

the availability of appropriations, and such funds shall be allocated—

- (A) 50 percent to the affected State and local law enforcement and prevention organizations participating in such projects; and
- (B) 50 percent to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice for salaries, expenses, and associated administrative costs for operating and overseeing such projects.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section—

- (1) \$20,000,000 for fiscal year 2006;
- (2) \$20,000,000 for fiscal year 2007;
- (3) \$20,000,000 for fiscal year 2008;
- (4) \$20,000,000 for fiscal year 2009; and
- (5) \$20,000,000 for fiscal year 2010.

(Pub. L. 103-322, title III, § 32401, Sept. 13, 1994, 108 Stat. 1902; Pub. L. 107-296, title XI, § 1112(p), Nov. 25, 2002, 116 Stat. 2278; Pub. L. 109-162, title XI, § 1188, Jan. 5, 2006, 119 Stat. 3128.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13921 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162, which directed the amendment of section 32401(b) of the Violent Crime Control Act of 1994 by adding pars. (1) to (5) and striking out former pars. (1) to (6), was executed by making the amendments to this section, which is section 32401(b) of the Violent Crime Control and Law Enforcement Act of 1994, to reflect the probable intent of Congress. Former pars. (1) to (6) authorized appropriations for fiscal years 1995 through 2000.

2002—Subsec. (a). Pub. L. 107-296, § 1112(p)(1), substituted “Attorney General” for “Secretary of the Treasury” wherever appearing.

Subsec. (a)(3)(B). Pub. L. 107-296, § 1112(p)(2), substituted “Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice” for “Bureau of Alcohol, Tobacco and Firearms”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

SUBCHAPTER III—VIOLENCE AGAINST WOMEN

§ 12291. Definitions and grant provisions

(a) Definitions

In this subchapter:

(1) Alaska Native village

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

(2) Courts

The term “courts” means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having

jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decision-making authority.

(3) Child abuse and neglect

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

(4) Community-based organization

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

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

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

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

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

(5) Child maltreatment

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

(6) Culturally specific

The term “culturally specific” means primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u-6(g)).¹

(7) Culturally specific services

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

(8) Domestic violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by

¹ So in original. The period probably should be preceded by another closing parenthesis.

a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(9) Dating partner

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

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

(10) Dating violence

The term “dating violence” means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

(11) Elder abuse

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

- (A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or
- (B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

(12) Homeless

The term “homeless” has the meaning provided in section 12473(6) of this title.

(13) Indian

The term “Indian” means a member of an Indian tribe.

(14) Indian country

The term “Indian country” has the same meaning given such term in section 1151 of title 18.

(15) Indian housing

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

(16) Indian tribe

The term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alas-

ka Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(17) Indian law enforcement

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

(18) Law enforcement

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

(19) Legal assistance

The term “legal assistance” includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

- (A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and
- (B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

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

(20) Personally identifying information or personal information

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

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number, driver license number, passport number, or student identification number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

(21) Population specific organization

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

(22) Population specific services

The term “population specific services” means victim-centered services that address

the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designed primarily for and are targeted to a specific underserved population.

(23) Prosecution

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

(24) Protection order or restraining order

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

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

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

(25) Rape crisis center

The term “rape crisis center” means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance, as specified in section 12511(b)(2)(C) of this title, to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.

(26) Rural area and rural community

The term “rural area” and “rural community” mean—

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

(B) any area or community, respectively, that is—

(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and
(ii) located in a rural census tract; or

(C) any federally recognized Indian tribe.

(27) Rural State

The term “rural State” means a State that has a population density of 57 or fewer persons

per square mile or a State in which the largest county has fewer than 250,000 people, based on the most recent decennial census.

(28) Sex trafficking

The term “sex trafficking” means any conduct proscribed by section 1591 of title 18, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

(29) Sexual assault

The term “sexual assault” means any non-consensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

(30) Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

(B) suffer substantial emotional distress.

(31) State

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

(32) State domestic violence coalition

The term “State domestic violence coalition” means a program determined by the Administration for Children and Families under sections 10402 and 10411 of title 42.

(33) State sexual assault coalition

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

(34) Territorial domestic violence or sexual assault coalition

The term “territorial domestic violence or sexual assault coalition” means a program addressing domestic or sexual violence that is—

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

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

(35) Tribal coalition

The term “tribal coalition” means an established nonprofit, nongovernmental Indian organization, Alaska Native organization, or a Native Hawaiian organization that—

(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including

shelter and rape crisis services, designed to assist Indian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking; and

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

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

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

(36) Tribal government

The term “tribal government” means—

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

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

(37) Tribal nonprofit organization

The term “tribal nonprofit organization” means—

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

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

(38) Tribal organization

The term “tribal organization” means—

(A) the governing body of any Indian tribe;

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

(C) any tribal nonprofit organization.

