



## SUMMARY OF CHANGES FROM VAWA REAUTHORIZATION 2013

### DEFINITIONS

#### *42 U.S.C. §13925*

- Amends definition of “culturally specific” to keep focus on racial and ethnic minorities
- Defines “population-specific” services and organizations
- Adds “intimate partner” to eligible relationships in domestic violence definition
- Adds “rape crisis center” and “sex trafficking” definitions
- Amends rural definitions to include Tribes, and updated census data
- Improves “sexual assault,” “Tribal coalition,” “personally identifying information,” and “victim services;” adds “Alaska Native Village”
- Clarifies that “community-based organizations” are nonprofit and non-governmental or Tribal
- Clarifies that “Intake or referral, by itself, does not constitute legal assistance”
- Adds “religion, sexual orientation, gender identity” to “underserved”
- Amends “youth” to mean ages 11-24

### GRANT CONDITIONS

#### *42 U.S.C. §13925*

- Updates confidentiality & privacy provisions to include modern technology
- Permits grantees “to develop and promote State, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking”
- Clarifies that victim services and legal assistance may be provided to victims of human trafficking who are also victims of DV, DV, SA or ST
- Requires legal assistance to be provided by lawyers with expertise and training with survivors
- Requires biennial OVW conferral with field to assess & identify emerging issues
- Adds civil rights provision applicable to all OVW grantees that prohibits discrimination on the basis of sexual orientation and gender identity as well as other protected grounds
- Mandates annual Inspector General audits of grantees, in number determined by IG, and mandates 2 year exclusion for grantees if unresolved audit findings not resolved in 12 months
- Requires written approval for any TA-sponsored conferences over \$20,000

### TITLE I — ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VAW

#### Sec. 101. STOP *42 U.S.C. §3796gg*

- Ensures purpose areas and grant requirements include all 4 VAWA crimes
- Allows training on U and T visa certification
- Allows training on evidence-based lethality indicators and homicide prevention
- Allows funding for SARTs, SA prosecution and prison response, and rape kit backlog reduction
- Allows funding for prevention activities (limited to 5% of award)
- Creates a new purpose area allowing funds to be used for projects serving LGBTQ victims
- Expanded list of consultations for state plan; heightened implementation requirements for states
- Removes requirement that States provide match for tribes or victim service providers
- 20% set-aside for sexual assault programming
- Allows states to reallocate set-aside funds if insufficient applications
- Requires forensic rape exams to be free to victims; bars reimbursement
- Requires that no fees be charged for prosecution or CPOs in DV, DV, SA or ST cases
- Adds legal assistance to victim assistance purpose area
- Reduces authorization from \$225M to \$222M

Sec. 102. Grants to encourage arrest policies and enforcement of protection orders 42 U.S.C. § 3796hh

- Ensures purpose areas and grant requirements include all 4 VAWA crimes: domestic violence, dating violence, sexual assault & stalking
- Expands eligibility to include coalitions and victim service providers who partner with States, tribes, or units of local government
- Allows funding for data collection systems
- Allows funding for CPO enforcement across state and Tribal lines
- Allows training on U and T visa certification
- Allows funding for SARTs, SANEs, SA prosecution, HIV testing, and rape kit backlog reduction
- Allows training on evidence-based lethality indicators and homicide prevention
- Exempts court-applicants from certain certifications
- Expands victim polygraph prohibition to trial and sentencing
- Corrects HIV testing mandate; only requires if defendant is in custody or has been served
- 5% set-aside for Tribal coalitions program
- 25% set-aside for sexual assault programming
- Reduces authorization from \$75M to \$73M

Sec. 103. Legal assistance for victims (LAV) 42 U.S.C. § 3796gg-6

- Caps pro bono activities at 10% of funds awarded
- Heightened requirements of legal expertise
- Reduces authorization from \$65M to \$57M

Sec. 104. Consolidation of grants to support families in the justice system 42 U.S.C. § 10420

- Consolidates Courts, Save Havens and some new (family court related) purposes
- Allows funding for resources in juvenile court
- Allows funding for civil legal services to victims and to non-offending parents in CSA cases
- Allows training for custody evaluators and GALs
- Reduces authorization from \$25M to \$22M

