

SUMMARY OF CHANGES FROM VAWA REAUTHORIZATION 2013

DEFINITIONS

- Amends definition of “culturally specific” to return to original 2005 intent
- 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 Villages”
- Clarifies that “community-based organizations” are non-governmental and nonprofit
- 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

- 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, when trafficking is part of their DV, DV, SA or ST victimization
- Requires all legal assistance to be provided by lawyers with expertise and training in working with survivors
- Requires biennial OVW conferral with field to assess & identify emerging issues
- Cross-references existing civil rights protections, and adds sexual orientation and gender identity to anti-discrimination language
- Mandates annual Inspector General audits of grantees, in number determined by IG, and mandates 2 year exclusion for grantees with unresolved audit finding
- 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

- Adds victim-centered language to purpose areas
- Ensures purpose areas and grant requirements include all 4 VAWA crimes: domestic violence, dating violence, sexual assault & stalking
- 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
- 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
- 20% set-aside for sexual assault programming
- Allows OVW to reallocate set-aside funds if insufficient applications
- Requires forensic rape exams to be free to victims; bars reimbursement or charging insurance
- Requires that no fees be charged for prosecution or CPOs in DV, DV, SA or ST cases
- Reduces authorization from \$225M to \$222M

Sec. 102. Grants to encourage arrest policies and enforcement of protection orders (GTEAP)

- Ensures purpose areas and grant requirements include all 4 VAWA crimes: domestic violence, dating violence, sexual assault & stalking
- 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-grantees 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
- 25% set-aside for sexual assault programming
- Reduces authorization from \$75M to \$73M

Sec. 103. Legal assistance for victims (LAV)

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

Sec. 104. Consolidation of grants to support families in the justice system

- 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

- Simple reauthorization; \$5M

Sec. 106. Court-appointed special advocate program

- Simple reauthorization; \$12M

Sec. 107. Criminal provision relating to stalking, including cyber-stalking

- Adds “or is present” to federal Interstate domestic violence crime, federal Stalking crime, and federal Interstate violation of a protection order
- Adds “intimidate” to federal Stalking crime, and updates to include electronic communications

Sec. 108. Outreach and services to underserved populations

- 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

- Strikes “Linguistically”
- 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

- Amends the distribution structure for the formula grants for territories
- Reduces authorization from \$50M to \$40M

Sec. 202. Rural domestic violence, dating violence, sexual assault, stalking...

- 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

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

Sec. 204. Training and services to end abuse in later life

- Defines exploitation and neglect
- Defines “later life” as 50 or older
- 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

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

Sec. 302. Creating hope through outreach, options, services, and education for children and youth

- 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

- 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 individual grants from \$500,000 to \$300,000
- Reduces authorization from \$15M to \$12M

Sec. 304. Campus SAVE Act

- 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)

- 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

- 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...

- 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 emergency transfer policy
- No authorization; cost-free

Sec. 602. Transitional housing assistance grants for victims

- Allows funding for employment-related services
- Amends eligibility to “qualified applicants”
- Prohibits activities that would compromise victim safety
- Reduces authorization from \$40M to \$35M

Sec. 603. Addressing the housing needs of victims

- 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...

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

TITLE VIII – PROTECTION OF BATTERED IMMIGRANTS

Sec. 801. U nonimmigrant definition

- 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 report to Congress on outcomes and processing times for applications

Sec. 803. Protections for children of VAWA self-petitioners

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

Sec. 804. Public charge

- 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

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

Sec. 806. Hardship waivers

- 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

- 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

- 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

- Permits the sharing of information in immigration applications made by victims of abuse for a law enforcement purpose 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 of that information

TITLE IX – SAFETY FOR INDIAN WOMEN

Sec. 901. Grants to Indian Tribal governments

- 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

- Allows funding to develop/promote legislation and policies
- Removes “individuals” as eligible grantees
- Requires equitable 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

- Restores tribal criminal jurisdiction over all persons committing domestic violence, dating violence, and violation of protection orders within Indian country
- Exceptions for when neither party is Indian, or when defendant has no ties to Tribe
- Tribal jurisdiction is concurrent with state and/or federal
- Defendants have a right to trial by jury and habeas corpus
- Authorizes \$5M in grants to tribes to build criminal justice infrastructure

Sec. 905. Tribal protection orders

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

Sec. 906. Amendments to the federal assault statute

- 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
- Adds tribal offenses to “Repeat offenders”

Sec. 907. Analysis and research on violence against Indian women

- Adds sex trafficking to current purpose areas
- Adds Alaska Native Villages to the baseline study
- Reauthorizes at \$2M

Sec. 908. Effective dates; pilot project

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

Sec. 909. Indian law and order commission

- Requires AG to report to Congress

Sec. 910. Special rule for the state of Alaska

TITLE X — SAFER ACT

Sec. 1002. Debbie Smith grants for auditing sexual assault evidence backlogs

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

- 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

- Replaces “annoy” with “harass”

Sec. 1103. Stalker database

- Reauthorizes; \$3M

Sec. 1104. Federal victim assistants reauthorization

- Reauthorizes

Sec. 1105. Child abuse training programs for judicial personnel and practitioners reauthorization

- 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