(39) Underserved populations

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

(40) Unit of local government

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

(41) Victim advocate

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

(42) Victim assistant

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

(43) Victim service provider

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

(44) Victim services or services

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

(45) Youth

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

(b) Grant conditions

(1) Match

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

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

(B) any other entity, including a State, that—

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

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

(2) Nondisclosure of confidential or private information

(A) In general

In order to ensure the safety of adult, youth, and child victims of domestic vio-

lence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

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

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

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

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

(C) Release

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

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

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

(D) Information sharing

(i) Grantees and subgrantees may share—

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

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

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

(ii) In no circumstances may—

(I) an adult, youth, or child victim of domestic violence, dating violence, sexual as-

sault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;

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

(E) Statutorily mandated reports of abuse or neglect

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

(F) Oversight

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

(G) Confidentiality assessment and assurances

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

(3) Approved activities

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

(4) Non-supplantation

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

(5) Use of funds

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

(6) Reports

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

(7) Evaluation

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

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

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

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

(8) Nonexclusivity

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

(9) Prohibition on tort litigation

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

(10) Prohibition on lobbying

Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, relating to lobbying with appropriated moneys.

(11) Technical assistance

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

(12) Delivery of legal assistance

Any grantee or subgrantee providing legal assistance with funds awarded under this subchapter shall comply with the eligibility requirements in section 20121(d) of this title.

(13) Civil rights**(A) Nondiscrimination**

No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available

under the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109-162; 119 Stat. 3080),² the Violence Against Women Reauthorization Act of 2013, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

(B) Exception

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

(C) Discrimination

The authority of the Attorney General and the Office of Justice Programs to enforce this paragraph shall be the same as it is under section 10228 of this title.²

(D) Construction

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

(14) Clarification of victim services and legal assistance

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

(15) Conferral**(A) In general**

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

(B) Areas covered

The areas of conferral under this paragraph shall include—

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

(C) Initial conferral

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

² See References in Text note below.

(D) Report

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

(i) summarizes the issues presented during conferral and what, if any, policies it intends to implement to address those issues;

(ii) is made available to the public on the Office on Violence Against Women's website and submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(16) Accountability

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

(A) Audit requirement**(i) In general**

Beginning in the first fiscal year beginning after the date of the enactment of this Act,² and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(ii) Definition

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

(iii) Mandatory exclusion

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

(iv) Priority

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

(v) Reimbursement

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

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

(II) seek to recoup the costs of the repayment to the fund from the grant re-

ipient that was erroneously awarded grant funds.

(B) Nonprofit organization requirements**(i) Definition**

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

(ii) Prohibition

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

(iii) Disclosure

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

(C) Conference expenditures**(i) Limitation**

No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(ii) Written approval

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

(iii) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved con-

ference expenditures referenced in this paragraph.

(D) Annual certification

Beginning in the first fiscal year beginning after the date of the enactment of this Act,² the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that—

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902, known as the Violence Against Women Act of 1994. For complete classification of title IV to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (a)(1), (16), (36)(B), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in subsec. (a)(15), is Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, which is classified principally to chapter 43 (§4101 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

The Public Health Service Act, referred to in subsec. (a)(33), is act July 1, 1944, ch. 373, 58 Stat. 682, which is classified generally to chapter 6A (§201 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

This Act, referred to in subsec. (b)(1), (2)(F), (15)(A), (16), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Act of 1994, referred to in subsec. (b)(13)(A), is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Act of 2000, referred to in subsec. (b)(13)(A), is div. B of Pub. L. 106-386, Oct. 28,

2000, 114 Stat. 1491. For complete classification of this Act to the Code, see Short Title of 2000 Act note set out under section 10101 of this title and Tables.

The Violence Against Women and Department of Justice Reauthorization Act of 2005, referred to in subsec. (b)(13)(A), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of this title and Tables.

The Violence Against Women Reauthorization Act of 2013, referred to in subsec. (b)(13)(A), is Pub. L. 113-4, Mar. 7, 2013, 127 Stat. 54. For complete classification of this Act to the Code, see Short Title of 2013 Act note set out under section 10101 of this title and Tables.

Section 10228 of this title, referred to in subsec. (b)(13)(C), was in the original a reference to “section 3789d of title 42, United States Code” but probably should have been a reference to section 809 of Pub. L. 90-351, which was formerly classified to section 3789d of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 10228 of this title.

The date of the enactment of this Act, referred to in subsec. (b)(16)(A)(i), (D), probably means the date of enactment of Pub. L. 113-4, which enacted subsec. (b)(16) of this section and was approved Mar. 7, 2013.

CODIFICATION

Section was formerly classified to section 13925 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4, §3(a)(3), added par. (1). Former par. (1) redesignated (2).

