these programs have continued to receive funding. In the 113th Congress, two bills (H.R. 11, Violence Against Women Reauthorization Act of 2013 and S. 47, Violence Against Women Reauthorization Act of 2013) have been introduced that would reauthorize most of the programs under VAWA, among other things. On February 12, 2013, the Senate passed S. 47 as amended. H.R. 11 and S. 47 are very similar and include new provisions for immigrants and American Indian tribes. These issues and others are discussed in this report.

This report provides a brief legislative history of VAWA and an overview of the crimes addressed through VAWA. Appendix A outlines funding information for VAWA authorized programs from FY2008 through FY2012. Appendix B provides discussion of selected issues of the VAWA reauthorization bills from the 112th Congress. The report concludes with a brief description of the VAWA reauthorization bills.

Violence Against Women Act of 1994

As mentioned, VAWA was originally passed by Congress as part of the broader Violent Crime Control and Law Enforcement Act of 1994. The Violence Against Women Act of 1994 (1) enhanced investigations and prosecutions of sex offenses and (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. The sections below highlight examples of these VAWA provisions.

Investigations and Prosecutions

As passed in 1994, 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 as well as 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 and territories to enforce protection orders issued by other states, tribes, and territories. VAWA also allowed for enhanced sentencing of repeat federal sex offenders. It also authorized funding for the Attorney General to develop training programs to assist probation and parole officers in working with released sex offenders.

In addition, VAWA established a new requirement for pretrial detention 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

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admissible in federal criminal and civil cases of sexual misconduct. In addition, VAWA asked the Attorney General to study measures in place to ensure confidentiality between sexual assault or domestic violence victims and their counselors.

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

Grant Programs

VAWA created a number of grant programs for a range of activities, including programs aimed at (1) preventing domestic violence and related crimes; (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; and (4) addressing the needs of individuals in a special population group (e.g., elderly, disabled, children and youth, individuals of ethnic and racial communities, and nonimmigrant women). VAWA grants are administered by the Department of Justice, Office on Violence Against Women and Office of Justice Programs as well as by the Department of Health and Human Services, Centers for Disease Control.

Under VAWA, grants were authorized for capital improvements to prevent crime in public transportation systems as well as in public and national parks. It also expanded the Family Violence Prevention and Services Act (FVPSA) to include grants for youth education on domestic violence and intimate partner violence as well as to include grants for community intervention and prevention programs.

As mentioned, VAWA provided for federal grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women. It established an additional grant to bolster investigations and prosecutions in rural areas. It also established a grant program to encourage state, local, and tribal arrest policies in domestic violence cases.

VAWA authorized grants for education and training for judges and court personnel in state and federal courts on the laws of rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim’s gender. It also authorized grants to assist state and local governments in entering data on stalking and domestic violence into national databases.

VAWA authorized the expansion of grants under the Public Health Service Act to include rape prevention education. Additionally, it expanded the purposes of the Runaway and Homeless Youth Act to allow for grant funding to assist youth at risk of (or who have been subjected to)

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7 Fed. R. Evid. 412.
8 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).
9 42 U.S.C. §10401 et seq.
10 42 U.S.C. §280b et seq.
11 42 U.S.C. §5711 et seq.
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.

VAWA established the National Domestic Violence Hotline and authorized funding for its operation.\(^\text{12}\) It also authorized funding for battered women’s shelters, in addition to including special protections for battered nonimmigrant women and children.\(^\text{13}\)

**Other VAWA Requirements**

Beyond the criminal justice improvements and grant programs, 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 the grants authorized under VAWA.\(^\text{14}\) Since its creation, the OVW has awarded more than $4.7 billion in grants and cooperative agreements to state, tribal, and local governments, nonprofit organizations, and universities.\(^\text{15}\) While the 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 funds. See Table A-1 for an outline of current VAWA authorized grant programs.

**Categories of Crime Addressed through VAWA**

VAWA grant programs address the needs of victims of domestic violence, sexual assault, dating violence, and stalking. VAWA treats these as distinct crimes which involve a wide range of victim demographics. For domestic violence, sexual assault, and stalking, the risk of victimization is

\(^\text{12}\) The National Domestic Violence Hotline is now authorized by FVPSA (P.L. 111-320) and codified at 42 U.S.C. §10413.


\(^\text{14}\) In 2002, OVW was codified through Title IV of the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273).

highest for women.\textsuperscript{16} For dating violence, the risk of victimization is the same for both men and women.\textsuperscript{17}

Victimization data on these crimes are available from two national surveys, the National Crime Victimization Survey (NCVS) and the Youth Risk Behavior Surveillance System\textsuperscript{18} and the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) Program.\textsuperscript{19} UCR data vary from survey data because the UCR describes crimes that were reported to law enforcement while survey data describe self-reported crimes that were not necessarily reported to law enforcement. Due to differences in methodology, survey data are not comparable to UCR data.\textsuperscript{20}

**Domestic Violence**

As discussed, public concern over violence against women prompted the original passage of VAWA. As such, VAWA legislation and programs have historically emphasized women as victims. More recently, however, there has been a focus on ensuring the needs of all victims are met through provisions of VAWA programs.\textsuperscript{21}

Domestic violence is a complex crime and is often labeled as family violence or intimate partner violence. Under VAWA, domestic violence is generally interpreted as intimate partner violence. Intimate partner violence 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 of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other 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.22

From 1994 to 2010, the rate of intimate partner violence declined by 64%, and over this 17 year period, approximately four in five victims of intimate partner violence were female.23 In 2010, there were 407,700 females that reported victimization by an intimate partner (3.1 per 1,000 persons aged 12 and older), compared to 101,530 males (0.8 per 1,000 persons aged 12 and older) who reported victimization by an intimate partner. According to NCVS data, intimate partner victimization rates also vary by age and race. Females aged 18 or older generally experience higher rates of intimate partner violence than females aged 12 to 17. Rates of intimate partner violence have also been historically higher for black females than white females.24

