

# CRS Report for Congress

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## **Violence Against Women Act: History and Federal Funding**

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# Violence Against Women Act: History and Federal Funding

## Summary

On September 28, 2005, the House approved H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, which contains provisions to *reauthorize* expiring Violence Against Women Act (VAWA) programs. On September 12, 2005, S. 1197, the Violence Against Women Act of 2005, was reported by the Senate Judiciary Committee. Among other provisions, these bills would reauthorize VAWA, continue to encourage collaboration among law enforcement, judicial personnel, and public and private service providers to victims of domestic and sexual violence; address the special needs of victims of domestic and sexual violence who are elderly, disabled, children, youth, and individuals of ethnic and racial communities, including Native Americans; provide emergency leave and long-term transitional housing for victims; make provisions gender neutral; and require studies and reports on the effectiveness of approaches used for certain grants in combating domestic and sexual violence. Other bills introduced in the 109<sup>th</sup> Congress with provisions relating to violence against women include: H.R. 1214, H.R. 2862, H.R. 2876, H.R. 3171, and H.R. 3594.

Both the House and the Senate have passed H.R. 2862, an appropriations bill for the Department of Justice and related agencies, providing \$386.04 million in FY2006 for Violence Against Women Act programs administered by the Department of Justice. The House passed H.R. 3010, providing a total of \$129 million for VAWA programs administered by HHS. The Senate Appropriations Committee reported H.R. 3010 on July 14, 2005, recommending \$129 million for VAWA programs administered by HHS.

During the 108<sup>th</sup> Congress the Keeping Children and Families Safe Act of 2003 (P.L. 108-36), and the PROTECT Act (P.L. 108-21) were passed, which, among other provisions, authorized funding of HHS and DOJ transitional housing assistance programs for victims of domestic violence, respectively. The Keeping Children and Families Safe Act also extended to FY2008 authorization for the national domestic violence hotline and grants for battered women's shelters programs.

The original Violence Against Women Act, enacted as Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103-322), became law in 1994. To address violence against women, VAWA established within DOJ and HHS a number of discretionary grant programs for state, local and Indian tribal governments. The Violence Against Women Act of 2000 (VAWA 2000) was enacted on October 28, 2000, as Division B of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386). VAWA 2000 reauthorized most of the original programs of VAWA through FY2005. VAWA 2000 set new funding levels and created new grant programs to prevent sexual assaults on campuses, assist victims of violence with civil legal concerns, create transitional housing for victims of domestic abuse, and protect elderly and disabled victims of domestic violence. In addition, VAWA 2000 created a program for safe custody exchange for families of domestic violence. This report will be updated to reflect legislative activity.

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# Violence Against Women Act: History and Federal Funding

## Recent Developments

On September 28, 2005, the House passed H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years through 2009, which, among other provisions, would reauthorize Violence Against Women Act programs. On September 12, 2005, the Senate Judiciary Committee reported without a written report S. 1197, the Violence Against Women Act. For a detailed discussion and comparison of the House and Senate bills, see Reauthorization of VAWA 2000 in the 109<sup>th</sup> Congress, later in this report.

Both the House and the Senate (on June 16, 2005 and September 15, 2005, respectively) have passed H.R. 2862, an appropriations bill for the Department of Justice and related agencies, providing \$386.04 million in FY2006 for Violence Against Women Act programs administered by the Department of Justice. The House also passed H.R. 3010 on June 24, 1995, providing a total of \$129 million for VAWA programs administered by HHS. The Senate Appropriations Committee reported H.R. 3010 on July 14, 2005, with a FY2006 funding recommendation of \$129 million for VAWA programs administered by HHS.

## History of the Violence Against Women Act

Legislation proposing a federal response to the problem of violence against women was first introduced in 1990, although such violence was first identified as a serious problem in the 1970s. Congressional action to address gender-related violence culminated in the enactment of the Violence Against Women Act (VAWA), which is Title IV of the Violent Crime Control and Law Enforcement Act of 1994.<sup>1</sup> Funding under the bill emphasized enforcement as well as educational and social programs to prevent crime. The focus of the funding was on local government programs, an approach that the sponsors of the bill believed was the most promising technique for reducing crime and violence. They also cautioned that, due to the variety of programs funded through the states, the impact of the bill may be difficult to quantify.<sup>2</sup> Funding through FY2000 was authorized through the Violent Crime

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<sup>1</sup> P.L. 103-322; 108 Stat. 1902; 42 U.S.C. § 13701.

<sup>2</sup> Indeed, there are only two studies that attempt to evaluate the overall effects of a VAWA grant program: (1) Martha R. Burt, Lisa C. Newmark, Lisa K. Jacobs, and Adele V. Harrell, 1998: *Report: Evaluation of the STOP Formula Grants Under the Violence Against Women* (continued...)

Reduction Trust Fund, created under Title XXXI of P.L. 103-322. Authorization for VCRTF expired at the end of FY2000. Nonetheless, most of the programs in VAWA received appropriations for FY2001.<sup>3</sup>

On October 28, 2000, President Clinton signed into law the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), of which Division B is the Violence Against Women Act of 2000. The Violence Against Women Act of 2000 continued to support VAWA by reauthorizing existing programs and adding new initiatives including grants to assist victims of dating violence, transitional housing for victims of violence, a pilot program aimed at protecting children during visits with a parent who has been accused of domestic violence, and protections from violence for elderly and disabled women. It also made technical amendments, and required grant recipients to submit reports on the effectiveness of programs funded by the grants to aid with the dissemination of information on successful programs. The bill amended the Public Health Service Act (P.L. 98-457) to require that certain funds be used exclusively for rape prevention and education programs. Moreover, the bill made it easier for battered immigrant women to leave and to help prosecute their abusers. Under the old law, battered immigrant women could be deported if they left abusers who are their sponsors for residency and citizenship in the United States. VAWA 2000 created special rules for alien battered spouses and children to allow them to remain in the United States.<sup>4</sup>

**Changes in Federal Criminal Law.** To help combat violence against women, the original VAWA rewrote several areas of federal criminal law. Penalties were created for interstate stalking or domestic abuse in cases where an abuser crossed a state line to injure or harass another, or forced a victim to cross a state line under duress and then physically harmed the victim in the course of a violent crime. Additionally, the law strengthened existing penalties for repeat sexual offenders and required restitution to victims in federal sex offense cases. VAWA called for pretrial detention in federal sex offense or child pornography felonies and allowed evidence of prior sex offenses to be used in some subsequent trials regarding federal sex crimes. The law also set new rules of evidence specifying that a victim's past sexual behavior generally was not admissible in federal civil or criminal cases regarding sexual misconduct. Rape victims were allowed to demand that their alleged assailants be tested for HIV, the virus that is generally believed to cause AIDS. A

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<sup>2</sup> (...continued)

*Act of 1994* (Washington, DC: Urban Institute, 1998); and (2) Neal Miller, *National Evaluation of the Arrest Policies Program Under VAWA*, presented at the Bureau of Justice Statistics/Justice Research Statistical Association National Conference in Minneapolis, MN, Nov. 2, 2000. Though both studies provide examples of effective programs funded by the grants, neither offers a conclusion as to the overall effectiveness of these grant programs.

<sup>3</sup> For detailed information on the grant programs and the application process, please consult the Department of Justice's Violence Against Women Office, at [<http://www.ojp.usdoj.gov/vawo/applicationkits.htm>]. For information on grant programs in each state, consult [<http://www.ojp.usdoj.gov/vawo/stategrants.htm>].

<sup>4</sup> See CRS Report RL30559, *Immigration: Noncitizen Victims of Family Violence*, by Andorra Bruno and Alison Siskin.

federal judge could order such a procedure after determining that risk to the victim existed.

As in the original Act, VAWA 2000 created new stalking offenses, changing the law to create penalties for a person who travels in interstate or foreign commerce with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who in the course of such travel commits or attempts to commit a crime of violence against the spouse or intimate partner. It also created penalties for a person who causes a spouse or intimate partner to travel in interstate or foreign commerce by force or coercion and in the course of such travel commits or attempts to commit a crime of violence against the spouse or intimate partner. The bill added the intimate partners of the victim as people covered under the interstate stalking statute, and made it a crime to use the mail or any facility of interstate or foreign commerce to engage in a course of conduct that would place a person in reasonable fear of harm to themselves or their immediate family or intimate partner. Additionally, VAWA 2000 created penalties for any person who travels in interstate or foreign commerce with the intent of violating a protection order or causes a person to travel in interstate or foreign commerce by force or coercion and violates a protection order.<sup>5</sup>

**Debate over Gender Inclusiveness.** Although the programs in the original VAWA law tended to be popular among criminal justice practitioners, and VAWA 2000 passed with almost unanimous support in Congress, VAWA did have its critics. Most of the criticisms of VAWA and VAWA 2000 came from those who felt that violence was a problem of both men and women, and that both men and women were victims of domestic violence. They argued that the programs in VAWA only addressed the needs of women victims.<sup>6</sup> Opponents of the law also felt that the legislation was paternalistic; it implied that women needed special protections.<sup>7</sup> Proponents of VAWA argued that the language of the law was gender-neutral and that programs could address the needs of men as well as women.<sup>8</sup>

**Civil Rights and Supreme Court Ruling.**<sup>9</sup> Under Title IV, Subtitle C — “Civil Rights for Women,” of the 1994 Act, language 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

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<sup>5</sup> P.L. 106-386, Section 1107.

<sup>6</sup> For more information see the American Coalition for Fathers & Children homepage, at [<http://www.acfc.org>], visited on Sept. 28, 2000.

<sup>7</sup> Stephanie Gutmann, “Are All Men Rapists?” *National Review*, vol. 45, Aug. 1993, pp. 44-47; Cathy Young, “Act Stirs Up Debate on Crime and Gender,” *Insight*, vol. 9, Nov. 29, 1993, pp. 12-16.

<sup>8</sup> For more information, see the National Coalition Against Domestic Violence homepage, at [<http://www.ncadv.org>].

<sup>9</sup> For a detailed analysis of *United States v. Morrison*, 529 U.S. 598 (2000), and its effect on VAWA, see CRS Report RS20584, *United States v. Morrison: The Supreme Court Declares 42 U.S.C. § 13981 Unconstitutional*, by T.J. Halstead, May 22, 2000.

and the Fourteenth Amendment.<sup>10</sup> The Court found that such violence did not substantially affect interstate commerce. It further noted that the Fourteenth Amendment is directed at state actions, not those of private citizens. None of the other provisions of the 1994 Act have been challenged in the Supreme Court.

Unaffected by the court decision were grant programs created by VAWA and placed 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 local government and private nonprofit groups, and 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 under the administration of HHS.) The following sections describe grant programs created by VAWA, followed by a section on additional initiatives created in VAWA 2000.

