

## 34 USCS § 12291

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**United States Code Service > TITLE 34. CRIME CONTROL AND LAW ENFORCEMENT (§§ 10101 — 60912) > Subtitle I. COMPREHENSIVE ACTS (Chs. 101 — 121) > CHAPTER 121. VIOLENT CRIME CONTROL AND LAW ENFORCEMENT (§§ 12101 — 12643) > VIOLENCE AGAINST WOMEN (§§ 12291 — 12514)**

### § 12291. Definitions and grant provisions

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**(a) Definitions.** In this title, for the purpose of grants authorized under this title:

**(1)** Abuse in later life. The term “abuse in later life”—

**(A)** means—

**(i)** neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or

**(ii)** domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and

**(B)** does not include self-neglect.

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

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

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

**(5)** Community-based organization. The term “community-based organization” means a nonprofit, nongovernmental, or tribal organization that serves a specific geographic community that—

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

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

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

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

**(6)** Court-based personnel; court-related personnel. The terms “court-based personnel” and “court-related personnel” mean individuals working in the court, whether paid or volunteer, including—

**(A)** clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim

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assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

**(B)** court security personnel;

**(C)** personnel working in related supplementary offices or programs (such as child support enforcement); and

**(D)** any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

**(7)** Courts. The term “courts” means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

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

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

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

**(A)** the length of the relationship;

**(B)** the type of relationship; and

**(C)** the frequency of interaction between the persons involved in the relationship.

**(11)** Dating violence. The term “dating violence” means violence committed by a person—

**(A)** who is or has been in a social relationship of a romantic or intimate nature with the victim; and

**(B)** where the existence of such a relationship shall be determined based on a consideration of the following factors:

**(i)** The length of the relationship.

**(ii)** The type of relationship.

**(iii)** The frequency of interaction between the persons involved in the relationship.

**(12)** Domestic violence. The term “domestic violence” includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

**(A)** is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

**(B)** is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

**(C)** shares a child in common with the victim; or

**(D)** commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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- (13) Economic abuse.** The term “economic abuse”, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—
- (A)** restrict a person’s access to money, assets, credit, or financial information;
  - (B)** unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or
  - (C)** exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.
- (14) Elder abuse.** The term “elder abuse” means any action against a person who is 50 years of age or older that constitutes the willful—
- (A)** infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or
  - (B)** deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.
- (15) Female genital mutilation or cutting.** The term “female genital mutilation or cutting” has the meaning given such term in [section 116 of title 18, United States Code](#).
- (16) Forced marriage.** The term “forced marriage” means a marriage to which 1 or both parties do not or cannot consent, and in which 1 or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault or stalking.
- (17) Homeless.** The term “homeless” has the meaning given such term in section 41403 [[34 USCS § 12473](#)].
- (18) Indian.** The term “Indian” means a member of an Indian tribe.
- (19) Indian country.** The term “Indian country” has the same meaning given such term in [section 1151 of title 18, United States Code](#).
- (20) Indian housing.** The term “Indian housing” means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 ([25 U.S.C. 4101](#) et seq., as amended).
- (21) Indian law enforcement.** The term “Indian law enforcement” means the departments or individuals under the direction of the Indian tribe that maintain public order.
- (22) Indian tribe; Indian Tribe.** The terms “Indian tribe” and “Indian Tribe” mean a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act ([43 U.S.C. 1601](#) et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (23) Law enforcement.** The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs or Village Public Safety Officers), including those referred to in section 3 of the Indian Enforcement Reform Act ([25 U.S.C. 2802](#)).
- (24) Legal assistance.**
- (A) Definition.** The term “legal assistance” means assistance provided by or under the direct supervision of a person described in subparagraph (B) to an adult, youth, or child victim of

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domestic violence, dating violence, sexual assault, or stalking relating to a matter described in subparagraph (C).

**(B) Person described.** A person described in this subparagraph is—

- (i)** a licensed attorney;
- (ii)** in immigration proceedings, a Board of Immigration Appeals accredited representative;
- (iii)** in claims of the Department of Veterans Affairs, a representative authorized by the Secretary of Veterans Affairs; or
- (iv)** any person who functions as an attorney or lay advocate in tribal court.