In 2010, a survey conducted by the Centers for Disease Control and Prevention included questions about lifetime victimization. The CDC estimates that 24.3% of women (one in four women) and 13.8% of men (one in seven men) have experienced severe physical violence25 by an intimate partner in their lifetime.26

**Intimate Partner Homicide**

Since peaking in the early 1990s, the violent and property crime rates have declined. Overall homicide rates and intimate partner homicide rates have also declined. Researchers have studied the range of social factors that may influence homicide rates and have suggested possible reasons for the decline in intimate partner homicide rates. For instance, most intimate partner homicides involve married couples; as such, some researchers have suggested the decline in marriage rates among young adults as a contributing factor in the decline in intimate partner homicide rates.27 Additionally, divorce and separation rates have increased. Fewer marriages may result in less exposure to abusive partners and fewer marriages may suggest that those who do marry are more selective in choosing a partner.28

Overall, homicide is committed largely by males, mostly victimizing males. From 1980 through 2008, males made up 90% of all offenders and 77% of all homicide victims; however, females were more likely than males to be victims of intimate partner homicide.29 From 1980 through 2008, female homicide victims were six times more likely than male victims to have been a

25 The CDC provided the following examples of severe physical violence: “hit with a fist or something hard, beaten, [or] slammed against something.”
28 Ibid.
victim of intimate partner homicide, and 63% of all intimate partner homicide victims were female.\textsuperscript{30}

\textbf{Sexual Assault}

While intimate partner violence can, and often does, include sexual assault,\textsuperscript{31} it is viewed as a separate category of crime under VAWA. Sexual assault may include the crimes of forcible rape, attempted forcible rape, assault with intent to rape, statutory rape, and other sexual offenses. Sexual assault is not defined in the U.S. Code, but other associated crimes, such as sexual abuse and aggravated sexual abuse, are defined in the U.S. Code.\textsuperscript{32} Under VAWA, sexual assault includes any conduct that may be described as sexual abuse or aggravated sexual abuse.

According to statistics from the NCVS, there were 184,390 sexual assaults in 2010.\textsuperscript{33} These data are not comprehensive because some victimizations are not reported to law enforcement. Moreover, these data are not comparable to UCR data because the NCVS includes male victims in its definition of sexual assault, and UCR statistics from 2010 do not include male victims.

According to the FBI’s UCR Program, 83,425 forcible rapes were reported to law enforcement in 2011. Since 1990, when 102,555 forcible rapes were reported to law enforcement, this figure has fluctuated but has declined overall, as illustrated in \textbf{Figure 1}.

\textsuperscript{30} Homicide Trends in the United States, p. 10.
\textsuperscript{31} Female Victims of Violence, 2009, p. 2.
\textsuperscript{32} 42 U.S.C. §13925; 18 U.S.C. §2241 et seq.
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Figure 1. Forcible Rapes Known to Police
(1990–2011)


Note: These data include only female victims; from 1990-2011 the FBI definition of rape did not include male victims.

Through 2011, the FBI defined forcible rape as, “the carnal knowledge of a female forcibly and against her will.” Forcible rape statistics include attempted forcible rape and assault with intent to rape, but exclude statutory rape without force and other sex offenses. In January 2012, the FBI revised its definition of forcible rape to include male victims. Future UCR reports will include rape statistics for male victims.

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.” 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.

35 Ibid.
38 Ibid.
Reports on dating violence usually refer to teenagers as the relevant age demographic. According to the 2011 Youth Risk Behavior Survey, approximately 9.4% of high school students had been “hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend” in the past year. Unlike other crimes addressed by VAWA, males were equally likely as females to report this outcome.

**Stalking**

Stalking is defined as “a course of conduct directed at a specific person that would cause a reasonable person to feel fear.” All 50 states, the District of Columbia, and U.S. Territories have enacted anti-stalking laws, and these laws vary in their definition. Federal law makes it unlawful to (1) travel across state lines or use the mail or computer; (2) with the intent to injure or harass another; and (3) as a result, places that person in reasonable fear of death or serious bodily injury or causes substantial emotional distress to that person or a member of that person’s family.

According to the NCVS, 3.3 million individuals aged 18 and older were victims of stalking in 2006. Females were at greater risk than males for stalking victimization, and individuals aged 18-24 were at greater risk than those individuals aged 25 or older. According to the CDC, 10.7% of women and 2.1% of men have been stalked by an intimate partner in their lifetime.

**Reauthorizations of VAWA**

Since it was enacted in 1994, Congress has twice reauthorized VAWA. Of note, both reauthorizations had broad bipartisan support.

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


42 Ibid.


44 In 2006, the NCVS included a supplemental survey that identified victims of stalking.

45 *Stalking Victimization in the United States - Revised*, 2012, pp. 3-4.


47 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 unanimously passed the bill. 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 unanimously passed the bill.

education programs, and inclusion of victims of dating violence.\textsuperscript{49} 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.\textsuperscript{50} Also, the act added the intimate partners of victims as people covered under the interstate stalking statute.

- In 2005, Congress reauthorized VAWA through the Violence Against Women and Department of Justice Reauthorization Act (P.L. 109-162).\textsuperscript{51} The legislation added protections for battered and trafficked nonimmigrants,\textsuperscript{52} enhanced penalties for repeat stalking offenders, added programs for American Indian victims, sexual assault 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 encourages community initiatives to address these issues. The act also created the Office of Audit, Assessment and Management (OAAM).