## Original VAWA Grant Programs

**Law Enforcement and Prosecution (Special Training Officers and Prosecutors [STOP]) Grants.** The purpose of STOP grants, administered by the Attorney General, is to help state governments, Indian tribal governments, and units of local government strengthen law enforcement, prosecution, and victims' services in cases involving violent crimes against women. These grants may be used to provide personnel, training, technical assistance, data collection, and other equipment to increase the apprehension, prosecution, and adjudication of persons committing violent crimes against women. Activities may include:

- training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including those of sexual assault, domestic violence, and dating violence;
- developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying and responding to violent crimes against women;
- developing, installing, or expanding relevant data collection and communication systems;
- developing, enlarging, or strengthening programs for relevant victim services to address stalking and to address the needs and circumstances of Indian tribes in dealing with violent crimes against women including dating violence;
- developing, enlarging, or strengthening programs to assist law enforcement and the courts to address the needs of older individuals

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<sup>10</sup> Nonetheless, victims can still bring damage suit in state courts.



and individuals with disabilities who are the victims of domestic violence and sexual assault;

- coordinating the response of state law enforcement agencies, prosecutors, courts, victim service agencies, and other state agencies to violence crimes against women, including dating violence; and
- training of sexual assault forensic medical personnel in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.

At least 25% of each grant must be allotted, without duplication, to each of three areas, respectively: prosecution, law enforcement, and victim services. Of the amounts appropriated: 5% is allocated to Indian tribal governments; \$600,000 is available for grants to applicants in each state; 5% of the funds must be set aside for state sexual assault and domestic violence coalitions; and the remaining funds are to be distributed to applicants in each state on the basis of relative population. For more information see [[http://www.ojp.usdoj.gov/vawo/funds\\_uses.htm](http://www.ojp.usdoj.gov/vawo/funds_uses.htm)]. [Section 40121]

#### **State Domestic Violence and Sexual Assault Coalition Grants.**

These grants are distributed by the Attorney General for state domestic violence and sexual assault coalitions. Such coalitions shall further the purposes of domestic violence or sexual assault intervention and prevention through information and training. Each state, the District of Columbia, Puerto Rico, and the combined U.S. Territories should receive 1/53rd of the funds allocated. In addition, 2.5% of the STOP funds are set aside, each, for state sexual assault and domestic violence coalitions.

**Rape Prevention and Education Grants.** The funds for these grants are added to the Preventive Health Services Block Grants monies already distributed to the states by the Department of Health and Human Services. The grants may be used by the states for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities. Specifically, these grants may be used for:

- educational seminars
- operation of rape crisis hotlines
- training programs for professionals
- the preparation of training materials
- education and training for students and campus personnel
- education to increase awareness about drugs used to facilitate rapes or sexual assaults
- other efforts to increase awareness or prevent sexual assault especially in underserved communities.

Of the monies provided to the states 25% must be used for education in middle, junior high, and high schools. Grants are made on the basis of the relative population of each state. [Sections 40151-40152]

**National Domestic Violence Hotline.** These funds are authorized for the Secretary of Health and Human Services to make a grant to a private, non-profit

entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. The grant may fund the use and operation of the telephone line; the employment, training, and supervision of personnel to answer calls and provide counseling and referral services on a 24-hour basis; the establishment of a database with information and services available for victims of domestic violence; and the advertisement of the hotline to potential users nationwide. [Section 40211] This program has been reauthorized through FY2008, outside of the VAWA reauthorization process, through the Keeping Children and Families Safe Act (P.L. 108-36), described later in this report.

### **Grants to Encourage Arrests Policies in Domestic Violence Cases.**

The purpose of these grants is to assist state governments, Indian tribal governments, and units of local government in treating domestic violence as a serious violation of criminal law. Grants may be used to:

- implement mandatory arrest or pro-arrest programs and policies in police departments;
- develop policies and training in police departments to improve tracking of cases involving domestic violence and dating violence;
- centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases;
- coordinate computer tracking systems to ensure communication between police, prosecutors, and the courts;
- strengthen legal advocacy service programs for victims of domestic violence and dating violence;
- develop or strengthen policies and training for the police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals and individuals with disabilities; and
- educate judges about domestic violence and improve judicial handling of such cases.

Applicants must certify that their laws or official policies encourage or mandate arrest policies in domestic violence cases and do not require the abused to bear the costs associated with the filing of criminal charges. Priority is given to applicants who do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and the courts, and to those who demonstrate a commitment to strong enforcement and prosecution of such cases. For more information consult [[http://www.ojp.usdoj.gov/vawo/arrest\\_grant\\_desc.htm](http://www.ojp.usdoj.gov/vawo/arrest_grant_desc.htm)]. [Section 40231]

**Grants for Battered Women's Shelters.** These grants are distributed by the Secretary of Health and Human Services for battered women's shelters. The grants for each state are allocated based on the relative population of the state except that (1) each state is allocated not less than 1% of the total grant or \$600,000 which ever is less; and (2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands are allotted not less than one-eighth of 1% of the amounts available for grants. [Section 40241] This program has been reauthorized through FY2008, outside of the VAWA

reauthorization process by the Keeping Children and Families Safe Act (P.L. 108-36), described later in this report.

**Community Programs on Domestic Violence.** These grants are provided by the Secretary of Health and Human Services to non-profit private organizations for the purpose of establishing projects in local communities to coordinate intervention and prevention efforts against domestic violence.

Grants fund local projects that coordinate efforts among such sectors as health care providers, the education community, the religious community, the criminal justice system, human service entities, and business and civic leaders. Grants may be made for up to three years and are to be geographically dispersed throughout the country. [Section 40261]

**National Stalker and Domestic Violence Reduction Grants.** The Attorney General is authorized to make grants to states and units of local government to improve data entry for cases of stalking and domestic violence in local, state, and national crime information databases most notably the National Crime Information Center (NCIC).

Applicants must certify that they have established a program that enters into the NCIC records of:

- warrants for the arrest of persons violating protection orders intended to protect victims from stalking and domestic violence;
- arrests or convictions of persons violating protection or domestic violence; and
- protection orders for the protection of persons from stalking and domestic violence.

These grants are awarded on a need-based basis for entities that do not have this type of system in place. [Sections 40602-40607]

**Rural Domestic Violence and Child Abuse Enforcement Grants.** These grants are provided by the Attorney General to states, Indian tribal governments, or local governments of rural states, and to other public and private entities of rural states to (1) implement, expand and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, and child abuse; (2) provide treatment and counseling to such victims; and (3) work cooperatively to develop education and prevention strategies at the community level. A minimum of 5% of the grant monies are allocated to Indian tribal government. For more information see [[http://www.ojp.usdoj.gov/vawo/rural\\_grant\\_desc.htm](http://www.ojp.usdoj.gov/vawo/rural_grant_desc.htm)]. [Section 40295]

**Victims of Child Abuse Grants.** VAWA amended the Victims of Child Abuse Act of 1990 to provide authorization for three purposes:

- the court-appointed special advocate program;

- child abuse training programs for judicial personnel and practitioners; and
- grants for televised testimony.

Priority for the court-appointed special advocate program grants are given to localities that do not have existing programs and to programs in need of expansion. Priority for child abuse training programs is given to programs that aim to improve the procedures of child service agencies. For more information on Victims of Child Abuse Act programs, see CRS Report RL32976, *Child Welfare: Programs Authorized by the Victims of Child Abuse Act of 1990*, by Emilie Stoltzfus.

**Federal Victims Counselors.** This money is allocated to the U.S. Attorneys to appoint victims/witness counselors for prosecution of sex and domestic violence crimes where applicable. [Section 40114]

**Grants to Reduce Sexual Abuse of Runaway, Homeless, and Street Youth.** The Secretary of Health and Human Services may make grants to private, non-profit agencies for prevention of sexual abuse and exploitation of runaway, homeless, and street youth. Funds may be used for street-based outreach and education, including treatment, counseling, provision of information and referrals for those subject to or at risk of sexual abuse. Priority is given to those agencies with experience in providing services to this population. These grants were reauthorized through FY2003 by P.L. 106-71; and subsequently through FY2008 by P.L. 108-96. [Section 40155] For more information on this program, see CRS Report RL31933, *The Runaway and Homeless Youth Program: Administration, Funding, and Legislative Actions*, by Edith Fairman Cooper.

**Equal Justice for Women in the Courts.** The State Justice Institute and the Federal Judicial Center, respectively, may make grants to provide model programs involving training of judges and court personnel in state and federal courts on rape, sexual assault, domestic violence, and other gender motivated crimes.

The State Justice Institute grants may be used to train Indian tribal judges and court personnel in the laws on rape, sexual assault, domestic violence, dating violence, and other crimes of violence motivated by the victim's gender. The funds may also be used for training on the issues raised by domestic violence and sexual assault in determining custody and visitation. At least 40% of funds must be expended on model programs regarding domestic violence and at least 40% of funds must be expended on model programs regarding rape and sexual assault.

The Federal Judicial Center grants may be used to educate and train judges on issues related to gender bias in the courts. [Sections 40411-414, 40421-422].

## New Initiatives in the Violence Against Women Act 2000

### Grant Programs

**Grants for Legal Assistance to Victims.** VAWA 2000 authorizes the Attorney General to award grants to private nonprofit entities, Indian tribal governments, and publically funded organizations to increase the availability of legal assistance to victims of domestic violence, stalking, or sexual assault in legal matters, such as immigration, housing matters, and protection orders, at minimum or no cost to the victim. These grants may be used to establish or expand cooperative efforts between victim services organizations and legal assistance providers, by providing training, technical assistance, and data collection. [Section 1201]

**Short Term Transitional Housing.** VAWA 2000 included grants for short-term transitional housing assistance and support services for victims of domestic abuse. These grants are administered by the Secretary of HHS. [Section 1203]

**Older and Disabled Individuals.** VAWA 2000 amends the language of STOP grants and “Grants to Encourage Arrest Policies” to provide funds to increase protection of older individuals and individuals with disabilities from domestic violence and sexual assault through policies and training for police, prosecutors, and the judiciary. It also creates new grants, administered by the Attorney General, for training programs to assist law enforcement officers, prosecutors, and court officials in addressing, investigating and prosecuting instances of elder abuse, neglect, and exploitation, and violence against individuals with disabilities, including domestic violence and sexual assault. [Section 1209]

**Safe Haven Pilot Program.** VAWA 2000 authorizes the Attorney General to award grants to state, local, and Indian tribal governments to provide supervised visitation and safe visitation exchange for children involved in situations of domestic violence, child abuse, or sexual assault. [Section 1301]

## Other Initiatives

**Studies.** There are several studies authorized in VAWA 2000. These include studies of: (1) insurance discrimination against victims of domestic violence; (2) workplace effects of violence against women; (3) unemployment compensation for women who are victims of violence; and (4) parental kidnapping. VAWA 2000 also requires the National Institute of Justice (NIJ) to develop a research agenda and plans to implement the agenda based on the National Academy of Sciences’ recommendations in the report *Understanding Violence Against Women*. [Sections 1206-1208, 1303-1304]

**Battered Immigrant Women Protection Act of 2000.** VAWA 2000 contains the Battered Immigrant Women Protection Act of 2000, which provides for increased protection of immigrant women who are victims of domestic abuse, and creates special rules for alien battered spouses and children to allow them to remain in the United States.<sup>11</sup> [Sections 1501-1513]

**Dating Violence.** VAWA 2000 defines “dating violence” as:

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<sup>11</sup> See CRS Report RL30559, *Immigration: Noncitizen Victims of Family Violence*, by Andorra Bruno and Alison Siskin.

