



CRS Report for Congress

Violence Against Women Act: Reauthorization, Federal Funding and Recent Developments

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Summary

On October 26, 2000, the President signed a five-year reauthorization of appropriations for the Violence Against Women Act, expired at the end of FY2000, together with an expansion of its programs (VAWA, title IV of the Violent Crime Control and Law Enforcement Act, P.L. 103-322.) On October 11, 2000, the Senate approved the conference report, H Rept. 106-939, for the Sexual Trafficking Victims Protection Act (H.R. 3244/Smith, Christopher). Approved by the House on October 6, 2000, the measure contains language to reauthorize the Violence Against Women Act (VAWA), as amended. The conference report notes that the bill reauthorizes through FY2005 the leading VAWA programs, and makes "targeted improvements," such as authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault; providing funding for transitional housing assistance; improving full faith and credit enforcement and computerized tracking of protection orders; strengthening and refining the protections for battered immigrant women; and expanding existing grant programs to cover violence that arises in dating relationships.

VAWA was enacted in 1994 and became law after a long campaign to impose national social and criminal sanctions against those who commit violent acts against women, acts including sexual assault, domestic violence, and stalking. Between FY1995 and FY2000, Congress steadily increased funding for most of Title IV's grant programs. In FY2000 the amount appropriated for programs under VAWA was \$435.75 million. For FY2001, Congress appropriated \$407.8 million for VAWA programs. A right delineated under Title IV that allowed individuals to sue in federal court for gender-motivated crimes was declared unconstitutional by the Supreme Court on May 15, 2000. Untouched by the Court ruling were all other provisions of VAWA—a number of grant programs to the states, together with mandatory studies intended to document the extent of the problem of violence against women and to point toward possible solutions. This CRS report will be updated following action on reauthorization of VAWA and on final FY2001 funding action.

Violence Against Women: Background and Statistics

Statistics on crimes of violence against women depict a personal safety problem that some believe may seriously limit the ability of threatened women to function fully in American society. Such crimes often have devastating consequences for these women personally, as well as for their families and for society as a whole. Since FY1995, a major source of funding for programs to reduce rape, stalking, and domestic violence has been the Violence Against Women Act (P.L. 103-322, Title IV). The Departments of Justice (DOJ) and Health and Human Services (HHS) administer a number of grants under VAWA, and their reports on addressing or preventing gender-related crimes are submitted annually to Congress. Prior to the existence of these reports, empirical data were limited on the interrelationships between certain types of violence against women, such as childhood victimization and subsequent adult victimization. The data being collected under VAWA are intended to help define the extent of the problem of violence against women and point toward possible solutions. Based on this survey data, the 1998 collaborative study on violence jointly funded by DOJ and HHS¹ reported that:

- Using a definition of rape that includes forced vaginal, oral, and anal intercourse, nearly 18% of women in the United States said they have been raped (14.8%) or the victim of an attempted rape (2.8%) in their lifetime. Based on these survey figures, 17.7 million women are projected to have been raped. More than half of the rape victims said they were under age 17 when first raped. Of the women who reported being raped at some time in their lives, 22% were under 12 years old and 32% were 12 to 17 years old when they were first raped.
- Differences in the prevalence of reported rape and physical assault among women of different racial and ethnic backgrounds are statistically significant: American Indian/Alaska Native women were most likely to report these crimes, Asian/Pacific Islander women were least likely to report them, and Hispanic women were less likely to make such reports than non-Hispanic women.
- Physical assault, ranging from slapping and hitting to gun violence, is widespread: 52% of women said they were physically assaulted as a child by an adult caretaker or as an adult by any type of perpetrator, and 1.9% of women said they were physically assaulted in the previous 12 months. Based on the survey figures, approximately 1.9 million women are projected to be physically assaulted annually in the United States.

¹ U.S. Department of Justice, National Institute of Justice, Office of Justice Programs, and Department of Health and Human Services, Centers for Disease Control and Prevention, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey* (Washington: November 1998), p. 2. The principal source for crime data has long been the FBI's Uniform Crime Reporting (UCR) Program, a compilation of monthly law enforcement reports and individual crime incident records voluntarily submitted. Since crimes against women are believed to be underreported in the UCR, data for the collaborative DOJ-HHS survey were based on a nationally representative telephone survey of 8,000 women and 8,000 men. The survey was designed to protect confidentiality and minimize the potential for retraumatizing victims. Differences in data collection methods explain the differences between the collaborative survey and the UCR.