**Reauthorization of VAWA and the 113th Congress**

Authorization for appropriations for the programs under VAWA expired in 2011; however, programs have continued to receive appropriations.\textsuperscript{53} In the 112th Congress, bills (S. 1925 and H.R. 4970) were passed in each chamber that would have reauthorized most of the programs under VAWA, among other things. H.R. 4970 differed in substantive ways from S. 1925, including with respect to the VAWA-related immigration provisions, the authority it would have given Indian tribes to enforce domestic violence and related crimes against non-Indian individuals, and in the populations it would have included under its definition of underserved

\textsuperscript{49} The term “dating violence” was not used in the original VAWA and was added in VAWA 2000.
\textsuperscript{50} 18 U.S.C. §2261 and §2262.
\textsuperscript{51} 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).
\textsuperscript{52} For more information, see CRS Report R42477, *Immigration Provisions of the Violence Against Women Act (VAWA)*, by William A. Kandel.
\textsuperscript{53} While the expiration of VAWA has no legal effect on the authority of the federal government to carry out VAWA programs and activities, it may have procedural ramifications for congressional consideration of appropriations acts that provide funding for the projects and activities authorized by VAWA. For general information on procedural and legal issues related to the authorization of appropriations, see CRS Report R42098, *Authorization of Appropriations: Procedural and Legal Issues*, by Jessica Tollestrup and Brian T. Yeh.
population. Neither bill was enacted into law. Selected issues with these bills are discussed in Appendix B.

Two bills have been introduced in the 113th Congress that would reauthorize appropriations for programs under VAWA, among other things. On January 22, 2013, Senator Patrick Leahy introduced the Violence Against Women Act of 2013 (S. 47) and Representative Gwen Moore introduced the Violence Against Women Reauthorization Act of 2013 (H.R. 11). On February 12, 2013, the Senate passed S. 47 as amended. The Senate amended S. 47 so the bill would amend and authorize appropriations for the Trafficking Victims Protection Act of 2000 (Division A of P.L. 106-386), enhance measures to combat trafficking in persons, and amend grant purpose areas to include sex trafficking.\(^{54}\) Aside from these amendments, S. 47 and H.R. 11 are similar.

H.R. 11 and S. 47 include new provisions for certain populations such as American Indian tribes. Both bills would grant authority to Indian tribes to enforce domestic violence and related crimes against non-Indian individuals. Selected provisions of H.R. 11 and S. 47 are described in this section.

**Description of H.R. 11 and S. 47**

Both H.R. 11 and S. 47 would, among other things,

- reauthorize most VAWA grant programs and authorize appropriations at a lower level, in general;\(^{55}\)
- consolidate several VAWA grant programs (\(42\text{ U.S.C. 14043c through 14043c–3}\)) that address services and education for youth into one grant program entitled Creating Hope through Outreach, Options, Services, and Education for Children and Youth;
- consolidate several VAWA grant programs that support families in the justice system and strengthen the healthcare system’s response to domestic violence, dating violence, and stalking;
- enhance protection of personally identifiable information of victims;\(^{56}\)
- include victims of dating violence in the Transitional Housing Assistance Grant Program and ensure that victims are not subject to prohibited activities, including background checks or clinical evaluations, to determine eligibility for services;

\(^{54}\) Prior to passage of S. 47, the Senate passed S.Amdt. 10, S.Amdt. 11, and S.Amdt. 21.

\(^{55}\) The authorization levels for existing VAWA grant programs would either decrease or remain the same.

\(^{56}\) S. 47 would allow sharing of law enforcement-generated and prosecution-generated information necessary for law enforcement or prosecution.
• promote additional housing rights for victims of domestic violence, dating violence, sexual assault, and stalking, including a provision that states that an applicant may not be denied public housing on the basis that the person has been a victim of domestic violence, dating violence, sexual assault, and stalking;

• redefine “linguistically and culturally specific services” by removing “linguistically” from the term, and amending the definition to address the needs of culturally specific communities;

• with respect to providing VAWA-related services, add the terms “population specific services” and “population specific organizations,” which focus on “members of a specific underserved population”;  

• establish a nondiscrimination provision for all VAWA grant programs to ensure that victims are not denied services on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, or disability;

• expand the purpose areas of several VAWA grants to address the needs of sexual assault survivors to include strengthening law enforcement and forensic response and urging jurisdictions to evaluate and reduce rape kit backlogs;

• amend the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106-546) to strengthen audit requirements for sexual assault evidence backlogs and require that for each of fiscal years 2014 through 2018, not less than 75% of the total Debbie Smith grant amounts be awarded to carry out DNA analyses of samples from crime scenes for inclusion in the Combined DNA Index System and to increase the capacity of state or local government laboratories to carry out DNA analyses;

• establish 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;

57 S. 47 would define 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.”

S. 47 would define 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.”


59 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 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, Grants, and Issues, by Nathan James.

60 The Combined DNA Index System (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, DNA Initiative: DNA Databases, http://www.dna.gov/dna-databases/levels.
define “individual in later life” to mean a person who is 50 years of age or older;

enhance criminal penalties for assaulting a spouse, intimate partner, or dating partner;\textsuperscript{61}

enhance criminal penalties for criminal and civil rights violations involving sexual abuse;

expand the purpose areas of grants to tribal governments and coalitions to include sex trafficking;

amend 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 set forth through the Prison Rape Elimination Act of 2003 (P.L. 108-79);

expand the purpose areas of grants for American Indian tribal governments and coalitions to 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 to include identifying and providing technical assistance to enhance access to services for Indian women victims of domestic and sexual violence, including sex trafficking;

redefine “underserved populations” to include those who may be discriminated against based on religion, sexual orientation or gender identity;\textsuperscript{62}

require the Office on Violence Against Women to establish a biennial conferral process with grantees and key stakeholders;\textsuperscript{63}

allow VAWA petition information\textsuperscript{64} to be shared with other government agencies for national security purposes, provided the confidentiality provisions of §384(b) of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 are maintained, and permit DOJ to go beyond the record of conviction when determining whether a crime of domestic violence constitutes a crime of violence when determining whether an individual is deportable;\textsuperscript{65}

establish new mandatory grant guidelines for campuses and universities in their incident response procedures and development of programs to prevent domestic violence, sexual assault, stalking, and dating violence;

\textsuperscript{61} 42 U.S.C. §113.