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; and (iii) the frequency of interaction between the persons involved in the relationship.

VAWA 2000 amends the original law so that STOP grants, grants to encourage arrest policies, and rural domestic violence grants can be awarded for programs to combat “dating violence.” [Section 1109]

**Task Force on Domestic Violence.** VAWA 2000 also established a task force to coordinate research on domestic violence. [Section 1407]

## Program Reauthorizations in the 108<sup>th</sup> Congress

During the 108<sup>th</sup> Congress, legislation was enacted to reauthorize some VAWA programs that are administered by the Department of Health and Human Services — the Keeping Children and Families Safe Act (P.L. 108-36) and the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (the PROTECT Act, P.L. 108-21). In addition, the PROTECT Act created a new housing program for victims of domestic violence

### Transitional Housing Assistance

The Keeping Children and Families Safe Act (P.L. 108-36) amended the Family Violence Prevention and Services Act and reauthorized the following programs administered by HHS: transitional housing assistance, national domestic violence hotline, and grants for battered women’s shelters. The transitional housing assistance program that is administered by HHS was reauthorized at \$25 million for each of FY2003 through FY2008. No funding, however, has been provided for this program, which was originally established in VAWA 2000.

The PROTECT Act contains provisions for transitional housing assistance that are very similar to the transitional housing program established within *HHS*. The PROTECT Act, however, provides for *DOJ* to administer the transitional housing assistance program. Among other provisions, the act directs the Attorney General, in consultation with the Director of VAWO, to provide transitional housing assistance grants to states, units of local governments, Indian tribes, and other organizations. These grants can assist persons who need transitional housing as a result of fleeing domestic violence conditions, and for whom emergency shelter services are lacking or are inadequate. For 18 months, eligible persons can receive assistance with short-term housing (including rental), utilities payments, security deposits, and other expenses related to relocating to transitional housing. Grant recipients can waive the 18-month period and extend assistance for six more months to persons who have made a good-faith effort to acquire permanent housing but have been unsuccessful. In addition, a minor, an adult, or a dependent of such minor or adult who is escaping a domestic violence situation can receive support services to locate and secure permanent housing, and transportation, counseling, child care

services, case management, employment counseling, and other assistance to become integrated into a community.

The act requires a grant recipient to prepare an annual report for submission to the Attorney General that describes the number of minors, adults, and dependents assisted and the types of housing assistance and support services that were provided. Each year, the Attorney General, with the Director of VAWO, must submit a report to the House and Senate Judiciary Committees that is a compilation of information provided annually by grant recipients. For grants, \$30 million is authorized for each of fiscal years 2004 through 2008. Of this amount, the Attorney General in any fiscal year can use no more than 3% for salaries and administrative expenses. For the transitional housing program for FY2004, Congress appropriated \$15 million as a separate line item in the FY2004 Consolidated Appropriations Act. For FY2005, President Bush requested \$180 million for Special Training Officers and Prosecutors (STOP) grant programs, of which \$15 million was a set-aside for transitional housing assistance.

## **National Domestic Violence Hotline**

The Keeping Children and Families Safe Act also reauthorized the national domestic violence hotline at \$3.5 million for each of FY2004 through FY2008. For FY2006, President Bush requested \$3 million for the hotline. The hotline received FY2005 funding of \$3.22 million.

## **Grants for Battered Women's Shelters**

Another VAWA program that was reauthorized by the Keeping Children and Families Safe Act is the grants for battered women's shelters program. This program was reauthorized at \$175 million for each of FY2004 through FY2008. For FY2006, the Bush Administration requested \$126 million for the program. It was funded at \$126.63 million for FY2005.

## **Reauthorization of VAWA 2000 in the 109<sup>th</sup> Congress**

A number of bills have been introduced in the 109<sup>th</sup> Congress with provisions relating to the Violence Against Women Act, including H.R. 1214, Best Help for Rape Victims Act (Maloney); H.R. 2862, Departments of Commerce, Justice, Science and Related Agencies, 2006 (Wolf); H.R. 2876, Violence Against Women Reauthorization Act of 2005 (Green); H.R. 3010, the Departments of Labor, HHS, Education and Related Agencies Appropriations Act, 2006 (Regula); H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009 (Sensenbrenner); H.R. 3171, VAWA 2005 Reauthorization Act (Lofgren); H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009 (Sensenbrenner); H.R. 3594, Domestic Violence Victim Protection Act (Rothman); and S. 1197 (Biden) Violence Against Women Act of 2005 (Biden). Each bill was referred to its committee of jurisdiction. No hearings were held on

H.R. 1214, H.R. 2876, H.R. 3171 or H.R. 3594.<sup>12</sup> In addition to the two appropriations bills, there has been legislative action on the following reauthorization bills — H.R. 3402 and S. 1197 — and selected provisions of these two bills are summarized and compared in this report.

H.R. 3402 would authorize appropriations for the Department of Justice for FY2006 through FY2009. H.R. 3402 also would reauthorize many VAWA 2000 programs and contains titles on domestic violence. Titles IV through X of H.R. 3402 are collectively cited as the Violence Against Women Reauthorization Act of 2005. S. 1197, introduced on June 8, 2005, also would reauthorize the Violence Against Women Act of 1994.

**House Action.** On September 28, 2005, the House approved H.R. 3402 by a vote of 415 to 4. The bill had been reported by the Judiciary Committee on September 22 (H.Rept. 109-233). Floor debate occurred on language in the reported version of H.R. 3402, relating to STOP grant funds and underserved racial and ethnic populations. As reported, the bill would have required states to describe how they plan to address the needs of racial and ethnic minorities and other underserved populations, and to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations in disbursing grants, and ensure that program funds are equitably distributed to these populations. During the floor debate, Judiciary Chairman Sensenbrenner stated that if this language were perceived as prescribing race-based VAWA grant awards by conditioning certain grants upon an applicant's ability to address the needs of ethnic and racial minorities, then the legislation could be challenged on constitutional grounds. Until the issue was legally resolved, all program funding might be halted for years. As amended on the House floor, the provision now refers to "populations under served because of geographic locations, underserved racial and ethnic populations, populations underserved because of special needs [such as language barriers, disabilities, alien age status, or age] and any other population determined to be underserved by the Attorney General." Representative Conyers and others argued that the original provisions would not require quotas or set asides and are constitutionally sound. They argued further that the amended language would weaken provisions to improve access for and support of underserved populations. The amendment passed by a vote of 225 to 191.

**Senate Action.** On September 12, 2005, S. 1197 was reported by the Senate Judiciary Committee without a written report, following a mark-up session on September 8. At the mark-up, several amendments to S. 1197 were offered. The Committee, by voice vote, adopted a manager's package of amendments to S. 1197 which included provisions that male victims of domestic violence also could receive funds; and that repeat offenders of a protective order who are convicted of stalking would receive increased penalties. The package clarified that a tenant of public housing actually must be a victim of domestic violence, not perceived to be one, before authorities could be prohibited from evicting or revoking housing vouchers

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<sup>12</sup> Readers should note that provisions of these bills related to immigrant victims of violence are not addressed in this report. For information on these provisions, contact Andorra Bruno (7-7865) or Alison Siskin (7-0260).



for the tenant and that a landlord could not be prohibited from evicting a victim of domestic violence for failing to pay rent or violating the lease.

On July 19, 2005, the Senate Judiciary Committee held a hearing on S. 1197.

**Titles IV — Violence Against Women Reauthorization Act of 2005 of H.R. 3402.** This title of the House bill provides definitions and requirements for programs relating to violence against women. H.R. 3402 also contains a new section clarifying that VAWA programs are gender neutral. S. 1197 contains no such provision. **Sections 1 and 2 of S. 1197** give the short title of the bill as the Violence Against Women Act of 2005 and contain a section called “Definitions and Grant Provisions.”

**Title V — Enhancing Judicial and Law Enforcement Tools to Combat Violence (H.R. 3402) and Title I — Enhancing Judicial and Law Enforcement Tools to Combat Violence Against Women (S. 1197).** H.R. 3402 would reauthorize the STOP grants at \$215 million for each of fiscal years 2006 through 2010. S. 1197 would reauthorize the STOP grants at \$225 million for the same period. H.R. 3402 and S. 1197 would provide new provisions that require state legislation prohibiting victims of sexual assault from having to submit to polygraph tests before an investigation or prosecution of the crime for a state to be eligible for STOP funding; provide grants to protect the confidentiality of information that victims provide and that is included in national databases; prohibit states from requiring a victim to participate in the criminal justice system in order for the victim to be reimbursed for a forensic exam; and support programs designed to specifically serve racial and ethnic populations. H.R. 3402 and S. 1197 would limit the publication of registration or filing of a protection order, restraining order or injunction in either the issuing or enforcing state, tribal, or territorial jurisdiction if such publication would likely reveal the identity or location of the party protected under such order information. The House and Senate measures allow a state, Indian tribe or territory to share court-generated law enforcement information that is contained in secure, governmental registries for protection order enforcement purposes. Both bills would permit a state or Indian tribal government to use federal grant funds to pay for forensic medical exams that are performed by persons trained to examine victims of sexual assault. If, however, a state or Indian tribal government requires victims of sexual assault to have their insurance carriers reimburse them for the cost of such examinations, federal funds may not be used to pay for them.

To improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking both measures would add a new Subtitle J — Violence Against Women Act Court Training and Improvements. H.R. 3402 would authorize funding of \$4 million for each of fiscal years 2006 to 2010 for grants for court training and improvements. H.R. 3402 would support efforts to develop a national education curriculum for use by state and national judicial educators to ensure that all courts and court personnel have access to appropriate information on domestic and dating violence, sexual assault, and stalking. Both bills would require the Attorney General, through VAWO, to develop education curricula for tribal court judges as well. H.R. 3402 would authorize \$1 million for each of fiscal years 2006 to 2010 for national and tribal education curricula. On the other hand, S. 1197 would

authorize funding of \$5 million for each of fiscal years 2006 to 2010 for both the national education and the tribal education curricula.