Sec. 105. Sex offender management 42 U.S.C. § 13941(c)

- Simple reauthorization; \$5M

Sec. 106. Court-appointed special advocate program 42 U.S.C. § 13012

- Simple reauthorization; \$12M

Sec. 107. Criminal provision relating to stalking, including cyber-stalking 18 U.S.C. § 2261

- Permits federal cyber-stalking prosecution where victim and offender reside in same State if facility of interstate or foreign commerce used
- Adds “or is present” to federal Interstate domestic violence crime, federal Stalking crime, and federal Interstate violation of a protection order (i.e., no travel required in SMTJ case)
- Adds “intimidate” to federal Stalking crime, and updates to include electronic communications

Sec. 108. Outreach and services to underserved populations 42 U.S.C. § 14045

- Complete revision of current Underserved grant; funds outreach and victim services
- Authorizes planning grants and implementation grants
- Authorized at \$2M plus 2% set-aside out of STOP and GTEAP

Sec. 109. Culturally specific services 42 U.S.C. § 14045a

- Strikes “Linguistically”
- Focuses program on racial and ethnic minority groups
- Authorization unchanged; (5% set-aside out of GTEAP, LAV, Rural, Later Life, and Disabilities)

## **TITLE II — IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

### Sec. 201. Sexual assault services program 42 U.S.C. § 14043g

- Amends the distribution structure for the formula grants for territories
- Focuses SASP Culturally Specific Program on racial and ethnic minorities
- Reduces authorization from \$50M to \$40M

### Sec. 202. Rural domestic violence, dating violence, sexual assault, stalking... 42 U.S.C. § 13971

- Allows funding for SARTs, SANes, SA investigation, and rape kit backlog reduction
- Allows training on evidence-based lethality indicators and homicide prevention
- Allows funding for legal services
- Reduces authorization from \$55M to \$50M

### Sec. 203. Training and services to end violence against women with disabilities 42 U.S.C. § 3796gg–7

- Unchanged from 2005
- Reduces authorization from \$10M to \$9M

### Sec. 204. Training and services to end abuse in later life 42 U.S.C. § 14041a

- Adds permissible activities: public education, and training to non-core entities
- Adds to list of trainees: civil lawyers, health care, faith
- Adds to eligible entities: population-specific organization; coalition
- Reduces authorization from \$10M to \$9M

## **TITLE III — SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE**

### Sec. 301. Rape prevention and education 42 U.S.C. § 280b–1b

- Creates baseline-funding structure
- Reduces authorization from \$80M to \$50M

### Sec. 302. Creating hope through outreach, options, services, and education for (“CHOOSE”) children and youth 42 U.S.C. § 41303c

- Consolidation of 4 existing programs to fund early intervention and services for victimized youth in schools and the community
- Includes sex trafficking
- Reduces authorization from \$30M to \$15M

### Sec. 303. Grants to combat violent crimes on campuses 42 U.S.C. § 14045b

- Increases prevention and education programming
- Provides greater guidance to campuses on creating effective policies and procedures, providing effective victim services, and working collaboratively with local community agencies
- Reduces maximum award amount for grants to individual institutions from \$500,000 to \$300,000
- Reduces authorization from \$15M to \$12M

### Sec. 304. Campus SAVE Act 28 U.S.C. § 1092(f)

- Amends the Clery Act to add domestic violence, dating violence, and stalking (sex offenses are already included) to the list of crime statistics that higher education institutions must report
- Provides increased campus responsiveness to these crimes, better protection for victims and accountability for perpetrators
- No authorization; cost-free

#### **TITLE IV— VIOLENCE REDUCTION PRACTICES**

Sec. 401. Study conducted by the Centers for Disease Control and Prevention

- Reduces authorization from \$2M to \$1M

Sec. 402. Saving Money and Reducing Tragedies through Prevention (SMART Prevention)

42 U.S.C. § 14043d-2

- Consolidation of 4 existing programs providing prevention programming for children exposed to violence and strategies to engage men in preventing violence and includes new focus area on preventing teen dating violence
- Reduces authorization from \$37M to \$15M