\textsuperscript{62} 42 U.S.C. §13925 defines underserved populations 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.”

\textsuperscript{63} The areas of conferral would 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 would be required to publish a comprehensive report that summarizes the issues presented and what, if any, policies it intends to implement to address those issues.

\textsuperscript{64} As submitted by abused foreign nationals who are seeking lawful permanent resident status.

\textsuperscript{65} For additional information, see CRS Report R42477, Immigration Provisions of the Violence Against Women Act (VAWA), by William A. Kandel.
• expand the definition of cyberstalking to include use of “any electronic communication device or electronic communication system of interstate commerce;”

• create a voluntary two-year pilot program for Indian tribes that make a request to the Attorney General to be designated as a participating tribe to have special domestic violence criminal jurisdiction over such cases (Note: the provision would provide for dismissal of such cases if the victim and/or defendant are not Indians or do not have sufficient ties to the Indian tribe);66

• grant Indian tribes civil jurisdiction to issue and enforce protection orders over any person;67 and

• create a new grant program to assist Indian tribes in exercising special criminal jurisdiction over cases involving domestic violence.

In amending S. 47, the Senate bill has provisions that are not part of the House reauthorization bill. In contrast to H.R. 11, S. 47 would

• expand the purpose area for the Creating Hope through Outreach, Options, Services, and Education for Children and Youth grant program68 to include victims of sex trafficking; and

• amend and authorize appropriations for the Trafficking Victims Protection Act of 2000.69

Selected Similarities and Differences in Bills from the 112th Congress

H.R. 11 and S. 47 contain many of the same provisions that were in reauthorization bills from the 112th Congress. These bills would reauthorize most VAWA grant programs and authorize appropriations at a lower level. Like S. 1925, these bills propose new provisions for certain populations such as American Indian tribes. Both bills would grant authority to Indian tribes to enforce domestic violence and related crimes against non-Indian individuals. Also similar to S. 1925, both bills would establish a nondiscrimination provision for all VAWA grant programs to ensure that victims are not denied services on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.

H.R. 11 and S. 47 also differ from reauthorization bills from the 112th Congress. Unlike reauthorization bills from the 112th Congress, H.R. 11 and S. 47 include new provisions to address the rape kit backlog by amending the DNA Analysis Backlog Elimination Act of 2000

66 Tribes do not currently have criminal jurisdiction over non-Indians (Oliphant v. Suquamish Indian Tribe, 435 U.S. (191, 210 1978). Both bills would expand tribal courts’ criminal jurisdiction over non-Indians for crimes of domestic violence. For additional information, see CRS Report R42488, Tribal Criminal Jurisdiction over Non-Indians in S. 47 and H.R. 11, the Violence Against Women Reauthorization Act of 2013, by Jane M. Smith and Richard M. Thompson II.

67 In S. 47, the provision would not apply to Indian tribes in the state of Alaska, with the exception of two Indian tribes.

68 In S. 47, several VAWA grant programs (42 U.S.C. 14043c through 14043c–3) would be consolidated into one youth oriented program known as the Creating Hope through Outreach, Options, Services, and Education for Children and Youth.

69 For more information regarding the Trafficking Victims Protection Act of 2000 and trafficking in persons, see CRS Report RL34317, Trafficking in Persons: U.S. Policy and Issues for Congress, by Alison Siskin and Liana Sun Wyler.
As previously mentioned, S. 47 now includes provisions that would address trafficking in persons.

Additionally, some items that had been included in reauthorization bills from the 112th Congress are not included in H.R. 11 and S. 47, such as the proposal (in S. 1925 only) to temporarily increase the cap on the number of U visas available for battered nonimmigrants (from 10,000 to 15,000). Also in contrast to the current reauthorization bills, S. 1925 would have amended the Immigration and Nationality Act to include a third drunk driving offense as an aggravated felony for the purposes of removing a noncitizen from the United States, but H.R. 11 and S. 47 do not propose to do this. Finally, S. 1925 had proposed to amend federal law to include a mandatory minimum sentence for aggravated sexual abuse by force or threat, but H.R. 11 and S. 47 do not propose to do this.

As previously mentioned, selected issues with reauthorization bills from the 112th Congress are discussed in Appendix B.
Appendix A. 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 violence against women, and change public attitudes about domestic violence. This comprehensive strategy involves a collaborative effort by the criminal justice system, social service agencies, research organizations, public health organizations, and various private organizations. VAWA has supported these efforts primarily through federal grant programs that provide funding to state, tribal, and local governments, nonprofit organizations, and universities. Table A-1 provides descriptions of VAWA programs. Table A-2 provides a five-year funding history for these programs.
### Table A-1. Descriptions of Current VAWA Authorized Programs Under the Department of Justice (DOJ) and Department of Health and Human Services (HHS)