S. 1197 would extend and authorize funding of \$17 million for each of fiscal years 2006 through 2010 for the Court Appointed Special Advocate Program. H.R. 3402 does not contain such a provision.

H.R. 3402 and S. 1197 would authorize funding of \$1 million for each of fiscal years 2006 through 2010 for the Attorney General to appoint victim assistants for prosecution of sex and domestic violence crimes where applicable (such as the District of Columbia).

H.R. 3402 would require GAO to conduct a study to determine the extent to which men, women, youth and children are victims of domestic and dating violence, sexual assault, and stalking, and the availability of shelters, counseling, legal representation, and other VAWA services for all victims of such crimes. S. 1197 does not contain such provisions.

Under this title, both the House and Senate bills contain technical amendments that would increase set-asides for Indian tribal entities; require set-asides to provide technical assistance for grantees; and change the set-aside for U.S. territorial sexual assault coalitions from 1/54 to 1/56.

Both H.R. 3402 and S. 1197 would reauthorize the following existing VAWA grant programs:

- Grants to Encourage Arrest and Enforcement Protection Orders at \$75 million for each of fiscal years 2006 through 2010;
- Legal Assistance for Victims at \$65 million for each of fiscal years 2006 through 2010;
- Sex Offender Management — H.R. 3402 at \$5 million and S. 1197 at \$3 million for each of fiscal years 2006 through 2010; and
- Stalker Database at \$3 million for each of fiscal years 2006 through 2010.

**Titles VI (H.R. 3402) and II (S. 1197) — Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.** Both H.R. 3402 and S. 1197 would amend Part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) by adding a new Sexual Assault Services program for the purpose of assisting states, tribes and territories in providing intervention, advocacy, support services and related assistance to victims of sexual assault, their family and household members, and others collaterally affected by the victimization, except for the perpetrator of the crime. In addition, the program would provide technical assistance and training on sexual assault to federal, state, tribal, territorial and local governments, law enforcement agencies, courts, professionals in legal, social service and health care settings, nonprofit organizations, faith-based organizations and other individuals and organizations seeking such assistance. Under provisions of these bills, grants would be provided for states and territories, for culturally specific programs that address sexual assault, for grants to state, territorial and tribal sexual assault coalitions, and

for grants to tribes. H.R. 3402 would require eligible applicants for state, territorial and tribal sexual assault coalitions to be determined by the National Center for Injury Prevention and Control in collaboration with VAWO; S. 1197 does not contain such a provision. H.R. 3402 would authorize funding of \$55 million for each of the fiscal years 2006 through 2010 for Sexual Assault Services, while S. 1197 would authorize funding of \$50 million for the same period.

H.R. 3402 and S. 1197 would amend 42 U.S.C. 13971 to reauthorize funding of rural domestic violence programs. Both bills would expand eligibility for the programs by allowing all rural areas and communities to participate rather than limit eligibility to rural states as present provisions require. H.R. 3402 and S. 1197 would authorize \$55 million for each of the fiscal years 2006 through 2010. Both bills would provide that not less than 25% of the total amount made available for each fiscal year for this section be allocated for grants that meaningfully address sexual assault in rural communities. Both bills would also provide that for any fiscal year in which funding is \$45 million or more, \$50 million or more, or \$55 million or more the allotment percentage would be 30%, 35%, and 40%, respectively.

Both legislative proposals would provide services for victims of abuse who are disabled and elderly. H.R. 3402 would authorize \$20,500,000 for each of the fiscal years 2006 through 2010 for the section on assistance for victims of abuse. S. 1197 would authorize separate funding for different victims of abuse. S. 1197 would authorize \$10 million for women with disabilities; and \$10 million for elderly victims of abuse. H.R. 3402 would require GAO to conduct a study of the National Domestic Violence Hotline to determine its effectiveness in assisting victims of domestic violence; it does not provide for funding of the Hotline. S. 1197 would authorize funding of \$5 million for each of fiscal years 2006 through 2010 for strengthening the National Domestic Violence Hotline.

H.R. 3402 would provide grants for outreach to underserved populations. The bill would authorize funding of \$2 million for each of fiscal years 2006 through 2010 for these grants. S. 1197 does not contain such provisions.

**Title V (S. 1197) — Strengthening the Health Care System’s Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking.** S. 1197 contains provisions that are intended to improve the health care system’s response to domestic and dating violence, sexual assault, and stalking through training and education for health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting. For training and education of health professionals in domestic and sexual violence, the bill would authorize funding of \$3 million for each of fiscal years 2006 through 2010. S. 1197 would provide grants to foster public health responses to domestic and dating violence, sexual assault, and stalking, authorizing funding of \$5 million for each of fiscal years 2006 through 2010. S. 1197 would authorize funding of \$5 million for each of fiscal years 2006 through 2010 for research on effective interventions in the health care setting. H.R. 3402 does not contain a title with health care provisions.

**Title VI (S. 1197) — Housing Opportunities and Safety for Battered Women and Children.** S. 1197 would create two new programs to provide long-term housing for victims of domestic and sexual violence and to protect the safety of those housing residents. S. 1197 would authorize \$10 million annually for FY2006 through FY2010 for the Secretary of HHS, in consultation with the Department of Housing and Urban Development (HUD), to award grants and contracts for a minimum of two years to eligible entities to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk of becoming so.

S. 1197 also would authorize the Attorney General, acting through the Director of VAWO and in consultation with HUD and HHS, to award grants and contracts for a minimum of two years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking. S. 1197 would authorize funding of \$10 million for each of fiscal years 2006 through 2010 for these grants to combat violence against women in public and assisted housing.

S. 1197 would reauthorize Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13075) to provide funding of \$40 million for each of fiscal years 2006 through 2010 for existing transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, and stalking.

The bill contains provisions that are intended to reduce evictions and denials of housing to victims because of lease violations or crimes committed by the perpetrator of violence or because of a poor credit or rental history that is associated with history of abuse. S. 1197 would require housing program administrators and victim service providers to collaborate. Provisions of S. 1197 would prohibit public housing authorities from evicting a victim of violence but would allow the perpetrator of violence to be evicted.

S. 1197 contains provisions to protect the safety of victims of domestic violence by prohibiting grantees from disclosing identifying information about any victim of violence who is a client. The bill amends the Public Housing program within HUD (42 U.S.C. 1437d) by prohibiting a public housing authority from denying a person admission to the project because the applicant is a victim of domestic violence, dating violence, or stalking.

S. 1197 would require each public and Indian housing authority to complete housing strategies that include a description of the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking and how those needs will be addressed.

H.R. 3402 does not contain housing provisions.

**Title VII (S. 1197) — Providing Economic Security for Victims of Violence.** S. 1197 would require the Attorney General, acting through the Director of VAWO, to award a grant to an eligible nonprofit nongovernmental entity or tribal organization for establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The

bill would provide that information and assistance be given to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence to help their efforts to develop and implement appropriate responses to such violence. S. 1197 would authorize funding of \$1 million for each of fiscal years 2006 through 2010 for these grants. H.R. 3402 does not contain such provisions.

**Titles VII (H.R. 3402) and III (S. 1197) — Services, Protection, and Justice For Young Victims of Violence.**<sup>13</sup> S. 1197 differs from H.R. 3402 by including provisions reauthorizing the rape prevention and education program. S. 1197 lists several findings regarding rape and sexual assault, two of which state that more than 4,000 rape or sexual assault incidents occur in one year in public schools across the nation, and that college women have been victims of rape and attempted rape. S. 1197 would authorize \$80 million to be appropriated in each fiscal year from 2006 through 2010 for rape prevention and education; and \$1.5 million for collecting and distributing sexual assault information through the National Sexual Violence Resource Center.

S. 1197 would require the Attorney General in consultation with HHS to make three-year grants to eligible entities<sup>14</sup> to conduct domestic and dating violence, sexual assault, and stalking programs for serving 12- to 24-year old teen and young adult victims of such violence. H.R. 3402 would require the Attorney General to make such grants, and requires grantees to submit a report every 18 months to the HHS Secretary. S. 1197, however, does not require such a report, and would authorize \$15 million to be appropriated for each fiscal year from 2006 through 2010 for program grants, while H.R. 3402 would authorize \$10 million for such grants for each fiscal year stipulated.

H.R. 3402 would require the Attorney General through VAWO to make three-year competitive grants to eligible entities<sup>15</sup> for training and collaboration in order to enhance community responses to families where both child maltreatment and

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<sup>13</sup> This section was prepared by Edith Cooper, Analyst in Social Science, at CRS.

<sup>14</sup> In the House proposal, eligible entities to assist 12- to 24-year-old victims of such violence must be a nonprofit, nongovernmental group with the primary purpose of providing services that assist domestic and dating violence, sexual assault, or stalking victims; a religious or community-based group specializing in working with youth victims of such violence; Indian tribes or tribal organizations that provide services primarily to assist tribal youth or victims of such violence; or a nonprofit, nongovernmental organization that provide services for runaway or homeless youth. S. 1197 does not explicitly include a religious organization as an eligible entity, and stipulates that services would be provided to runaway or homeless youth who were affected by domestic and sexual abuse.

<sup>15</sup> In the House proposal, eligible entities that can apply for grants to enhance community responses to families where both maltreatment and domestic violence occur must include a state or local welfare agency or Indian tribe, or a domestic or dating violence victim service provider. An entity may include a court, a law enforcement agency, or Bureau of Indian Affairs that provide tribal law enforcement, and any other such agencies or private nonprofit groups, including community-based groups, with the ability to provide effective assistance to adult, youth, and minor victims served by the collaboration. S. 1197 differs slightly by indicating that faith-based groups may be eligible entities as well.

domestic and dating violence occur. H.R. 3402 would authorize \$8 million for such grants. Contrastingly, S. 1197 would authorize the HHS Secretary in consultation with VAWO to award two-year competitive training and collaboration grants to eligible entities for such purposes, and would authorize \$5 million to be appropriated for each of fiscal years 2006 through 2010.

S. 1197 also differs from H.R. 3402 by including a section entitled, “Access to Justice for Youth,” that would require the Attorney General through VAWO to make two-year grants to eligible entities<sup>16</sup> to encourage cross training and collaborations between the courts, domestic violence and sexual assault service providers, and other similar groups working with law enforcement agencies to create and implement policies, practices, and procedures to protect and provide more widespread and effective service for 12- to 24-year-old victims of dating and domestic violence, sexual assault, and stalking. The measure would authorize \$5 million to be appropriated for each of fiscal years 2006 through 2010 for such grants.

