

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as a note under section 6851 of Title 15, Commerce and Trade.

PART M—NATIONAL RESOURCE CENTER

Editorial Notes

CODIFICATION

Pub. L. 109-162, title VII, §701, Jan. 5, 2006, 119 Stat. 3052, which directed that subtitle N of the Violence Against Women Act of 1994 (part L of this subchapter) be amended by adding at the end a subtitle O consisting of section 41501 (34 U.S.C. 12501), is reflected in the Code by setting out subtitle O as a separate part M (this part) and not as included in part L of this subchapter, as the probable intent of Congress.

§ 12501. Grant for national resource center on workplace responses to assist victims of domestic and sexual violence

(a) Authority

The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence and sexual harassment. The resource center shall provide information and assistance to employers, labor organizations, and victim service providers to aid in their efforts to develop and implement responses to such violence.

(b) Applications

To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies, public entities such as public institutions of higher education and State and local governments, and employers with fewer than 20 employees) and labor organizations described in subsection (a) concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, stalking, and sexual harassment impacting the workplace, including the needs of underserved communities, which materials shall include a website with resources for employers with fewer than 20 employees, including live training materials.

(c) Use of grant amount**(1) In general**

An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a), information and assistance concerning workplace responses to assist victims of domestic or sexual violence or sexual harassment.

(2) Responses

Responses referred to in paragraph (1) may include—

(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence or sexual harassment;

(B) providing conferences and other educational opportunities; and

(C) developing protocols and model workplace policies.

(d) Liability

The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

(e) Pathways to Opportunity Pilot Project

An eligible nonprofit nongovernmental entity or tribal organization that receives a grant under this section may develop a plan to enhance the capacity of survivors to obtain and maintain employment, including through the implementation of a demonstration pilot program to be known as “Pathways to Opportunity”, which shall—

(1) build collaborations between and among victim service providers, workforce development programs, and educational and vocational institutions to provide trauma informed programming to support survivors seeking employment; and

(2) be centered around culturally specific organizations or organizations that primarily serve populations traditionally marginalized in the workplace.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2023 through 2027.

(g) Availability of grant funds

Funds appropriated under this section shall remain available until expended.

(Pub. L. 103-322, title IV, §41501, as added Pub. L. 109-162, title VII, §701, Jan. 5, 2006, 119 Stat. 3052; amended Pub. L. 113-4, title VII, §701, Mar. 7, 2013, 127 Stat. 110; Pub. L. 117-103, div. W, title VII, §702, title XIII, §1308, Mar. 15, 2022, 136 Stat. 891, 929.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 14043f of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-103, §702(1), inserted “and sexual harassment” after “domestic and sexual violence” and substituted “employers, labor organizations, and victim service providers” for “employers and labor organizations”.

Subsec. (b)(2). Pub. L. 117-103, §1308(1), substituted “companies, public entities” for “companies and public entities” and inserted “, and employers with fewer than 20 employees” after “State and local governments”.

Subsec. (b)(3). Pub. L. 117-103, §1308(2), inserted before period at end “, which materials shall include a website with resources for employers with fewer than 20 employees, including live training materials”.

Pub. L. 117-103, §702(2), substituted “stalking, and sexual harassment” for “and stalking”.

Subsec. (c)(1). Pub. L. 117-103, §702(3), inserted “or sexual harassment” before period at end.

Subsec. (c)(2)(A). Pub. L. 117-103, §702(4), inserted “or sexual harassment” after “sexual violence”.

Subsec. (e). Pub. L. 117-103, §702(6), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 117-103, §702(5), (7), redesignated subsec. (e) as (f) and substituted “\$2,000,000 for each of fiscal years 2023 through 2027” for “\$1,000,000 for each of fiscal years 2014 through 2018”. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 117-103, §702(5), redesignated subsec. (f) as (g).

2013—Subsec. (e). Pub. L. 113-4 substituted “fiscal years 2014 through 2018” for “fiscal years 2007 through 2011”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2022 AMENDMENT**

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

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. 117-103, div. W, title VII, §701, Mar. 15, 2022, 136 Stat. 889, provided that: “Congress finds the following:

“(1) Over 1 in 3 women experience sexual violence, and 1 in 5 women have survived completed or attempted rape. Such violence has a devastating impact on women’s physical and emotional health, financial security, and ability to maintain their jobs, and thus impacts interstate commerce and economic security.

“(2) Homicide is one of the leading causes of death for women on the job. Domestic partners or relatives commit 43 percent of workplace homicides against women. One study found that intimate partner violence resulted in 142 homicides among women at work in the United States from 2003 to 2008, a figure which represents 22 percent of the 648 workplace homicides among women during the period. In fact, in 2010, homicides against women at work increased by 13 percent despite continuous declines in overall workplace homicides in recent years.

“(3) Violence can have a dramatic impact on the survivor of such violence. Studies indicate that 44 percent of surveyed employed adults experienced the effect of domestic violence in the workplace, and 64 percent indicated their workplace performance was affected by such violence. Another recent survey found that 78 percent of offenders used workplace resources to express anger, check up on, pressure, or threaten a survivor. Sexual assault, whether occurring in or out of the workplace, can impair an employee’s work performance, require time away from work, and undermine the employee’s ability to maintain a job. Nearly 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

“(4) Studies find that 60 percent of single women lack economic security and 81 percent of households with single mothers live in economic insecurity. Significant barriers that survivors confront include access to housing, transportation, and child care. Ninety-two percent of homeless women have experienced domestic violence, and more than 50 percent of such women cite domestic violence as the direct cause for homelessness. Survivors are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety.