<table>
<thead>
<tr>
<th>Program and U.S. Code Citation (by Administrative Agency)</th>
<th>Purposes and Goals</th>
<th>Organizations Eligible to Apply</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office on Violence Against Women (DOJ)</strong></td>
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<tr>
<td>STOP (Services, Training, Officers, and Prosecutors) Grant Program (42 U.S.C. §3796gg and 28 C.F.R. §90)</td>
<td>The purpose of this formula grant program is to enhance advocacy and improve the criminal justice system’s response to violent crimes against women.</td>
<td>States and territories.a</td>
</tr>
<tr>
<td>Grants to Encourage Arrest Policies and Enforcement of Protection Orders (42 U.S.C. §3796hh)</td>
<td>The purpose of this grant program is to encourage state, local, and tribal courts and governments to treat domestic violence, dating violence, stalking, and sexual assault as serious crimes.</td>
<td>States; territories; tribal governments; units of local government; and state, tribal, territorial, and local courts (including juvenile courts).</td>
</tr>
<tr>
<td>Civil Legal Assistance for Victims Grant Program (42 U.S.C. §3796gg–6)</td>
<td>The purpose of this grant program is to strengthen civil and criminal legal assistance for victims of sexual assault, stalking, domestic violence, and dating violence through innovative and collaborative programs.</td>
<td>Private, nonprofit organizations; tribal governments and organizations; territorial organizations; and publicly funded organizations not acting in a governmental capacity (e.g., law schools).</td>
</tr>
<tr>
<td>Grants to Indian Tribal Governments Program (42 U.S.C. §3796gg–10)</td>
<td>The goals of this grant program are to develop and enhance effective plans for tribal governments to respond to violence committed against American Indian women and improve services for these women; 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.</td>
<td>Tribal governments; designees of tribal governments.</td>
</tr>
<tr>
<td>Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance (42 U.S.C. §13971)</td>
<td>The purpose of these grants 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.</td>
<td>States; territories; tribal governments; units of local government; nonprofit, public or private organizations, including tribal organizations.b</td>
</tr>
<tr>
<td>Program and U.S. Code Citation (by Administrative Agency)</td>
<td>Purposes and Goals</td>
<td>Organizations Eligible to Apply</td>
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<tr>
<td>Transitional Housing Assistance Grants for Victims of Domestic Violence (42 U.S.C. §13975)c</td>
<td>The purpose of this grant program is to use a holistic, victim-centered approach to provide transitional housing services for victims of domestic violence, dating violence, sexual assault, and stalking, and to move them into permanent housing.</td>
<td>States; territories; 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.</td>
</tr>
<tr>
<td>Sexual Assault Services Program (42 U.S.C. §14043g and 42 U.S.C. §3796gg)</td>
<td>This program encompasses five different funding streams to (1) states and territories, (2) tribes, (3) state sexual assault coalitions, (4) tribal coalitions, and (5) culturally specific organizations. The purpose of these grants 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.</td>
<td>States; territories; tribal governments; state, territorial, and tribal sexual assault coalitions; and private, nonprofit organizations that focus primarily on culturally-specific communities.</td>
</tr>
<tr>
<td>Consolidated Youth Oriented Programf</td>
<td>This program consolidates four VAWA authorized programs: Engaging Men and Youth in Prevention, Grants to Assist Children and Youth Exposed to Violence, Supporting Teens Through Education Program (STEP), and Services to Advocate and Respond to Youth. This program supports 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, 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.</td>
<td>Nonprofit, nongovernmental entities with either (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), or (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 unit of local government entities.</td>
</tr>
<tr>
<td>Program and U.S. Code Citation (by Administrative Agency)</td>
<td>Purposes and Goals</td>
<td>Organizations Eligible to Apply</td>
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<tr>
<td>Safe Havens: Supervised Visitation and Support Program (42 U.S.C. §10420)g</td>
<td>The purpose of this grant program is to provide an opportunity for communities to support the supervised visitation and safe exchange of children in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking.</td>
<td>States; territories; and tribal governments.</td>
</tr>
<tr>
<td>Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program (42 U.S.C. §14045b)</td>
<td>The purpose of this grant is to encourage institutions of higher education to adopt comprehensive, coordinated responses to domestic violence, dating violence, sexual assault, and stalking.</td>
<td>Institutions of higher education.</td>
</tr>
<tr>
<td>Education, Training and Services to End Violence Against and Abuse of Women with Disabilities (42 U.S.C. §3796gg–7)</td>
<td>The purpose of this grant program is to build the capacity to address the growing problem of domestic violence, sexual assault, and dating violence against individuals with disabilities.</td>
<td>States; territories; tribal governments or organizations; units of local government; nonprofit, nongovernmental victim service organizations.</td>
</tr>
<tr>
<td>Court Training and Improvements (42 U.S.C. §14043 et seq.)</td>
<td>The purpose of this grant is to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.</td>
<td>Federal, state, tribal, territorial, or local courts or court-based programs; and national, state, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.</td>
</tr>
<tr>
<td>Enhanced Training and Service to End Violence and Abuse of Women Later in Life (42 U.S.C. §14041a)</td>
<td>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.</td>
<td>States; territories; tribal governments or organizations; units of local government; nonprofit, nongovernmental victim service organizations.</td>
</tr>
<tr>
<td>Tribal Domestic Violence and Sexual Assault Coalitions Grant (42 U.S.C. §3796gg–1)</td>
<td>The purpose of this grant program is to increase awareness of domestic violence and sexual assault against American Indian and Alaska Native women; enhance the response to violence against women at the tribal, federal, and state levels; and identify and provide technical assistance to coalition membership and tribal communities to enhance access to essential services.</td>
<td>Tribal coalitions; and individuals and organizations proposing to create tribal coalitions.</td>
</tr>
<tr>
<td>Program and U.S. Code Citation (by Administrative Agency)</td>
<td>Purposes and Goals</td>
<td>Organizations Eligible to Apply</td>
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<tr>
<td>Grant for National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence (42 U.S.C. §14043f)</td>
<td>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.</td>
<td>Nonprofit organizations; and tribal organizations.</td>
</tr>
<tr>
<td>Services to Advocate and Respond to Youth (42 U.S.C. §14043c)</td>
<td>The purpose of this grant program is to fund projects that create and implement programs and services to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault, or stalking.</td>
<td>Nonprofit, nongovernmental organizations; community-based organizations; tribes; and tribal organizations.</td>
</tr>
<tr>
<td>Children and Youth Exposed to Violence (42 U.S.C. §14043d–2)</td>
<td>The purpose of this grant program is to mitigate the effects of domestic violence, dating violence, sexual assault, and stalking on children and youth exposed to violence and reduce the risk of future victimization or perpetration of these crimes.</td>
<td>States; territories; tribal governments; units of local government; nonprofit, victim service organizations; community-based organizations; and tribal organizations.</td>
</tr>
<tr>
<td>Engaging Men and Youth in Preventing Domestic Violence, Dating Violence, Sexual Assault, and Stalking (42 U.S.C. §14043d–4)</td>
<td>The purpose of this grant program is to fund projects that develop or enhance efforts to engage men in preventing crimes of domestic violence, dating violence, sexual assault and stalking with the goal of developing mutually respectful, nonviolent relationships.</td>
<td>States; territories; tribal governments; units of local government; nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions; community-based child or youth service organizations.</td>
</tr>
<tr>
<td>Supporting Teens through Education and Protection (STEP) (42 U.S.C. §14043c–3)</td>
<td>The purpose of this grant program is to support projects that provide training to school personnel; develop policies and procedures for response; provide support services; develop effective prevention strategies; and collaborate with mentoring organizations to support middle and high school students who are victims of domestic violence, dating violence, sexual assault, or stalking.</td>
<td>State, local, tribal, and territorial courts; public, private, and military high schools and middle schools.</td>
</tr>
<tr>
<td>Program and U.S. Code Citation (by Administrative Agency)</td>
<td>Purposes and Goals</td>
<td>Organizations Eligible to Apply</td>
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</tr>
<tr>
<td>Grants to Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking (42 U.S.C. §14045a)</td>
<td>The purpose of this grant program is to (1) promote the maintenance and replication of existing successful domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources, and (2) support the development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of violence against women.</td>
<td>Community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking, and whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving these victims.</td>
</tr>
<tr>
<td>Grants to State Sexual Assault and Domestic Violence Coalitions Program (42 U.S.C. § 3796gg)</td>
<td>The purpose of this grant program is to fund coalitions that provide direct support to member rape crisis centers through funding, training and technical assistance, public awareness, and public policy advocacy.</td>
<td>States and territorial coalitions.</td>
</tr>
<tr>
<td>Office of Justice Programs (DOJ)</td>
<td></td>
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</tr>
<tr>
<td>Court Appointed Special Advocates for Victims of Child Abuse (42 U.S.C. §13013 et seq.)</td>
<td>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.</td>
<td>National organizations.</td>
</tr>
<tr>
<td>Training Programs to Assist Probation and Parole Officers (42 U.S.C. §13941)</td>
<td>The purpose of this program is to establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of case management, supervision, and relapse prevention.</td>
<td>NA</td>
</tr>
<tr>
<td>Violence Against Women and Family Research and Evaluation Program (NIJ)</td>
<td>The purpose of this research program 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 these crimes.</td>
<td>NA</td>
</tr>
<tr>
<td>Program and U.S. Code Citation (by Administrative Agency)</td>
<td>Purposes and Goals</td>
<td>Organizations Eligible to Apply</td>
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<tr>
<td>Research on Violence Against Indian Women, National Baseline Study (NIJ) (42 U.S.C. §3796gg–10 Note)</td>
<td>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 effectiveness of these responses.</td>
<td>NA</td>
</tr>
<tr>
<td>National Stalker and Domestic Violence Reduction (42 U.S.C. §14031 et seq.)</td>
<td>The purpose of this program is to improve processes for entering data on stalking and domestic violence into local, state, and national crime information databases.</td>
<td>States; and units of local government.¹</td>
</tr>
<tr>
<td>Tracking of Violence Against Women: National Tribal Sex Offender Registry (28 U.S.C. §534 Note)</td>
<td>The purpose of this program is to develop and maintain a national tribal sex offender registry.</td>
<td>Tribal governments; and tribal organizations.</td>
</tr>
<tr>
<td><strong>Centers for Disease Control and Prevention (HHS)</strong></td>
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<tr>
<td>Rape Prevention and Education Grant Program (42 U.S.C. §280b–1b)</td>
<td>The purpose of this program is to strengthen sexual violence prevention efforts in the states and territories. The goal is to increase awareness about sexual violence through educational seminars, hotline operations, and development of informational materials.</td>
<td>States and territories.</td>
</tr>
</tbody>
</table>