S. 1197 would amend Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) regarding grants to combat violent crimes against women on campus by adding new language directing the Attorney General, through VAWO, to make three-year grants to individual higher education institutions in amounts of not more than \$500,000, and not more than \$1 million for consortia of such institutions. In contrast, H.R. 3402 would not amend the Higher Education Amendments, but would direct the Attorney General to award three-year competitive grants through VAWO in amounts, as stated in S. 1197, of not more than \$500,000, and not more than \$1 million for consortia of such institutions. Both proposals would authorize \$15 million for each fiscal year from 2006 to 2010 for such grants.

S. 1197 differs from H.R. 3402 by including a section entitled, “Juvenile Justice,” to amend the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), requiring an analysis of gender-specific services to prevent and treat juvenile delinquency that would indicate what services are available and needed for females; and by stipulating that the use of funds includes policies to prohibit unequal treatment of female juveniles and guaranteeing that such youth have access to the full extent of health and mental health services, treatment for physical abuse or sexual assault, and education in general, in parenting, and other training and vocational benefits.

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<sup>16</sup> Eligible entities must include a victim service provider with a documented history of successful work involving domestic and dating violence, sexual assault, or stalking situations and the effects that such violence have on minors; and a court. Such entities may include batterer intervention programs or sex offender treatment programs that have personnel knowledgeable and experienced in working with youth offenders; community-based youth groups that specifically address problems and concerns of youth; schools and school-based programs structured to provide prevention or intervention assistance to youth experiencing problems; faith-based groups that focus on youth problems and concerns; healthcare entities that focus on problems of youth and are eligible for reimbursement under Title 18 of the Social Security Act; HIV and other sexually transmitted diseases education programs that target youth; and Indian Health Services, Indian Child Welfare, the Bureau of Indian Affairs, or the Federal Bureau of Investigation.

Both measures would amend the existing Safe Havens for Children Pilot Program, by deleting reference to the program as a pilot. Both proposals specify that the Attorney General would be allowed to award grants through VAWO, and include public and nonprofit nongovernmental entities as grantees, along with states, local government units, and Indian tribal governments as specified in current law. S. 1197, however, does not include public and nonprofit nongovernmental entities as grant recipients. Both bills would include dating violence as a situation for supervised visitation and safe visitation exchange of children. Furthermore, the bills would add provisions to (1) protect children from the trauma of witnessing domestic or dating violence, or from experiencing abduction, injury, or death during parent and child visitation exchanges; (2) protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and (3) protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges. Both bills would authorize \$20 million for each fiscal year from 2006 through 2010 for the program.

H.R. 3402 includes a provision for grants to combat domestic and dating violence, sexual assault, and stalking in middle and high schools by the Supporting Teens Through Education and Protection Act of 2005 or “STEP Act.” The bill would authorize the Attorney General through VAWO to make three-year competitive grants to schools that work with domestic violence and sexual assault experts. Also, the measure would authorize \$15 million to be appropriated for each fiscal years 2006 through 2010 for such grants. S. 1197 does not contain such a provision.

**Titles VIII (H.R. 3402) and IV (S. 1197) — Strengthening America’s Families By Preventing Violence in the Home.**<sup>17</sup> Both proposals would amend VAWA by adding new language for the purpose of preventing violent crimes against family members, and domestic and dating violence, sexual assault, and stalking, including when committed against children and youth. S. 1197 contains language intended to ensure that male victims of domestic violence would be eligible for assistance under the bill’s provisions. Both bills would increase resources and services for these specific purposes, as well as to reduce the effects of exposure to violence on children and youth to interrupt the intergenerational cycle of violence; develop and put in place education and services programs to prevent children in at-risk families from becoming victims or perpetrators of domestic and dating violence, sexual assault, or stalking; promote programs guaranteeing that children and youth would receive needed assistance to end the cycle of violence and develop mutually respectful, nonviolent relationships; and encourage community-based groups to work with governmental agencies serving children and youth, health and mental health service providers, and service providers of domestic and dating violence, sexual assault, and stalking victims to prevent violence.

S. 1197 authorizes \$50 million for a grant program to engage men and youth in preventing domestic and dating violence, sexual assault and stalking by assisting them in developing mutually respectful, nonviolent relationships.

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<sup>17</sup> This section was prepared by Edith Cooper, Analyst in Social Science, at CRS.

H.R. 3402 would authorize the Attorney General to make three-year competitive grants to eligible entities,<sup>18</sup> through VAWO, collaborating with the HHS Secretary for alleviating the effects of domestic and dating violence, sexual assault, and stalking on children exposed to such violence, and for reducing the risk of becoming future victims or perpetrators of such violence. S. 1197 would require two-year competitive grants with the same stipulations. S. 1197 would authorize \$20 million for the grants for each fiscal year from 2006 through 2010, while contrastingly, H.R. 3402 would authorize \$15 million for the awards. H.R. 3402 also would require grantees to prepare and submit a report to the Director every 18 months with details about the activities conducted with the funds, and any additional information that might be required. S. 1197, however, does not include such a requirement.

H.R. 3402 would authorize the Attorney General to act through VAWO to make three-year competitive grants to eligible entities,<sup>19</sup> collaborating with the HHS Secretary, to develop and enhance programs to build alliances among men, women, and youth to prevent such violence by helping them develop mutually respectful and nonviolent relationships. S. 1197 slightly differs because it would authorize the Attorney General, acting through VAWO, to make two-year competitive grants collaborating with HHS for the same purposes. Both bills would authorize \$10 million for such purposes.

H.R. 3402 would require grantees to prepare and submit a report every 18 months to the VAWO Director with details about activities for which grant funds were used, including evaluations of funded programs, and any additional information required. S. 1197 does not have such a requirement.

S. 1197 requires the HHS Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, to make grants to entities for supporting research to study prevention and intervention

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<sup>18</sup> Eligible entities must be a victim service provider; tribal nonprofit organization or community-based group with documented history for successful work concerning children and youth exposed to domestic and dating violence, sexual assault, or stalking, including programs that deliver culturally specific services, Head Start, child care, after-school programs, and health and mental health providers; or a state, territorial, tribal, or local government agency that is partnered with such entities listed above. S. 1197 includes faith-based organizations as eligible entities.

<sup>19</sup> Eligible entities involved in public education and community-based programs, including gender-specific programs are nonprofit, nongovernmental domestic and dating violence, sexual assault, or stalking victim service providers or coalitions; community-based child or youth services groups that have demonstrated experience and skill in addressing the needs and concerns of youth; and a state, territorial, tribal, or local government unit partnered with either of the above organizations, or a program providing culturally specific services. Furthermore, eligible entities experienced with conducting public awareness campaigns addressing domestic and dating violence, sexual assault, or stalking are nonprofit, nongovernmental organizations or coalitions that have documented history for effectively creating and administering public education campaigns addressing the prevention of such violence; or are a state, territorial, tribal, or local government unit that is partnered with nonprofit nongovernmental groups that have successfully administered relevant public campaign programs related to such violence.



programs to foster the understanding of sexual and domestic violence committed by and against adults, youth, and children. Such entities would be required to include sexual assault coalitions and programs, research groups, tribal organizations, and academic institutions. The measure would authorize \$2 million for each fiscal year from 2006 through 2010 for such research grants. H.R. 3402 does not include such a provision.

H.R. 3402 would require the Attorney General, acting through VAWO, to make two-year competitive grants to home visitation programs, jointly working with law enforcement and victim services providers for developing and implementing model policies and steps to train home visitation service providers about addressing domestic and dating violence, sexual assault, and stalking situations in families experiencing such violence, or are at risk of violence, in order to reduce the effects of that violence on children, preserve safety, improve parenting skills, and put an end to intergenerational cycles of violence. Furthermore, \$5 million would be authorized to be appropriated each of fiscal years 2006 through 2010 for such grants. S. 1197 has a similar provision, but would require the Attorney General to act through VAWO and collaborate with HHS to award such competitive grants to home visitation programs, but work jointly with victim service providers only regarding addressing such violence. The measure would authorize \$7 million to be appropriated for each fiscal years 2006 through 2010 for such grants.

**Title X — Safety for Indian Women.**<sup>20</sup> Both H.R. 3402 and S. 1197 would require the Secretary of the Interior and the Attorney General to consult annually with Indian tribal governments on federal administration of VAWA tribal funds and programs and to solicit recommendations from Indian tribes on the quality of federal administration of these funds and programs, and on how to strengthen the federal response to domestic and dating violence, sexual assault, and stalking. Both bills would require that a national baseline study be conducted on domestic and dating violence, sexual assault, stalking, and murder of Indian women, which would include an evaluation of the effectiveness of federal, state, tribal and local responses to these crimes; S. 1197 adds a requirement for recommendations on how to improve the effectiveness of responses to these crimes at all government levels. For these purposes, the bills would authorize to be appropriated \$1 million for each of fiscal years 2006 and 2007.

H.R. 3402, but not S. 1197, would require the Government Accountability Office (GAO) to submit to Congress, within one year of enactment of the bill, a report on prosecution of sexual assaults and domestic violence against adult American Indians and Alaska Natives in the years 2000-2005, including an assessment of U.S. district attorneys' effectiveness in prosecuting such crimes; summaries of districts' number of cases and charges under certain U.S. criminal code sections; a summary of certain steps in cases prosecuted and not prosecuted for male and female victims, both Indian and non-Indian; districts' priorities and percentages of prosecutions of sexual assault and domestic violence cases; and GAO recommendations for improving federal prosecution of sexual assault and domestic

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<sup>20</sup> This section was prepared by Roger Walke, Specialist in American National Government, at CRS.

violence cases. On the other hand, S. 1197 would require the Secretary of HHS, acting through the Indian Health Service and the Injury Control Division of the Centers for Disease Control and Prevention, to conduct a study to obtain a national projection of the incidence of injuries and homicides resulting from domestic and dating violence, sexual assault, and stalking against American Indian and Alaska Native women as well as the cost of providing health care for those injuries. S. 1197 would require that a report describing the study's findings and recommendations be submitted to certain committees in the Senate and House. S. 1197 would authorize to be appropriated \$500,000 for each of fiscal years 2006 and 2007 for these purposes.

Both H.R. 3402 and S. 1197 would require the Attorney General to collect crime information and disseminate the data to federal, state, and local governments, and penal and certain other institutions. The bills would require the Attorney General to allow Indian law enforcement agencies to enter information into these national crime information databases and to obtain information from the databases for cases involving domestic and dating violence, sexual assault, and stalking. H.R. 3402 alone, however, gives examples of the types of information that can be obtained from the databases, namely, identification records, criminal history records, protection orders, and wanted persons records.