Subsec. (a)(2). Pub. L. 113-4, §3(a)(2)(H), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 113-4, §3(a)(4), substituted “serious harm to an unemancipated minor.” for “serious harm.”

Pub. L. 113-4, §3(a)(2)(H), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 113-4, §3(a)(5), substituted “The term ‘community-based organization’ means a non-profit, nongovernmental, or tribal organization that serves a specific geographic community that—” for “The term ‘community-based organization’ means an organization that—” in introductory provisions.

Pub. L. 113-4, §3(a)(2)(H), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 113-4, §3(a)(2)(H), redesignated par. (4) as (5).

Pub. L. 113-4, §3(a)(1), struck out par. (5), which defined “court-based” and “court-related personnel”.

Subsec. (a)(6), (7). Pub. L. 113-4, §3(a)(6), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Subsec. (a)(8). Pub. L. 113-4, §3(a)(7), inserted “or intimate partner” after “former spouse” and after “as a spouse”.

Pub. L. 113-4, §3(a)(2)(G), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Subsec. (a)(9) to (11). Pub. L. 113-4, §3(a)(2)(G), redesignated pars. (7) to (9) as (9) to (11), respectively. Former pars. (10) and (11) redesignated (13) and (14), respectively.

Subsec. (a)(12). Pub. L. 113-4, §3(a)(8), added par. (12). Former par. (12) redesignated (15).

Subsec. (a)(13) to (16). Pub. L. 113-4, §3(a)(2)(F), redesignated pars. (10) to (13) as (13) to (16), respectively. Former pars. (14) to (16) redesignated (17) to (19), respectively.

Subsec. (a)(17). Pub. L. 113-4, §3(a)(2)(F), redesignated par. (14) as (17).

Pub. L. 113-4, §3(a)(1), struck out par. (17), which defined “linguistically and culturally specific services”.

Subsec. (a)(18). Pub. L. 113-4, §3(a)(9), inserted “or Village Public Safety Officers” after “governmental victim services programs”.

Pub. L. 113-4, §3(a)(2)(F), redesignated par. (15) as (18).

Pub. L. 113-4, §3(a)(1), struck out par. (18), which defined “personally identifying information” or “personal information”.

Subsec. (a)(19). Pub. L. 113-4, §3(a)(10), inserted at end “Intake or referral, by itself, does not constitute legal assistance.”

Pub. L. 113-4, §3(a)(2)(F), redesignated par. (16) as (19). Former par. (19) redesignated (23).

Subsec. (a)(20) to (22). Pub. L. 113-4, §3(a)(11), added pars. (20) to (22). Former pars. (20), (21), and (22) redesignated (24), (26), and (27), respectively.

Subsec. (a)(23). Pub. L. 113-4, §3(a)(12), substituted “assistance” for “services”.

Pub. L. 113-4, §3(a)(2)(E), redesignated par. (19) as (23).

Pub. L. 113-4, §3(a)(1), struck out par. (23), which defined “sexual assault”.

Subsec. (a)(24). Pub. L. 113-4, §3(a)(2)(E), redesignated par. (20) as (24). Former par. (24) redesignated (30).

Subsec. (a)(25). Pub. L. 113-4, §3(a)(13), added par. (25). Former par. (25) redesignated (31).

Subsec. (a)(26). Pub. L. 113-4, §3(a)(2)(D), redesignated par. (21) as (26). Former par. (26) redesignated (32).

Subsec. (a)(26)(C). Pub. L. 113-4, §3(a)(14), added subpar. (C).

Subsec. (a)(27). Pub. L. 113-4, §3(a)(15), substituted “57” for “52” and “250,000” for “150,000”.

Pub. L. 113-4, §3(a)(2)(D), redesignated par. (22) as (27). Former par. (27) redesignated (33).

Subsec. (a)(28). Pub. L. 113-4, §3(a)(16), added par. (28). Former par. (28) redesignated (34).

Subsec. (a)(29). Pub. L. 113-4, §3(a)(16), added par. (29).

Pub. L. 113-4, §3(a)(1), struck out par. (29) which defined “tribal coalition”.

Subsec. (a)(30) to (32). Pub. L. 113-4, §3(a)(2)(C), redesignated pars. (24) to (26) as (30) to (32), respectively. Former pars. (30) to (32) redesignated (36) to (38), respectively.

Subsec. (a)(33). Pub. L. 113-4, §3(a)(2)(C), redesignated par. (27) as (33).

Pub. L. 113-4, §3(a)(1), struck out par. (33) which defined “underserved populations”.

Subsec. (a)(34). Pub. L. 113-4, §3(a)(2)(C), redesignated par. (28) as (34). Former par. (34) redesignated (41).

Subsec. (a)(35). Pub. L. 113-4, §3(a)(17), added par. (35). Former par. (35) redesignated (42).