#### **TITLE V —STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Sec. 501. Consolidation of grants to strengthen the healthcare system's response 42 U.S.C. § 280g-4

- Consolidation of 3 programs providing education to health professionals, grants to state-level partners to change policies, and research effective interventions in the health setting
- Reduces authorization from \$13M to \$10M

#### **TITLE VI — SAFE HOMES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Sec. 601. Housing protections for victims... 42 U.S.C. § 41411

- Expands housing protections from VAWA 2005 to new “covered” federal housing programs:
  - USDA Rural Housing properties (42 USC 1471)
  - Low-Income Housing Tax Credit properties (26 USC 42 (h) &(i))
  - HUD’s McKinney-Vento homeless programs (42 USC 11375; 11386; 11408)
  - HOME Investment Partnerships program (42 USC 12755)
  - Section 221(d)(3) Below Market Interest Rate (BMIR) Program (12 USC § 1715z-1b)
  - Section 236 Rental Program (12 USC § 1715z-1b)
  - HOPWA housing program
  - Section 202 supportive housing for the elderly and
  - Section 811 supportive housing for people with disabilities
- Maintains protections for currently covered programs: public housing, Section 8 vouchers and project-based Section 8
- Continues to bar eviction/termination due to status as victim and require landlords to maintain victim-tenant confidentiality, protections included in VAWA 2005
- Adds sexual assault victims to those protected by this section
- Requires notice to tenants of these rights
- Requires housing agencies to develop model emergency transfer plans
- No authorization; cost-free

Sec. 602. Transitional housing assistance grants for victims 42 U.S.C. § 13975

- Allows funding for employment-related services
- Removes requirement that victims need transitional housing assistance as a result of “fleeing” situations of DV, DV, SA or ST
- Prohibits activities that would compromise victim safety
- Reduces authorization from \$40M to \$35M

Sec. 603. Addressing the housing needs of victims 42 U.S.C. § 14043e-3

- Reduces authorization from \$20M to \$8M

## **TITLE VII – ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE**

### Sec. 701. National resource center on workplace responses to assist victims... 42 U.S.C. § 14043f(e)

- Unchanged from 2005; continues authorization at \$1M

## **TITLE VIII – PROTECTION OF BATTERED IMMIGRANTS**

### Sec. 801. U nonimmigrant definition 8 U.S.C. § 1101

- Adds “stalking” to list of crimes covered by the U visa (for non-citizen victims who cooperate in investigations and prosecutions of certain crimes)

### Sec. 802. Annual report on immigration applications made by victims of abuse

- Mandates DHS report to Congress on outcomes and processing times for applications

### Sec. 803. Protections for children of VAWA self-petitioners 8 U.S.C. § 1154(l)(2)

- Adds surviving children of VAWA self-petitioners to the immigration statute’s “widow’s and widower’s fix”

### Sec. 804. Public charge 8 U.S.C. § 1182

- Exempts VAWA self-petitioners, U visa petitioners/holders, and other battered immigrants deemed “qualified aliens” from being barred from LPR status based on past utilization of public assistance

### Sec. 805. Requirements applicable to U-visas 8 U.S.C. § 1184(p)

- Provides “age out” child-status protection for children accompanying U visa applicants

### Sec. 806. Hardship waivers 8 U.S.C. § 1186a(c)

- Extends hardship waiver available to battered immigrant spouses where the underlying marriage was invalid because the US citizen or LPR spouse committed bigamy unbeknownst to the non-citizen victim spouse

### Sec. 807. Protections for a fiancée or fiancé of a citizen 8 U.S.C. § 1184

- Requires US sponsors to disclose on their visa applications for foreign fiancé(e)s and spouses any protective orders or convictions for attempted domestic and sexual violence crimes
- Requires that the US government’s background check on US sponsors (conducted under existing law) include a check of the FBI’s NCIC Protection Order Database
- Clarifies how foreign fiancé(e)s/spouses of sponsoring US citizens should be notified about any such criminal background or protection order information