**Notes:** Programs in this table represent current programs that were authorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005, P.L. 109-162) and A Bill to Make Technical Corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-271). Programs that did not receive appropriations in FY2010-FY2012 are not included in this table. Programs that are funded by set-asides from VAWA authorized programs are reflected in this table. See Table A-2 for an outline of all programs authorized by VAWA 2005.

¹. Indian tribal governments, units of local government, and nonprofit, nongovernmental victim service programs may receive sub-grants from states.

². All applicants must propose to serve a rural area, as defined in statute.
c. This program was originally authorized by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 (P.L. 108-21), and was reauthorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005.

d. These organizations must 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 who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

e. These organizations must (1) have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise; (2) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and (3) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

f. The Consolidated Youth Oriented Program is not defined in statute.

g. This program was originally authorized by the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). It was modified and reauthorized by the Violence Against Women Reauthorization Act of 2005.

h. Examples of organizations include state domestic violence or sexual assault coalitions and nonprofit, nongovernmental organizations that serve disabled individuals.

i. These organizations must have demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

j. This grant currently funds The Workplaces Respond to Domestic and Sexual Violence: A National Resource Center Project. This project offers information to those interested in providing effective workplace responses to victims of domestic violence, sexual violence, dating violence and stalking.

k. Nonprofit, nongovernmental organizations must either (1) have the primary purpose of providing services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking or (2) provide services for runaway or homeless youth affected by domestic or sexual abuse. Tribes and tribal organizations must provide services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking.

l. A state, local, or tribal government is only eligible if it is partnered with an eligible organization. Eligible organizations must have a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers.

m. A state, local, or tribal government is only eligible if it is partnered with an eligible organization or a program that provides culturally specific services. Community-based organizations must have demonstrated experience and expertise in addressing the needs and concerns of young people. Organizations eligible to create public education campaigns and community organizing must have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking.

n. Schools are only eligible if they are partnered with (1) a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth; and (2) a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit, nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth. Schools may also partner with a law enforcement agency, courts, organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.
o. This program was originally authorized by the Victims of Child Abuse Act (P.L. 101-647). In 1994, 2000, and 2005, VAWA has reauthorized funding for this program.