“(5) The Centers for Disease Control and Prevention report that survivors of severe intimate partner violence lose nearly 8,000,000 days of paid work, which is the equivalent of more than 32,000 full-time jobs and almost 5,600,000 days of household productivity each year. Therefore, women disproportionately need time off to care for their health or to find safety solutions, such as obtaining a restraining order or finding housing, to avoid or prevent further violence.

“(6) Annual costs of intimate partner violence are estimated to be more than \$8,300,000,000. According to the Centers for Disease Control and Prevention, the costs of intimate partner violence against women in 1995 exceeded an estimated \$5,800,000,000. These costs included nearly \$4,100,000,000 in the direct costs of medical and mental health care and nearly \$1,800,000,000 in the indirect costs of lost productivity. These statistics are generally considered to be underestimated because the costs associated with the criminal justice system are not included.

“(7) Fifty-five percent of senior executives recently surveyed said domestic violence has a harmful effect on their company’s productivity, and more than 70 percent said domestic violence negatively affects attendance. Seventy-eight percent of human resources professionals consider partner violence a workplace issue. However, more than 70 percent of United States workplaces have no formal program or policy that addresses workplace violence, let alone domestic violence. In fact, only 4 percent of employers provided training on domestic violence.

“(8) Harassment is a persistent and significant problem in the workplace in the United States, and the Equal Employment Opportunity Commission found that not less than 25 percent, and as many as 85 percent, of women surveyed report having experienced sexual harassment at work.

“(9) For decades, survivors of sexual violence have come forward to seek justice and demand their right to be free from violence, harassment, and other forms of discrimination. These calls for change reached a tipping point after October 2017 as a result of Tarana Burke’s work and #MeToo going viral. Thousands of courageous individuals, from Hollywood to the halls of Congress and the military, to restaurants, agricultural fields, and factory floors, shined a light on the pervasive and insidious nature of workplace harassment and sexual assault.

“(10) Working people can be subjected to multiple forms of harassment in the workplace at the same time.

“(11) According to the Equal Employment Opportunity Commission, approximately 3 out of 4 individuals who experience harassment never talked to a su-

pervisor, manager, or union representative about the harassing conduct.

“(12) The impact of domestic violence, dating violence, sexual assault, and stalking on the workplace is a part of the challenge of workplace harassment.

“(13) Studies indicate that one of the best predictors of whether a survivor will be able to stay away from his or her abuser is the degree of his or her economic independence. However, domestic violence, dating violence, sexual assault, and stalking often negatively impact a survivor’s ability to maintain employment.

“(14) Abusers frequently seek to exert financial control over their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting their partners’ access to cash or transportation, and sabotaging their partners’ child care arrangements.

“(15) Economic abuse refers to behaviors that control an intimate partner’s ability to acquire, use, and maintain access to money, credit, ownership of assets, or governmental or private financial benefits, including defaulting on joint obligations (such as school loans, credit card debt, mortgages, or rent). Other forms of such abuse may include preventing someone from attending school, threatening to or actually terminating employment, controlling or withholding access to cash, checking, or credit accounts, and attempting to damage or sabotage the creditworthiness of an intimate partner, including forcing an intimate partner to write bad checks, forcing an intimate partner to default on payments related to household needs, such as housing, or forcing an intimate partner into bankruptcy.

“(16) This title aims to empower survivors of domestic violence, dating violence, sexual assault, or stalking to be free from violence, hardship, and control, which restrains basic human rights to freedom and safety in the United States.”

[For definitions of terms used in section 701 of div. W of Pub. L. 117–103, set out above, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117–103, which is set out as a note under section 12291 of this title].

PART N—SEXUAL ASSAULT SERVICES

§ 12511. Sexual assault services program

(a) Purposes

The purposes of this section are—

(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

(A) adult, youth, and child victims of sexual assault;

(B) family and household members of such victims; and

(C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and

(2) to provide for technical assistance and training relating to sexual assault to—

(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

(B) professionals working in legal, social service, and health care settings;

(C) nonprofit organizations;

(D) faith-based organizations; and

(E) other individuals and organizations seeking such assistance.

(b) Grants to States and territories

(1) Grants authorized

The Attorney General shall award grants to States and territories to support the establish-

ment, maintenance, and expansion of rape crisis centers and other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.

(2) Allocation and use of funds

(A) Administrative costs

Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds

Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations or tribal programs and activities for programs and activities within such State or territory that provide direct intervention and related assistance.

(C) Intervention and related assistance

Intervention and related assistance under subparagraph (B) may include—

(i) 24-hour hotline services providing crisis intervention services and referral;

(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

(iii) crisis intervention, short-term individual and group support services, direct payments, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

(iv) information and referral to assist the sexual assault victim and family or household members;

(v) community-based, culturally specific services and support mechanisms, including outreach activities for underserved communities; and

(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

(3) Application

(A) In general

Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

(B) Contents

Each application submitted under subparagraph (A) shall—

(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;