- Women report significantly more partner violence than do men: 29% of women, compared with 8% of men, said they were raped or physically assaulted or both in their lifetime by a current or former spouse, cohabiting partner, or date; 1.5% of women and 0.9% of men said they were raped or physically assaulted by such a perpetrator in the previous 12 months. According to survey estimates, approximately 1.5 million women and 834,700 men are projected to be raped or physically assaulted by an intimate partner annually in the United States.²
- Violence against adult women is primarily partner violence: 76% of the women (compared to 18% of men) who were raped or physically assaulted or both since age 18 said the perpetrator was a current or former spouse, a co-habiting partner, or a date.
- Women are significantly more apt to be injured during an assault: 32% of women and 16% of men who reported they were raped since age 18 said they were injured during their most recent rape; 39% of the women and 25% of the men who were physically assaulted since age 18 were injured during their most recent physical assault. About one in three women who were injured during a physical assault required medical care.
- Stalking is more prevalent than previously thought: using a definition of stalking that involves repeated visual or physical proximity; non-consensual communication; verbal, written or implied threats; or a combination of these that would cause a victim to feel a high level of fear, 8% of women and 2% of men said they were stalked at some time in their lives. According to survey estimates, approximately one million women and 371,000 men are projected to be stalked annually in the United States.

Legislative Summary and Supreme Court Ruling

Legislation proposing a federal response to the problem of violence against women was first introduced in 1990, in part due to pressure from organized women's groups. Congressional action to address gender-related violence culminated in the enactment of the Violent Crime Control and Law Enforcement Act of 1994.³ Under its Title IV, the Violence Against Women Act, known as VAWA, a provision was included that would have permitted private damage suits in federal court by victims of "gender motivated violence." This provision was struck down (5-4) on May 15, 2000, by the Supreme Court in *United States v. Morrison* as unconstitutional under the Commerce Clause and the Fourteenth Amendment. This provision would have permitted private damage suits in federal court by victims of "gender motivated violence." The Court found that such violence does not substantially affect interstate commerce. It further noted that the Fourteenth Amendment is directed at state actions, not those of private citizens.

Unaffected by the Court decision were grant programs established under VAWA and created within DOJ and HHS. These programs are administered by the states and funds can be allocated by the states to state agencies, Indian tribal governments, units of

² For men, the reported number of rape victims was statistically insignificant.

³ (P.L. 103-322, 108 Stat. 1902, 42 U.S.C. 13701). See: CRS Report 94-910, *Crime Control: Summary of the Violent Crime Control and Law Enforcement Act of 1994*, coordinated by Charles Doyle, p. 32-48.

local government and private nonprofit groups. They include grants to improve law enforcement and prosecution of violent crimes against women, grants to encourage arrests in domestic violence incidents, moneys for rural domestic violence and child abuse enforcement, rape prevention and education programs, and grants for battered women's shelters, among others. (A national domestic violence hotline is funded to a single contractor directly out of HHS.)⁴ Funding was authorized through FY2000 under the Violent Crime Reduction Trust Fund (VCRTF), created under Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994.

The 106th Congress approved the reauthorization of VAWA grant programs, amended, under Division B, the Violence Against Women Act of 2000, in the Sexual Trafficking Victims Protection Act (H.R. 3244/Smith, Christopher). The President signed the bill on October 26, 2000. VAWA 2000 reauthorizes from FY2001-FY2005 the key VAWA programs. Also, the bill authorizes grants for legal assistance for victims of domestic violence, stalking, and sexual assault; provides funding for transitional housing assistance; improves full faith and credit enforcement and computerized tracking of protection orders; strengthens and refines the protections for battered immigrant women; authorizes grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and expands several of the key grant programs to cover violence that arises in dating relationships. As approved, H.R. 3244 superceded two earlier measures to reauthorize VAWA, H.R. 1248/Morella, and S.2787/Biden and Hatch. H.R. 1248 was passed by the House, amended, on September 26, 2000, and S. 2787 was reported by the Senate Judiciary Committee on July 12, 2000.

Funding Under the Violence Against Women Act

The FY2000 amount enacted for VAWA programs was \$453.25 million, \$17.5 million less than the amount enacted for FY1999 and \$1.0 million more than the President's FY2000 request.⁵ For FY2001, the President requested \$481 million and Congress appropriated \$407.8 million for VAWA programs, however, funding for VAWA programs created in the original Act did not truly decrease. Grants to Prevent Sexual Abuse of Runaways and Homeless Youth were reauthorized in the Missing, Exploited, and Runway Children Protection Act (P.L. 106-71), and received appropriations of \$15 million for FY2001. In addition, the Center for Disease Control received \$176 million for Prevention Grants such as Rape Education and Prevention and Community Domestic Violence Programs, but the appropriations bill failed to specify specific amounts for the different programs. Assuming FY2001 funding levels for the prevention grants remain at FY2000 levels funding for VAWA programs increased by \$20 million between FY2000 and FY2001. As the table below shows, not all of the programs enacted under VAWA have been funded continuously; some have received money for a brief period only, while others have never been funded.

⁴ The current and past funding levels of these programs are listed in the table at the end of this report.

⁵ Consolidated Appropriations Act for FY2000 (P.L. 106-113) signed by President Clinton on Oct. 29, 1999. (See source note at end of table for complete Congressional Record citation.)