### Sec. 808. Regulation of international marriage brokers 8 U.S.C. § 1375a

- Requires the AG to report to Congress on how violations of the International Marriage Broker Regulation Act of 2005 (IMBRA) will be investigated and prosecuted
- Requires international marriage brokers (IMBs) to keep records of compliance with IMBRA’s prohibition on marketing children; clarifies IMB obligations re: obtaining and disclosing information about US clients’ criminal background or protection order history
- Clarifies criminal penalties for IMB violations and expands enforcement options
- Creates a penalty for US clients who intentionally lie about or withhold safety-relevant IMBRA-required background disclosures
- Requires an updated GAO study on the impact of IMBRA

Sec. 809. Eligibility of crime and trafficking victims in the...Northern Mariana Islands to adjust status

- Clarifies eligibility for crime and trafficking victims in the Commonwealth of the Northern Mariana Islands to adjust status by including time accrued prior to November 2009

Sec. 810. Disclosure of information for national security purposes 8 U.S.C. 1367(b)

- Permits the sharing of information in immigration applications made by victims of abuse to extend to national security officials, so long as the information is used solely for a national security purpose and in a manner that protects its confidentiality

<b>TITLE IX – SAFETY FOR INDIAN WOMEN</b>
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Sec. 901. Grants to Indian Tribal governments 42 U.S.C. § 3796gg–10

- Allows services to sex trafficking victims
- Allows services to youth and to non-abusing parent
- Allows funding to develop/promote legislation and policies

Sec. 902. Grants to Indian Tribal coalitions 42 U.S.C. § 3796gg(d)

- Allows funding to develop/promote legislation and policies
- Removes “individuals” as eligible grantees
- Requires equal distribution of funds to all eligible coalitions that apply

Sec. 903. Consultation

- Requires the Department of Interior to participate in annual HHS/OVW consultation with tribes
- Mandates 120 day notice period
- Requires AG to make report to Congress
- Adds “sex trafficking” to the list of enumerated required topics for consultation

Sec. 904. Tribal jurisdiction over crimes of domestic violence 25 U.S.C. § 1301

- Recognizes and affirms tribal criminal jurisdiction over all persons committing domestic violence, dating violence, or violation of protection orders within Indian country
- Exceptions for when neither party is Indian, or when defendant lacks ties to Tribe
- Tribal jurisdiction is concurrent with state and/or federal
- Defendants have rights under ICRA (which largely tracks the Bill of Rights), rights described in TLOA, right to Indians and non-Indians in jury pool, and right to be informed of their right to file Federal habeas corpus petitions
- Authorizes \$5M in grants to tribes to build criminal justice infrastructure

Sec. 905. Tribal protection orders 18 U.S.C. § 2265

- Clarifies full civil jurisdiction of tribal courts to issue and enforce CPOs over all persons.

Sec. 906. Amendments to the federal assault statute 18 U.S.C. § 113

- Provides 10 year offense for assaulting a spouse, intimate partner, or dating partner by strangling or suffocating
- Provides a 5 year offense for assaulting a spouse, intimate partner, or dating partner resulting in substantial bodily injury
- Provides a 1 year offense for assaulting a person by striking, beating, or wounding
- Amends penalty provision for repeat offenders convicted of interstate VAWA crimes by expanding definition of 'prior domestic violence or stalking offense' to include tribal convictions

Sec. 907. Analysis and research on violence against Indian women 42 U.S.C. § 3796gg-10

- Adds sex trafficking to current purpose areas; Adds Alaska Native Villages to the baseline study
- Reauthorizes at \$1M; Reauthorizes the tribal sex offender and protection order registries at \$1M

Sec. 908. Effective dates; pilot project

- Provides that Tribal special criminal jurisdiction is a pilot project for 2 years, then enacted fully

Sec. 909. Indian law and order commission 25 U.S.C. 2812(f)

- Requires AG to report to Congress within one year of enactment whether Alaska Rural Justice and Law Enforcement Commission should be continued

Sec. 910. Special rule for the state of Alaska

**TITLE X — SAFER ACT**

Sec. 1002. Debbie Smith grants for auditing sexual assault evidence backlogs 42 U.S.C. 14135