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

q. National organizations must have broad membership among court-appointed special advocates, and must have demonstrated experience in grant administration of court-appointed special advocate programs and in providing training and technical assistance to court-appointed special advocate program. The organization may be a local public or nonprofit agency that has demonstrated the willingness to initiate, sustain, and expand a court-appointed special advocate program.

r. This program is not authorized by VAWA. It is included in this table because it is funded by a set-aside from the STOP Program.

s. States and local units of government must certify that it has or intends to establish a program that enters into the National Crime Information Center records of warrants, arrests, convictions and protection orders.
Table A-2. FY2008-FY2012 Authorization and Appropriations for VAWA Programs
(dollars in millions)

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<tr>
<td><strong>Office on Violence Against Women (DOJ)</strong></td>
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<td>STOP (Services, Training, Officers, and Prosecutors) Grant Program (42 U.S.C. §3793(a)(18))</td>
<td>$225.00</td>
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<td>$225.00</td>
<td>$209.58</td>
<td>—</td>
<td>$189.00</td>
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<td>Grants to Encourage Arrest Policies and Enforcement of Protection Orders (42 U.S.C. §3793(a)(19))</td>
<td>75.00</td>
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<td>75.00</td>
<td>59.88</td>
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<td>50.00</td>
</tr>
<tr>
<td>Civil Legal Assistance for Victims Grant Program (42 U.S.C. §3796gg–6)</td>
<td>65.00</td>
<td>36.66</td>
<td>65.00</td>
<td>37.00</td>
<td>65.00</td>
<td>41.00</td>
<td>65.00</td>
<td>40.92</td>
<td>—</td>
<td>41.00</td>
</tr>
<tr>
<td>Tribal Governments Program (42 U.S.C. §3796gg–10 and 42 U.S.C. §3796gg–1)</td>
<td>b</td>
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<td>Services to Advocate and Respond to Youth (42 U.S.C. §14043c)</td>
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<td>Children and Youth Exposed to Violence (42 U.S.C. §14043d-2)</td>
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<td>Development of Curricula and Pilot Programs for Home Visitation Projects (42 U.S.C. §14043d–3)</td>
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### Office of Justice Programs (DOJ)

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Note: The table values are in millions of dollars.
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**Source:** FY2008-FY2012 appropriations for the OVW and OJP were taken from the congressional budget submissions for the OVW and OJP, and the set-asides for Grants to Enhance Culturally and Linguistically Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking and Grants to State Sexual Assault and Domestic Violence Coalitions Program were provided by the OVW. The FY2008 and FY2009 appropriations for the CDC were taken from S.Rept. 110-410. The FY2010-FY2012 appropriations for the CDC were provided by the CDC.

**Notes:** This table includes programs authorized in the most recent reauthorization of VAWA (P.L. 109-162) and subsequent amendment to VAWA (P.L. 109-271). This table includes VAWA authorized programs that did not receive appropriations. Programs that are funded by set-asides from VAWA authorized programs are reflected in this table and marked with parentheses.
a. This amount includes $225.00 million provided by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

b. The Tribal Governments Program is funded by 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; Safe Havens; Transitional Housing; and Court Training and Improvements.

c. This program was originally authorized by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 (P.L. 108-21), and was reauthorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005.

d. For FY2008-FY2011, this program was funded by set-asides from the STOP Program.

e. This amount includes emergency supplemental appropriations of $50.00 million provided under The American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

f. The State Coalitions Program is funded by statutory set-asides from the STOP Program and Sexual Assault Services Program.

g. This grant was originally authorized by the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). It was modified and reauthorized by the Violence Against Women and Department of Justice Reauthorization Act of 2005.

h. This program is not authorized by VAWA. It consolidates four VAWA-authorized programs in the Office on Violence Against Women: Engaging Men and Youth in Prevention, Grants to Assist Children and Youth Exposed to Violence, Supporting Teens Through Education Program (STEP), and Services to Advocate and Respond to Youth.

i. The Culturally and Linguistically Specific Services Program is funded by statutory set-asides from Grants to Encourage Arrest Policies and Enforcement of Protection Orders; Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking Assistance Program; Civil Legal Assistance for Victims; Enhanced Training and Service to End Violence and Abuse of Women Later in Life Program; Sexual Assault Services Program; and Education, Training and Services to End Violence Against and Abuse of Women with Disabilities.

j. Congress did not specify an amount of funding for this program but authorized set-asides from the STOP Program and Sexual Assault Services Program.

k. The Tribal Domestic Violence and Sexual Assault Coalitions Program is funded by statutory set-asides from the STOP Program and Sexual Assault Services Program.

l. This program does not have a U.S. Code citation and is not specifically authorized by VAWA. Congress established this program under the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) for the purpose of providing training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women. It is included in this table because it fulfills a stated purpose of VAWA grant funds directed to Indian country and Alaska native villages.

m. This program is one of four programs consolidated to create the Consolidated Youth Oriented Program. FY2012 funding for this program is reflected in the FY2012 funding for the Consolidated Youth Oriented Program.

n. The Violence Against Women and Department of Justice Reauthorization Act of 2005 authorized “sums as may be necessary” for FY2006-FY2010.