Subsec. (a)(36), (37). Pub. L. 113-4, §3(a)(2)(B), redesignated pars. (30) and (31) as (36) and (37), respectively.

Pub. L. 113-4, §3(a)(1), struck out pars. (36) and (37), which defined “victim services” or “victim service provider” and “youth”, respectively.

Subsec. (a)(38). Pub. L. 113-4, §3(a)(2)(B), redesignated par. (32) as (38).

Subsec. (a)(39), (40). Pub. L. 113-4, §3(a)(18), added pars. (39) and (40).

Subsec. (a)(41), (42). Pub. L. 113-4, §3(a)(2)(A), redesignated pars. (34) and (35) as (41) and (42), respectively.

Subsec. (a)(43) to (45). Pub. L. 113-4, §3(a)(19), added pars. (43) to (45).

Subsec. (b)(2)(B). Pub. L. 113-4, §3(b)(1)(A), added cls. (i) and (ii) and concluding provisions, and struck out former cls. (i) and (ii) which read as follows:

“(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees’ and subgrantees’ programs; or

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

Subsec. (b)(2)(D). Pub. L. 113-4, §3(b)(1)(B), amended subpar. (D) generally. Prior to amendment, text read as follows: “Grantees and subgrantees may share—

“(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally

identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

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

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.”

Subsec. (b)(2)(E) to (G). Pub. L. 113-4, §3(b)(1)(C)–(E), added subpars. (E) and (G) and redesignated former subpar. (E) as (F).

Subsec. (b)(3). Pub. L. 113-4, §3(b)(2), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “In carrying out the activities under this subchapter, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.”

Subsec. (b)(7). Pub. L. 113-4, §3(b)(3), inserted at end “Final reports of such evaluations shall be made available to the public via the agency’s website.”

Subsec. (b)(12) to (16). Pub. L. 113-4, §3(b)(4), added pars. (12) to (16).

2010—Subsec. (a)(26). Pub. L. 111-320 substituted “under sections 10402 and 10411 of this title” for “under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))”.

2006—Subsec. (a)(1). Pub. L. 109-271, §1(e)(1), substituted “Alaska Native” for “Alaskan”.

Subsec. (a)(23). Pub. L. 109-271, §1(d), substituted “proscribed” for “prescribed”.

Subsec. (a)(31) to (37). Pub. L. 109-271, §1(e)(2), (3), added par. (31) and redesignated former pars. (31) to (36) as (32) to (37), respectively.

Subsec. (b)(1). Pub. L. 109-271, §1(f), added par. (1) and struck out former par. (1) which read as follows: “No matching funds shall be required for a grant or subgrant made under this subchapter for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.”

Subsec. (b)(11). Pub. L. 109-271, §2(e), inserted “Of the total amounts appropriated under this subchapter, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this subchapter to improve the capacity of the grantees, subgrantees, and other entities.” before “If there is a demonstrated history”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

FINDINGS

Pub. L. 109-162, title II, §201, Jan. 5, 2006, 119 Stat. 2993, provided that: “Congress finds the following:

“(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

“(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

“(3) Rape and sexual assault in the United States is estimated to cost \$127,000,000,000 per year, including—

“(A) lost productivity;

“(B) medical and mental health care;

“(C) police and fire services;

“(D) social services;

“(E) loss of and damage to property; and

“(F) reduced quality of life.

“(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of non-stranger sexual assault.

“(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

“(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

“(7) Barriers for older victims leaving abusive relationships include—

“(A) the inability to support themselves;

“(B) poor health that increases their dependence on the abuser;

“(C) fear of being placed in a nursing home; and

“(D) ineffective responses by domestic abuse programs and law enforcement.

“(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

“(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

“(10) Of the 598 battered women’s programs surveyed—

“(A) only 35 percent of these programs offered disability awareness training for their staff; and

“(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

“(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

“(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

“(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

“(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

“(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

“(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

“(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

“(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline’s ability to answer more calls quickly and effectively.”

Pub. L. 109-162, title III, § 301, Jan. 5, 2006, 119 Stat. 3003, provided that: “Congress finds the following:

“(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

“(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.

“(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

“(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

“(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

“(6) Only one State specifically allows for minors to petition the court for protection orders.

“(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

“(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

“(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim’s residence.

“(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.”

PART A—SAFE STREETS FOR WOMEN

SUBPART 1—SAFETY FOR WOMEN IN PUBLIC TRANSIT

§ 12301. Grants for capital improvements to prevent crime in public transportation

(a) General purpose

There is authorized to be appropriated not to exceed \$10,000,000, for the Secretary of Transportation (referred to in this section as the “Secretary”) to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) Grants for lighting, camera surveillance, and security phones

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

(A) increasing lighting within or adjacent to public transportation systems, including bus