Sec. 1004. Reducing the rape kit backlog

- Allows funding to conduct audits of kits awaiting testing
- Allows funding to ensure that processing occurs in a timely fashion
- Requires that 75% of funding be allocated to reducing the rape kit backlog and to increasing lab capacity over next 5 years
- Requires that 5-7% of funds be used for audits; gives detailed audit requirements
- Requires that protocols for effective processing be established within 18 months
- Provides TA to the states

Sec. 1003. Reports to Congress

- Requires AG report to Congress

Sec. 1005. Oversight and accountability

- Applies VAWA accountability restrictions to SAFER grants

Sec. 1006. Sunset

- Repeals audit grants effective 2018

**TITLE XI — OTHER MATTERS**

Sec. 1101. Sexual abuse in custodial settings 42 U.S.C §1997e; 28 U.S.C. §1346(b); 42 U.S.C. §15607

- Extends the application of the Prison Rape Elimination Act (PREA) to all immigration detention facilities under DHS or HHS authority, requiring them to adopt the same standards as in other federal facilities re: the detection, prevention, reduction and punishment of rape and sexual assault

Sec. 1102. Anonymous online harassment 47 U.S.C. 223(a)(1)

- Replaces “annoy” with “harass”

Sec. 1103. Stalker database 42 U.S.C. 14032

- Reauthorizes; \$3M

Sec. 1104. Federal victim assistants reauthorization

Sec. 1105. Child abuse training programs for judicial personnel and practitioners reauthorization 42 U.S.C. 13024

- Reauthorizes; \$2.3M

## **TITLE XII — TRAFFICKING VICTIMS PROTECTION ACT**

### **Subtitle A—Combating International Trafficking in Persons**

- Sec. 1201. Regional strategies for combating trafficking in persons
- Sec. 1202. Partnerships against significant trafficking in persons
- Sec. 1203. Protection and assistance for victims of trafficking
- Sec. 1204. Minimum standards for the elimination of trafficking
- Sec. 1205. Best practices in trafficking in persons eradication
- Sec. 1206. Protections for domestic workers and other nonimmigrants
- Sec. 1207. Prevention of child marriage
- Sec. 1208. Child soldiers

### **Subtitle B—Combating Trafficking in Persons in the United States**

#### **PART I—Penalties against traffickers and other crimes**

- Sec. 1211. Criminal trafficking offenses
- Sec. 1212. Civil remedies; clarifying definition

#### **PART II—Ensuring availability of possible witnesses and informants**

- Sec. 1221. Protections for trafficking victims who cooperate with law enforcement
- Sec. 1222. Protection against fraud in foreign labor contracting

#### **PART III—Ensuring interagency coordination and expanded reporting**

- Sec. 1231. Reporting requirements for the Attorney General
- Sec. 1232. Reporting requirements for the Secretary of Labor
- Sec. 1233. Information sharing to combat child labor and slave labor
- Sec. 1234. Government training efforts to include the department of labor
- Sec. 1235. GAO report on the use of foreign labor contractors
- Sec. 1236. Accountability

#### **PART IV—Enhancing state and local efforts to combat trafficking in persons**

- Sec. 1241. Assistance for domestic minor sex trafficking victims
- Sec. 1242. Expanding local law enforcement grants for investigations and prosecutions of trafficking
- Sec. 1243. Model state criminal law protection for child trafficking victims and survivors

### **Subtitle C—Authorization of Appropriations**

- Sec. 1251. Adjustment of authorization levels for the Trafficking Victims Protection Act of 2000
- Sec. 1252. Adjustment of authorization levels for the Trafficking Victims Protection Reauthorization Act of 2005

### **Subtitle D—Unaccompanied Alien Children**

- Sec. 1261. Appropriate custodial settings for unaccompanied minors who reach the age of majority while in federal custody
- Sec. 1262. Appointment of child advocates for unaccompanied minors
- Sec. 1263. Access to federal foster care and unaccompanied refugee minor protections for certain U visa recipients
- Sec. 1264. GAO study of the effectiveness of border screenings