Both H.R. 3402 and S. 1197 would require the Attorney General to contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain a national tribal sex offender registry and a tribal protection order registry. Both bills would authorize to be appropriated for these purposes \$1 million for each of fiscal years 2006 through 2010.

Both H.R. 3402 and S. 1197 have provisions for VAWO officers specializing in tribal affairs and for a formula grant program for Indian safety. H.R. 3402 would amend Part T of the Omnibus Crime Control and Safe Streets Act of 1986 by adding two new sections — Section 2016 (Tribal Division) and Section 2017 (Safety for Indian Women Formula Grants Program). Under the Tribal Division section, H.R. 3402 would require the Director of VAWO to designate one or more employees with demonstrated expertise in tribal law and practice regarding domestic and dating violence, sexual assault, and stalking against members of Indian tribes to comprise the tribal division. S. 1197 would add a new Section 2007, Tribal Deputy, that would require establishing within VAWO a Deputy Director for Tribal Affairs instead of a tribal division. Duties for the administrator of the tribal division/affairs are similar under both bills, although S. 1197 focuses on violence against Indian women while H.R. 3402 focuses on the specific offenses of domestic and dating violence, sexual assault, and stalking against all members of Indian tribes. Duties for the tribal division administrator include administering grants and contracts with tribes and tribal organizations; ensuring that the approval of each tribe that benefits from grants and contracts is obtained; ensuring that adequate training, technical assistance, and data collection are made available to tribes and tribal organizations; advising the VAWO director on policies and implementation of laws concerning such crimes; and maintaining a liaison with federal, state, and tribal judicial branches on such crimes. While both bills would require DOJ to develop policy and enforce federal laws relating to violence (or the specific crimes) against Indian women (or tribal

members), only S. 1197 directs that DOJ enforcement of these laws include litigation of civil and criminal actions.

S. 1197 also requires that the administrator of the tribal division support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and states. H.R. 3402 requires the *VAWO director* to ensure that portions of tribal set-asides in VAWA programs are used to enhance a tribes' capacity to address the safety of their members and to hold offenders accountable by enhancing the tribal response to domestic and dating violence, sexual assault, and stalking, including through victims' legal services, Indian-specific offender programs, tribally-based domestic violence shelters and programs, tribal educational awareness programs, customary tribal activities that strengthen the tribe's intolerance of violence against members and a tribal electronic database of tribal protection order registries. S. 1197 would assign these responsibilities to the *VAWO deputy director* of the tribal division.

Under the Safety for Indian Women Formula Grants Program section, both H.R. 3402 and S. 1197 would require the Attorney General to combine certain Indian set-asides authorized in VAWA and related laws into a single formula grant program for tribes, tribal organizations, and tribal consortia, to be administered by the new VAWO tribal division or deputy director. H.R. 3402 combines nine programs (five existing and four created by the bill), while S. 1197 combines seven programs (all of them included in H.R. 3402's list). The purposes of the formula grant program are to increase tribal capacity to respond to domestic and dating violence, sexual assault, and stalking crimes, strengthen tribal interventions, enhance tribal services to Indian victims (in H.R. 3402, Indian women), but in ways determined by participating tribes' allocation and use of funds to best protect tribal members from domestic and dating violence, sexual assault, and stalking (and, in H.R. 3402, kidnapping and murder). H.R. 3402, but not S. 1197, provides for a distribution formula, which allocates 60% of funds to participating tribes equally and 40% to participating tribes on a per-capita basis. H.R. 3402 also sets aside 5-7% of total funds for training and technical assistance contracts through expert tribal organizations, which S. 1197 does not do. H.R. 3402, but not S. 1197, requires participating tribes to set aside at least 50% of their allocations under the program for victim services and advocacy related to domestic and dating violence, sexual assault, and stalking, and to give preference to tribal organizations providing advocacy services such as shelters or safety centers. H.R. 3402, but not S. 1197, sets deadlines for notices to applicants and disbursement of funds, requires an expedited application process and reduced reporting burdens, requires a contract to evaluate tribal programs, and prohibits VAWO from requiring matching funds from tribes (although VAWO may waive the prohibition if it determines that a tribe has adequate resources to pay matching funds). Both bills would require the new VAWO deputy director (or tribal division) to ensure that some portion of any tribal set-asides from grants awarded under VAWA, VAWA 2000, or (in S. 1197) this act, is used to enhance the capacity of Indian tribes to address the safety of Indian women.

S. 1197, but not H.R. 3402, includes several amendments to federal criminal and Indian laws. S. 1197 would amend criminal law, at 18 U.S.C. 921(33)(a)(i), to make the crime of domestic violence a misdemeanor under tribal law, as it currently is under federal and state law. S. 1197 would also add a new section to 18 U.S.C.,

Chapter 7, to require that a repeat offender of domestic assault who has been convicted on at least two separate prior occasions in federal, state, or Indian tribal court be fined or imprisoned for not more than five years, or both. If substantial bodily injury results from the domestic assault, however, the repeat offender must be imprisoned for not more than 10 years.

S. 1197 would also amend Indian law, at 25 U.S.C. 2803(3), which relates to the authority of Secretary of the Interior to charge Bureau of Indian Affairs (BIA) employees with law enforcement responsibilities. S. 1197 provides that the Secretary may authorize BIA employees to make an arrest without a warrant for a misdemeanor crime of domestic violence if the offense committed in Indian country has as an element the use or attempted use of physical force or the threatened use of a deadly weapon committed by a current or former spouse, parent, or guardian of the victim, by a person who is a parent of the victim's child, or by a person who is living with or has lived with the victim as a spouse, parent, or guardian of the victim, and the BIA employee reasonably believes that the person to be arrested has committed or is committing a domestic violence crime.

## **FY2006 Funding for Violence Against Women Programs**

On June 24, 2005 the House passed the Departments of Labor, Health and Human Services, and Education, and Related Appropriations Act, 2006 (H.R. 3010), which would provide \$129 million for VAWA programs administered by HHS. Of this amount, \$126 million would fund the battered women's shelters program and \$3 million would support the national domestic violence hotline. On June 10, 2005, the House passed the Departments of Commerce and Justice, Science and Related Agencies Appropriations Act, 2006 (H.R. 2862), which would provide \$387.50 million for VAWA programs administered by DOJ, \$5.4 million above FY2005 funding. H.R. 3010 and H.R. 2862 would provide total FY2006 funding of \$516.49 million for VAWA programs, compared to President Bush's total request of \$515 million.

H.R. 2862 would provide FY2006 funding for STOP grants at the same FY2005 level of \$187.31 million. H.R. 2862, however, would provide that \$15 million of STOP grant funding be set aside for transitional housing assistance. In FY2005, the set aside from STOP grant funding for transitional housing assistance was \$12.30 million. Although funding for training programs for probation and parole officers who work with released sex offenders was not authorized in VAWA 2000, the program was funded for each of FY2001-FY2005. H.R. 2862 does not provide FY2006 funding for this program.

On September 15, 2005, the Senate passed H.R. 2862, the Department of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006, which would provide FY2006 funding of \$386.04 million for DOJ VAWA programs, \$4 million less than FY2005 funding. The bill would provide \$363 million for programs administered by VAWO and \$23.04 million for programs administered by the Office of Justice Programs (OJP). According to Senate Appropriations Committee report language, because OJP administers some programs for which VAWO previously had received appropriations, the Committee transferred the appropriations for these programs to OJP, which is now the administering agency.

These programs include: Court Appointed Special Advocate, Child Abuse Training for Judicial Personnel, Televised Testimony, Stalking and Domestic Violence Databases, and Training Programs to Assist Probation and Parole Officers.

On July 14, 2005, the Senate Labor, HHS, and Education Appropriations Committee reported H.R. 3010 (S.Rept. 109-103). Senate report language provided total FY2006 funding of \$129 million for VAWA programs administered by HHS. This funding provides \$3 million for the national domestic violence hotline and \$126 million for the battered women's shelters program.

For FY2006, President Bush requested a total of \$515 million for VAWA programs, of which \$386 million was for programs administered by DOJ and \$129 million for programs administered by HHS. Of requested funding for HHS, \$3 million was for the national domestic violence hotline, and \$126 million was for grants for battered women's shelters. (See **Table 3**).

## VAWA 2000 Historical Funding

Actual appropriations for VAWA programs tend to be less than the amounts authorized in the bill. VAWA 2000 authorized \$3.2 billion for VAWA grant programs from FY2001 through FY2005: \$667.5 million for FY2001, \$642.3 million for FY2002, \$627.3 million for FY2003 and FY2004, \$626.8 million for FY2005. (See **Table 2**.) Appropriations for VAWA programs in FY1996-FY2001 are shown in **Table 1**.

**FY2005.** On December 8, 2004, the Consolidated Appropriations Act, 2005 (P.L. 108-447, H.R. 4818) was enacted. The act provided \$387.28 million in FY2005 funding for violence against women programs administered by DOJ. This amount included \$187 million for the STOP grant program, of which \$12.5 million was for transitional housing assistance grants for victims of domestic violence, stalking, or sexual assault. For violence against women programs administered by HHS, the act provided \$129.9 million — \$126.65 million for the battered women's shelters program and \$3.25 million for the national domestic violence hotline. Total FY2005 funding for violence against women programs administered by DOJ and HHS was \$517.18 million. The Consolidated Appropriations Act, 2005 mandated a funding reduction of 0.80% for some FY2005 discretionary appropriations, which included VAWA funding. In addition, there was a 0.54% cut in Commerce-Justice-State discretionary appropriations for FY2005 that affected funding for VAWA programs administered by DOJ.

For FY2005, President Bush requested a total of \$514.11 million for VAWA programs compared to FY2005 authorization levels of \$626.8 million. Of the requested funding, \$385.5 million was for grants administered by the DOJ and \$128.65 million was for programs administered by HHS. These VAWA programs address domestic violence and improve services for victims and their dependents. The Bush Administration requested \$15 million for the transitional housing assistance programs as a set-aside under the VAWA STOP Formula Grant Program.

**FY2004.** The Consolidated Appropriations Act for FY2004 became law on January 23, 2004 (P.L. 108-199, H.R. 2673). Congress appropriated total FY2004

funding of \$517 million for VAWA programs. This compared to President Bush's total request of \$512.4 million for VAWA grant programs. For VAWA programs that were administered by DOJ, Congress provided \$387.6 million. For domestic violence programs that were administered by HHS, the conference agreement provided \$129.4 million, of which \$126.4 million would be for Grants for Battered Women's Shelters and \$3 million for the National Domestic Violence Hotline. (Note: these amounts were subject to a 0.59% across-the-board rescission included in the act.) Congress also appropriated \$15 million for the transitional housing assistance grants program as a separate line-item.