Table 1. Violence Against Women Program Funding, FY1995 through FY2001
(budget authority in millions)

Program	Admin. agency	FY1995 enacted	FY1996 enacted	FY1997 enacted	FY1998 enacted	FY1999 enacted	FY2000 enacted	FY2001 enacted
Law Enforcement and Prosecution Grants ("STOP" Grants) (Sec. 40121)	OJP	26.00	130.00	145.00	172.00	206.75	206.75	210.18
Grants to Encourage Arrest Policies (Sec. 40231)	OJP	0	28.00	33.00	59.00	34.00	34.00	34.00
National Domestic Violence and Child Abuse Enforcement (Sec. 40295)	OJP	0	7.00	8.00	25.00	25.00	25.00	25.00
Court Appointed Special Advocates for Victims of Child Abuse (Sec. 40156a)	OJP	0	6.00	6.00	7.00	9.00	10.00	11.50
Training for Judicial Personnel and Practitioners for Victims of Child Abuse (Sec. 40156b)	OJP	0	0.75	1.00	2.00	2.00	2.00	2.00
Grants for Televised Testimony by Victims of Child Abuse (Sec. 40156c)	OJP	0	0.05	0.55	1.00	1.00	1.00	1.00
National Stalker and Domestic Violence Reduction Grants (Sec. 40603)	OJP	0	1.50	1.75	2.75	0	0	0
Training Programs for Probation and Parole Officers Who Work With Released Sex Offenders (Sec. 40152)	OJP	0	1.00	1.00	2.00	5.00	5.00	5.00
National Study on Campus Sexual Assault (Sec. 40506)	OJP	0	0	0.20	0	0	0	0
Victim Database Studies (Sec. 40292)	OJP	0	0.20	0	0	0	0	0
National Victim Counselors (Sec. 40114)	USA	0	0	1.00	1.00	0	0	0
<i>total: Department of Justice</i>		26.00	174.50	197.50	270.75	282.75	283.75	288.68
Training Judges/Court Personnel (Sec. 40121-22)		0	0	0	0	0	0	0
<i>total: The Judiciary</i>		0	0	0	0	0	0	0
National Justice for Women in Courts/Training Grants (Sec. 40411-14)		0	0	0	0	0	0	0
<i>total: State Justice Institute</i>		0	0	0	0	0	0	0
National Domestic Violence Hotline (Sec. 40211)	ACF	1.00	0.00	1.20	1.20	1.20	2.00	2.16
Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth (Sec. 40155)	ACF	0	5.56	8.00	15.00	15.00	15.00	15.00 ^a
Grants for Battered Women Shelters (Sec. 40241)	ACF	0	15.00	10.80	76.80	88.80	101.50	116.92
Health Education and Domestic Violence (Sec. 40251)	ACF	0	0	0	0	0	0	0
National Number and Cost of Injuries Study (Sec. 40293)	CDC	0	0.10	0	0	0	0	0
Crime Prevention and Education Grants (Sec. 40151)	CDC	0	28.54	35.00	45.00	45.00	45.00	0 ^b
Community Programs on Domestic Violence (Sec. 40261)	CDC	0	3.00	6.00	6.00	6.00	6.00	0 ^c
<i>total: Department of Health and Human Services</i>		1.00	52.60	61.00	144.00	156.00	169.50	119.08
Grants for Women: Capital Improvements to Prevent Crime in National Parks (Sec. 40132)		0	0	0	0	0	0	0
Grants for Women: Capital Improvements to Prevent Crime in Public Parks (Sec. 40133)		0	0	0	0	0	0	0
<i>total: Department of the Interior</i>		0	0	0	0	0	0	0

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Program	Admin. agency	FY1995 enacted	FY1996 enacted	FY1997 enacted	FY1998 enacted	FY1999 enacted	FY2000 enacted	FY2001 enacted
Program for Women: Capital Improvements to Prevent Crime in Public Transportation (Sec. 131)		0	0	0	0	0	0	0
<i>Subtotal: Department of Transportation</i>		0	0	0	0	0	0	0
Grand Total		27.00	227.10	258.50	420.75	438.75	453.25	407.76

Sources: For FY1995-FY2000 funding information, see *Budget of the United States Government: Appendix* for indicated years under named agencies. For FY2001 funding information, see FY2001: Commerce, Justice State Appropriations (P.L. 106-553), and FY2001: Labor, Health and Human Services, and Education Appropriations (P.L. 106-554).

^a These grant were reauthorized through FY2003 by the Missing, Exploited, and Runway Children Protection Act (P.L. 106-71; S.249/Hatch), which was signed into law on October 12, 1999. Thus, these monies are not included in the total of VAWA funds for FY2001.

^b These grants were not specified by name in the appropriations bill. However, in H.R. 4577 the CDC was allocated \$175.97 million for prevention grants which would include these programs. \$44 million for rape prevention was mentioned in the House Appropriations committee report, but not included in the bill.

Abbreviations to TABLE.

In DOJ: USA (United States Attorneys), OJP (Office of Justice Programs)

In HHS: ACF (Administration for Children and Families), CDC (Centers for Disease Control and Prevention)