o. This program is not authorized by VAWA. It is included in this table because it was funded by a set-aside from the STOP Program from FY2008-FY2011. In FY2012, it received a direct appropriation.

p. This program does not have a U.S. Code citation but funding is authorized under Sec. 110 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

q. The Attorney General has not yet determined the administrative office for the Grants for Law Enforcement Training Program.
r. These programs were never funded, however, the basic purpose areas were funded through an appropriations provision with grants administered by the HHS Office of Women’s Health (OWH). For additional information, see http://www.womenshealth.gov/violence-against-women/.

s. This program does not have a U.S. Code citation but funding is authorized under Sec. 904 of the Violence Against Women and Department of Justice Reauthorization Act of 2000.
Appendix B. Selected Issues in VAWA Legislation from the 112th Congress

In the 112th Congress, bills (S. 1925 and H.R. 4970) were passed in each chamber that would have reauthorized most of the programs under VAWA, among other things. H.R. 4970 differed in substantive ways from S. 1925.

As the VAWA bills were being debated, several issues surfaced, including

- whether the cap on the number of U visas available for nonimmigrants should be increased temporarily;
- whether the certification process for U visa applicants should be amended to include additional requirements;
- whether new restrictions should be placed on nonimmigrant victims seeking to obtain legal status;
- whether the Lesbian, Gay, Bisexual, and Transgender (LGBT) population should be included in the definition as an underserved population;
- whether American Indian tribes should be given increased jurisdictional power over domestic violence cases involving non-tribal victims and/or perpetrators; and
- the accountability of VAWA grant recipients.

S. 1925 proposed to temporarily increase the cap on the number of U visas available for battered nonimmigrants (from 10,000 to 15,000). U visas grant nonimmigrant status to nonimmigrants who are victims of domestic violence and are willing to assist authorities in the investigation and prosecution of their attackers. H.R. 4970, however, would have kept the U visa capped at 10,000 and would have made the visa temporary. Proponents contended that the temporary increase proposed in S. 1925 is necessary because of the delays involved in the issuance of these visas. Opponents contended that providing a specific pathway to citizenship for this population is not fair to the large number of foreign nationals who are waiting in line for their turn.

The House bill contained provisions that were aimed at preventing fraud in the VAWA self-petition and U visa process. For example, with respect to VAWA benefits, the bill would have required nonimmigrant victims to submit to an in-person interview and adjudicating officers to

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70 The legislation proposed to recapture unused visas that were available and not issued to nonimmigrants from 2006 – 2011. For additional information regarding U visas and VAWA provisions related to immigrant status, see CRS Report R42477, Immigration Provisions of the Violence Against Women Act (VAWA), by William A. Kandel.
72 S.Rept. 112-153. Under current law, the U visa allows certain nonimmigrant victims of crime a pathway to permanent residence status.
73 This particular provision was included in the VAWA 2005 reauthorization bill, however, regulations were not implemented until 2008, which created a large number of unused U Visas between 2006 and 2008. There were additional unused U Visas between 2009 and 2011. See Table C-1 in CRS Report R42477, Immigration Provisions of the Violence Against Women Act (VAWA), by William A. Kandel.
74 See S.Rept. 112-153.
consider all credible evidence, among other things. With respect to obtaining legal permanent residence status through the U visa, the House bill would have required, as part of the law enforcement certification process, the commencement of the related criminal investigation and prosecution. Also, the bill would have required the nonimmigrant victim to provide information on the identity of the alleged abuser. Immigrant advocates contended that the proposed requirements would have deterred nonimmigrant victims from reporting these crimes.

The Senate bill contained a provision that would add persons who may be discriminated against based on sexual orientation or gender identity as an “underserved population” under VAWA. Critics contended that data are needed to support providing protected status to the LGBT population. Some also held that current law doesn’t exclude the LGBT population from receiving federally funded resources.

S. 1925 proposed to increase jurisdictional power for American Indian tribes by granting tribes the civil authority to issue and enforce protection orders over any person. Also, the bill would have created a pilot program permitting tribes to have criminal jurisdiction over cases involving domestic violence. Critics contended that such actions would have represented an unprecedented expansion of tribal jurisdiction, and defendants may not receive the full panoply of constitutional protections.

Another issue raised in opposition to S. 1925 was the lack of accountability for VAWA grantees.

Over the last few years, the DOJ Office of the Inspector General has audited several OVW grantees. The audit reports have cited improper allocation of funds, untimely financial and progress reports, weaknesses in budget management, and other compliance issues. Additionally, the GAO has released several reports more broadly assessing DOJ grant management and oversight. While S. 1925 would have required the OVW to establish a biennial conferral process with grantees and key stakeholders, a concern was raised that the proposed legislation would not have adequately ensured accountability of grant recipients. H.R. 4970 sought to address issues of accountability by including provisions that would have required the Inspector Generals of DOJ

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75 For information on the certification process and a more in depth discussion of the issues as they pertain to VAWA reauthorization, see CRS Report R42477, Immigration Provisions of the Violence Against Women Act (VAWA), by William A. Kandel.


77 Although tribes are not bound by protections found in the U.S. Constitution (Talton v. Mayes, 163 U.S. 376 (1896)), there are similar statutory protections for criminal defendants in tribal courts. See 25 U.S.C. §1302(6). For additional information, see CRS Report R42488, Tribal Criminal Jurisdiction over Non-Indians in S. 47 and H.R. 11, the Violence Against Women Reauthorization Act of 2013, by Jane M. Smith and Richard M. Thompson II.

78 S.Rept. 112-153.


80 S.Rept. 112-153.
and HHS to conduct annual audits of at least 10% of all VAWA grant recipients. Also, the House bill would have required grantees to submit information regarding other federal grants they have applied for during the preceding year and provide a list of federal grants they received during the five-year period preceding the current application.

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