For FY2004, the House Appropriations Committee (H.R. 2799, H.Rept. 108-221) recommended \$387.63 million for violence against women prevention and prosecution programs that were administered by DOJ. According to the Committee report, funding would have supported efforts of law enforcement officers and prosecutors to address crimes against women, develop and establish policies that would have enhanced the prevention, identification, and response to crimes against women, and would have provided services, such as domestic violence court advocates for victims of crime.

The Senate Appropriations Committee (S. 1585; S.Rept. 108-144) for FY2004 recommended \$406 million for Violence Against Women Act programs, of which \$185 million would have been for general formula grants to states. This funding would have been used to establish effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, to address stalking, and to offer needed victims services such as specialized domestic violence court advocates who obtain protection orders. Recommended funding would have supported two programs in Alaska — \$950,000 for a domestic violence protection unit and \$500,000 for the standing together against rape program.

For domestic violence programs that were administered by HHS for FY2004, both the House (July 10, 2003) and Senate (September 10, 2003) passed H.R. 2660, the Labor, HHS, and Education Appropriations bill. The Senate, however, after passing H.R. 2660, amended it on September 11. On October 2, the House disagreed to the amended bill and requested a conference. Both the House-passed H.R. 2660 and the Senate-passed and amended H.R. 2660 would have provided \$3 million for the national domestic violence hotline and \$126.4 million for family violence prevention and services and battered women's shelters. This funding would have assisted states in preventing family violence and would have provided immediate shelter and related assistance for victims of domestic violence and their dependents as well as provided for states, public agencies, law enforcement agencies, nonprofit private organizations, and others seeking technical assistance and training relating to family violence programs.

For FY2004, President Bush requested a total of \$512.40 million for VAWA programs, with \$385.40 million for programs administered by DOJ and \$127 million for programs administered by HHS. The President's budget for FY2004 requested funding below levels authorized for these programs. As in FY2003, there was no funding request for federal victims counselors or the domestic violence task force. The Administration requested funding for the safe havens for children pilot program, which was not authorized for FY2004. The FY2004 funding request for VAWA

grants for battered women's shelters, administered by HHS, was \$124.42 million, which was \$2.81 million less than the appropriation for FY2004. Authorized funding for this program in FY2004 was \$175 million.

**FY2003.** Total FY2003 funds appropriated for VAWA was \$519.98 million — \$390.17 million for Department of Justice programs and \$129.81 million for HHS programs. President Bush requested a total of \$520 million for VAWA programs, of which \$390 million was for programs administered by DOJ and \$127 million was for programs administered by HHS. The Administration did not request funding for federal victims counselors or the domestic violence task force. The President requested funding for two programs that were not authorized for FY2003 — safe havens for children pilot program and training programs for medical personnel who perform sexual assault forensic exams. FY2003 funding request for VAWA grants for battered women's shelters, administered by HHS, was \$125 million; the same amount appropriated in FY2002. Authorized funding for this program in FY2003 was \$175 million.

**FY2002.** In FY2002, funding appropriated for VAWA programs totaled \$517.22 million — VAWA programs administered by DOJ received a total of \$390.60 million, while VAWA programs under HHS received \$126.62 million. Within HHS, the President requested funding for programs at FY2001 appropriations levels, and did not request monies for the transitional housing grant program created in VAWA 2000. The President also requested \$44 million for rape prevention and education grants; however, these grants were not specified by name in the Labor, Health and Human Services, and Education Appropriations Act of FY2002. Rather, the Administration proposed that funding for these grants be included as part of injury prevention grants. Congress provided \$149.8 million for injury prevention grants.

**FY2001.** For FY2001, the President requested \$481 million and Congress appropriated \$407.1 million for VAWA programs, however, funding for VAWA programs created in the original act did not truly decrease from FY2000 appropriation levels. Grants to Prevent Sexual Abuse of Runaway and Homeless Youth were reauthorized in the Missing, Exploited, and Runway Children Protection Act (P.L. 106-71) and received appropriations of \$15 million, prior to the rescission, 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 amounts for the different programs. Assuming FY2001 funding levels for the prevention grants remained at FY2000 levels, funding for VAWA programs increased by almost \$20 million between FY2000 and FY2001.<sup>21</sup> (The FY2000 amount enacted for VAWA programs was \$435.75 million, \$3 million less than the amount enacted for FY1999.<sup>22</sup>) As the following tables show, not all of the programs enacted under

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<sup>21</sup> The Center for Disease Control reports that these grants received \$45 million in FY2001.

<sup>22</sup> 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.)

VAWA have been funded continuously; some have received money for a brief period only, while others have never been funded.



**Table 1. Funds Appropriated for Violence Against Women Grant Programs, FY1996-FY2001**  
(budget authority in millions of dollars)

[illegible]

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Program	Admin. agency	FY1995 enacted	FY1996 enacted	FY1997 enacted	FY1998 enacted	FY1999 enacted	FY2000 enacted	FY2001 enacted <sup>a</sup>
<i>Subtotal: State Justice Institute</i>		0.00	0.00	0.00	0.00	0.00	0.00	0.00
National Domestic Violence Hotline (Section 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 (Section 40155)	ACF	0.00	5.56	8.00	15.00	15.00	15.00	15.00 <sup>b</sup>
Grants for Battered Women's Shelters (Section 40241)	ACF	0.00	15.00	10.80	76.80	88.80	101.50	116.92
Transitional Housing for Victims of Domestic Violence (Section 1203 of VAWA) <sup>d</sup>	ACF	—	—	—	—	—	—	0.00
National Number and Cost of Injuries Study (Section 40293)	CDC	0.00	0.10	0.00	0.00	0.00	0.00	0.00
Rape Prevention and Education Grants (Section 40151)	CDC	0.00	28.54	35.00	45.00	45.00	45.00	<sup>c</sup>
Community Programs on Domestic Violence (Section 40261)	CDC	1.00	3.00	6.00	6.00	6.00	6.00	<sup>c</sup>
<i>Subtotal: Department of Health and Human Services</i>		1.00	52.20	61.00	144.00	156.00	169.50	119.08
<b>Grand Total</b>		\$27.00	\$227.10	\$258.50	\$420.75	\$438.75	\$453.25	\$407.11

**Sources:** For FY1995-FY2000 funding information, see *Budget of the United States Government: Appendix* for indicated years under named agencies. FY2001: Commerce, Justice State Appropriations (P.L. 106-553) signed into law on Dec. 21, 2000. FY2001: Labor, Health and Human Services, and Education Appropriations (P.L. 106-554) signed into law on Dec. 21, 2000.

**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)

- The FY2001 Consolidated Appropriations Act (P.L. 106-554) contained a provision mandating a 0.22% government-wide rescission of discretionary budget authority for FY2001 for all government agencies (except for certain defense activities). The amounts appropriated for FY2001 in the table include the rescission.
- These grants 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 Oct. 12, 1999. Thus, these monies are not included in the total of VAWA funds for FY2001.
- These grants were not specified by name in the appropriations bill. In H.R. 4577, however, the CDC was allocated \$175.97 million for injury prevention grants which would include these programs. The House Appropriations Committee report mentioned that \$45 million should be appropriated for rape prevention grants, however, this language was not included in the bill.
- For this program, VAWA 2000 authorized \$25 million for FY2001 only.

**Table 2. Funding Authorized in the Violence Against Women Act 2000 (P.L. 106-386)**  
(\$ in millions)

<b>Program</b>	<b>Admin. agency</b>	<b>FY2001</b>	<b>FY2002</b>	<b>FY2003</b>	<b>FY2004</b>	<b>FY2005</b>
Law Enforcement and Prosecution (STOP) Grants (Section 1102-1103)	OJP	185.00	185.00	185.00	185.00	185.00
Grants to Encourage Arrest Policies (Section 1104)	OJP	65.00	65.00	65.00	65.00	65.00
Rural Domestic Violence and Child Abuse Enforcement (Section 1105)	OJP	40.00	40.00	40.00	40.00	40.00
Court Appointed Special Advocates for Victims of Child Abuse (Section 1302)	OJP	12.00	12.00	12.00	12.00	12.00
Training for Judicial Personnel and Practitioners for Victims of Child Abuse (Section 1302)	OJP	2.30	2.30	2.30	2.30	2.30
Grants for Televised Testimony by Victims of Child Abuse (Section 1302)	OJP	1.00	1.00	1.00	1.00	1.00
National Stalker and Domestic Violence Reduction Grants (Section 1106)	OJP	3.00	3.00	3.00	3.00	3.00
Training Programs for Law Enforcement Officers on Elder Abuse, Neglect, and Exploitation (Section 1209)	OJP	5.00	5.00	5.00	5.00	5.00
Civil and Legal Assistance for Victims of Violence (Section 1201)	OJP	40.00	40.00	40.00	40.00	40.00
Safe Havens for Children Pilot Program (Section 1301)	OJP	15.00	15.00	0.00	0.00	0.00
Grants to Decrease Violence Against Women with Disabilities (Section 1402)	OJP	7.50	7.50	7.50	7.50	7.50
Training Programs for Medical Personnel who Perform Sexual Assault Forensic Exams (Section 1405)	OJP	.20	0.00	0.00	0.00	0.00
Domestic Violence Task Force (Section 1407)	OJP	.50	.50	.50	.50	0.00
Federal Victim Counselors (Section 1205)	USA	1.00	1.00	1.00	1.00	1.00
Transitional Housing for Victims of Domestic Violence, Stalking, or Sexual Assault <sup>a</sup>	VAWO				30.00	30.00
<i>Subtotal: Department of Justice</i>		377.50	377.30	362.30	392.30	391.80
Training Judges/Court Personnel (Section 1406(b))	N/A	.50	.50	.50	.50	.50
<i>Subtotal: The Judiciary</i>		.50	.50	.50	.50	.50
Equal Justice for Women in Courts/Training Grants (Section 1406(a))	N/A	1.50	1.50	1.50	1.50	1.50
<i>Subtotal: State Justice Institute</i>		1.50	1.50	1.50	1.50	1.50

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<b>Program</b>	<b>Admin. agency</b>	<b>FY2001</b>	<b>FY2002</b>	<b>FY2003</b>	<b>FY2004</b>	<b>FY2005</b>
National Domestic Violence Hotline (Section 1204) <sup>b</sup>	ACF	2.00	2.00	2.00	3.50	3.50
Grants for Battered Women's Shelters (Section 1202) <sup>c</sup>	ACF	175.00	175.00	175.00	175.00	175.00
Transitional Housing for Victims of Domestic Violence (Section 1203) <sup>d</sup>	ACF	25.00	0.00	25.00	25.00	25.00
Rape Prevention and Education Grants (Section 1402)	CDC	80.00	80.00	80.00	80.00	80.00
Community Programs on Domestic Violence (Section 1403)	CDC	6.00	6.00	6.00	6.00	6.00
<i>Subtotal: Department of Health and Human Services</i>		288.00	288.00	288.00	289.50	289.50
<b>Grand Total</b>		\$667.50	\$642.30	\$652.30	\$683.80 <sup>e</sup>	\$683.30 <sup>e</sup>

**Source:** Violence Against Women Act of 2000 (P.L. 106-386) as signed by the President on Oct. 28, 2000.

**Note:** Section numbers refer to P.L. 106-386.

**List of Abbreviations.**

Within DOJ: USA: United States Attorneys; OJP: Office of Justice Programs; VAWO: Office on Violence Against Women

Within HHS: ACF: Administration for Children and Families; CDC: Centers for Disease Control and Prevention

- a. The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (the PROTECT ACT (P.L. 108-21)) authorized to be appropriated \$30 million each fiscal year 2004 through 2008 for the transitional housing assistance program under DOJ.
- b. Under provisions of The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) the National Domestic Violence Hotline was reauthorized at \$3.5 million for each FY2004 through FY2008.
- c. Under provisions of the Keeping Children and Families Safe Act of 2003, the Grants for Battered Women's Shelters program was reauthorized at \$175 million for each FY2004 through FY2008.
- d. The Keeping Children and Families Safe Act of 2003 amended provisions of the Family Prevention and Services Act by authorizing \$25 million each fiscal year 2003 through 2008 for this program.
- e. Total funding includes the following programs administered by HHS that were reauthorized under the Keeping Children and Families Safe Act of 2003 — \$3.5 million for the National Domestic Violence Hotline and \$25 million for the transitional housing assistance program. In addition, total funding includes \$30 million that the PROTECT ACT authorized for the transitional housing assistance program under DOJ.

**Table 3. FY2005 Funding Authorized in the Violence Against Women Act 2000 (P.L. 106-386), FY2005 Appropriations, FY2006 Budget Request of the President, and FY2006 Proposed Funding in House and Senate Appropriations Bills**  
(\$ in millions)

<b>Program</b>	<b>Admin. agency</b>	<b>Authoriz. FY2005</b>	<b>FY2005 enacted<sup>s</sup></b>	<b>Request FY2006</b>	<b>House bills</b>	<b>Senate bills</b>
Law Enforcement and Prosecution (STOP) Grants (Section 1102-1103)	VAWO	\$185.00	\$184.59	\$187.31	\$187.31	\$187.31
Grants to Encourage Arrest Policies (Section 1104)	VAWO	65.00	62.64	62.66	63.49	62.66
Rural Domestic Violence and Child Abuse Enforcement (Section 1105)	VAWO	40.00	39.16	39.17	39.69	39.17
Court Appointed Special Advocates for Victims of Child Abuse (Section 1302)	OJP	12.00	11.74	11.85	11.90	11.85
Training for Judicial Personnel and Practitioners for Victims of Child Abuse (Section 1302)	OJP	2.30	1.90	2.29	1.93	2.29
Grants for Televised Testimony by Victims of Child Abuse (Section 1302)	OJP	1.00	.97	.99	.98	.99
National Stalker and Domestic Violence Reduction Grants (Section 1106)	OJP	3.00	2.91	2.96	2.95	2.96
Training Programs for Probation and Parole Officers Who Work With Released Sex Offenders (Section not included in VAWA 2000)	OJP	— <sup>a</sup>	4.35	4.96	4.42	4.96
Grants to Reduce Crimes Against Women on Campus (Section 1108)	VAWO	— <sup>b</sup>	9.05	9.05	9.18	9.05
Training Programs for Law Enforcement Officers on Elder Abuse, Neglect, and Exploitation of Older and Disabled Individuals (Section 1209)	VAWO	5.00	4.54	4.54	4.60	4.54
Civil and Legal Assistance for Victims of Violence (Section 1201)	VAWO	40.00	39.21	39.22	39.74	39.22
Safe Havens for Children Pilot Program (Section 1301)	VAWO	0.00	13.39	13.89	14.08	13.89
Grants to Decrease Violence Against Women with Disabilities (Section 1402)	VAWO	7.50	7.15	7.16	7.25	7.16
Training Programs for Medical Personnel who Perform Sexual Assault Forensic Exams (Section 1405)	OJP	0.00	0.00	0.00	0	0
Report on Parental Kidnaping (Section 1303)	OJP	0.00	0.00	0.00	0	0
Domestic Violence Task Force (Section 1407)	OJP	0.00	0.00	0.00	0	0
Federal Victim Counselors (Section 1205)	USA	1.00	0.00	0.00	0	0
Transitional Housing Assistance Grants for Child Victims of Domestic Violence, Stalking, or Sexual Assault <sup>d e</sup>	VAWO	30.00 <sup>d</sup>	(12.30)	(15.00)	(15.00)	(15.00)
<i>Subtotal: Department of Justice</i>		391.80	382.10	386.05	387.50	386.04

<b>Program</b>	<b>Admin. agency</b>	<b>Authoriz. FY2005</b>	<b>FY2005 enacted<sup>g</sup></b>	<b>Request FY2006</b>	<b>House bills</b>	<b>Senate bills</b>
Training Judges/Court Personnel (Section 1406(b))	N/A	.50	0.00	0.00	0.00	0.00
<i>Subtotal: The Judiciary</i>		.50	0.00	0.00	0.00	0.00
Equal Justice for Women in Courts/Training Grants (Section 1406(a))	N/A	1.50	0.00	0.00	0.00	0.00
<i>Subtotal: State Justice Institute</i>		1.50	0.00	0.00	0.00	0.00
National Domestic Violence Hotline (Section 1204) <sup>i</sup>	ACF	3.50	3.22	3.00	3.00	3.00
Grants for Battered Women's Shelters (Section 1202) <sup>j</sup>	ACF	175.00	126.63	125.99	125.99	125.99
Transitional Housing for Victims of Domestic Violence (Section 1203 of VAWA) <sup>e</sup>	ACF	25.00	0.00	0.00	0.00	0.00
Rape Prevention and Education Grants (Section 1402) <sup>k</sup>	CDC	80.00	<sup>c</sup>	<sup>h</sup>	<sup>k</sup>	<sup>k</sup>
Community Initiative Programs on Domestic Violence (Section 1403) <sup>k</sup>	CDC	6.00	<sup>c</sup>	<sup>h</sup>	<sup>k</sup>	<sup>k</sup>
<i>Subtotal: Department of Health and Human Services</i>		289.50	129.85	128.99	128.99	128.99
<b>Grand Total</b>		\$683.30 <sup>f</sup>	\$511.95	\$515.04	\$516.49	\$515.03

**Sources:** Violence Against Women Act of 2000 (P.L. 106-386) as signed by the President on Oct. 28, 2000. For FY2005 budget request, see *Budget of the United States Government: Appendix* under named agencies. The Consolidated Appropriations Act, FY2005 (P.L. 108-447), which includes appropriations for Commerce, Justice, State and Labor, Health and Human Services, and Education, became law on Dec. 08, 2004. H.R. 2862, Departments of Commerce, Justice, Science and Related Agencies Appropriations Bill, 2006, as passed by the Senate on July 15, 2005 and H.R. 2862, Science, State, Justice, Commerce, and Related Agencies Appropriations Bill, Fiscal Year 2006, as passed by the House on June 16, 2005; H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2006, as reported by the Senate on July 14, 2005 and H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2006, as passed by the House on June 24, 2005.

**Note:** Section numbers refer to P.L. 106-386. Totals may not add due to rounding.

#### Abbreviations to table

In DOJ: USA: United States Attorneys; OJP: Office of Justice Programs; VAWO: Office on Violence Against Women

In HHS: ACF: Administration for Children and Families; CDC: Centers for Disease Control and Prevention

- VAWA 2000 did not reauthorize training programs for probation and parole officers who work with released sex offenders.
- VAWA 2000 authorized "such sums as may be necessary" for grants to reduce crimes against women on campuses.
- Within the Center for Disease Control's Environmental Health and Injury Prevention account, the Consolidated Appropriations Act, FY2005 provides \$1 million dollars to expand rape prevention and education activities, including funding for the National Resource Center on Sexual Assault at the statutory maximum. Grants for rape prevention and education and community programs on domestic violence were not given a separate line item in the Consolidated Appropriations Act, FY2005 or the President's budget. CDC

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allocated FY2005 funding of \$44 million for Rape Prevention and Education Grants and \$5.3 million for Community Programs on Domestic Violence. These funding amounts are not included in the FY2005 Grand Total of this table.

- d. Administered by VAWO as provided in Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (the PROTECT ACT), Title VI, Sec. 611, Transitional Housing Assistance Grants for Child Victims of Domestic Violence, Stalking, or Sexual Assault (P.L. 108-21, Apr. 30, 2003; 117 Stat. 693). For each fiscal year 2004 through 2008, the act authorized to be appropriated \$30 million for the transitional housing assistance program under DOJ. For FY2005, Congress appropriated \$12.3 million as a set-aside under the VAWA STOP Formula Grants program. The President proposes \$15 million for transitional housing as a set-aside under the VAWA STOP Formula Grants Program for FY2005 and House and Senate appropriations bills would fund the program in this way. This account was a separate line-item in the FY2004 Consolidated Appropriations Act.
- e. The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) amended provisions of the Family Violence Prevention and Services Act by extending the authorization for transitional housing assistance program administered by HHS. For the program, the act authorized funding of \$25 million for each fiscal year 2003 through 2008. No appropriation has been made or requested under this authority.
- f. This total of authorized funding also includes \$30 million that was authorized by the PROTECT ACT (P.L. 108-21).
- g. These funding amounts reflect the rescission reductions of 0.80% for some FY2005 discretionary appropriations, which include VAWA funding as well as a 0.54% cut in Commerce-Justice-State discretionary appropriations for FY2005 that affects funding for VAWA programs administered by DOJ.
- h. There is no separate line item in the President's FY2006 budget for Rape Prevention and Education grants and Community Initiative Programs on Domestic Violence.
- i. Under provisions of The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) the National Domestic Violence Hotline was reauthorized at \$3.5 million for each FY2004 through FY2008.
- j. Under provisions of the Keeping Children and Families Safe Act of 2003, the Grants for Battered Women's Shelters program was reauthorized at \$175 million for each FY2004 through FY2008.
- k. Grants for rape prevention and education and community programs on domestic violence have not been given a separate line number in either the House or Senate Appropriations proposals for FY2006. Amounts, however, could be provided for these activities from other Centers for Disease Control accounts (see Footnote c)