**(C) Matter described.** A matter described in this subparagraph is a matter relating to—

- (i)** divorce, parental rights, child support, Tribal, territorial, immigration, employment, administrative agency, housing, campus, education, healthcare, privacy, contract, consumer, civil rights, protection or other injunctive proceedings, related enforcement proceedings, and other similar matters;
- (ii)** criminal justice investigations, prosecutions, and post-conviction matters (including sentencing, parole, and probation) that impact the victim's safety, privacy, or other interests as a victim;
- (iii)** alternative dispute resolution, restorative practices, or other processes intended to promote victim safety, privacy, and autonomy, and offender accountability, regardless of court involvement; or
- (iv)** with respect to a conviction of a victim relating to or arising from domestic violence, dating violence, sexual assault, stalking, or sex trafficking victimization of the victim, post-conviction relief proceedings in State, local, Tribal, or territorial court.

**(D) Intake or referral.** For purposes of this paragraph, intake or referral, by itself, does not constitute legal assistance.

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

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

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

**(27) Population specific services.** The term “population specific services” means victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration,

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confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designed primarily for and are targeted to a specific underserved population.

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

**(29) Protection order or restraining order.** The term “protection order” or “restraining order” includes—

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

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

**(30) Rape crisis center.** The term “rape crisis center” means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance, as specified in section 41601(b)(2)(C) [[34 USCS § 12511\(b\)\(2\)\(C\)](#)], to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.

**(31) Restorative practice.** The term “restorative practice” means a practice relating to a specific harm that—

**(A)** is community-based and unaffiliated with any civil or criminal legal process;

**(B)** is initiated by a victim of the harm;

**(C)** involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—

**(i)** 1 or more individuals who committed the harm;

**(ii)** 1 or more victims of the harm; and

**(iii)** the community affected by the harm through 1 or more representatives of the community;

**(D)** shall include and has the goal of—

**(i)** collectively seeking accountability from 1 or more individuals who committed the harm;

**(ii)** developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and

**(iii)** developing a written course of action plan—

**(I)** that is responsive to the needs of 1 or more victims of the harm; and

**(II)** upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and

**(E)** is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.

**(32) Rural area and rural community.** The term “rural area” and “rural community” mean—

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- (A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget;
- (B) any area or community, respectively, that is—
- (i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and
  - (ii) located in a rural census tract; or
- (C) any federally recognized Indian tribe.
- (33) Rural State. The term “rural State” means a State that has a population density of 57 or fewer persons per square mile or a State in which the largest county has fewer than 250,000 people, based on the most recent decennial census.
- (34) Sex trafficking. The term “sex trafficking” means any conduct proscribed by [section 1591 of title 18, United States Code](#), whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.
- (35) Sexual assault. The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- (36) Stalking. The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- (A) fear for his or her safety or the safety of others; or
  - (B) suffer substantial emotional distress.
- (37) State. The term “State” means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.
- (38) State domestic violence coalition. The term “State domestic violence coalition” means a program determined by the Administration for Children and Families under sections 302 and 311 of the Family Violence Prevention and Services Act [[42 USCS §§ 10402](#) and [10411](#)].
- (39) State sexual assault coalition. The term “State sexual assault coalition” means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act ([42 U.S.C. 280b](#) et seq.).
- (40) Technological abuse. The term “technological abuse” means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.
- (41) Territorial domestic violence or sexual assault coalition. The term “territorial domestic violence or sexual assault coalition” means a program addressing domestic or sexual violence that is—
- (A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or
  - (B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.
- (42) Tribal coalition. The term “tribal coalition” means an established nonprofit, nongovernmental Indian organization, Alaska Native organization, or a Native Hawaiian organization that—

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- (A)** provides education, support, and technical assistance to member Indian service providers, Native Hawaiian organizations, or the Native Hawaiian community in a manner that enables those member providers, organizations, or communities to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian or Native Hawaiian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking; and
- (B)** is comprised of board and general members that are representative of—
- (i)** the member service providers, organizations, or communities described in subparagraph (A); and
  - (ii)** the tribal communities or Native Hawaiian communities in which the services are being provided.
- (43)** Tribal government. The term “tribal government” means—
- (A)** the governing body of an Indian tribe; or
  - (B)** a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act ([43 U.S.C. 1601](#) et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (44)** Tribal nonprofit organization. The term “tribal nonprofit organization” means—
- (A)** a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and
  - (B)** staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.
- (45)** Tribal organization. The term “tribal organization” means—
- (A)** the governing body of any Indian tribe;
  - (B)** any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or
  - (C)** any tribal nonprofit organization.
- (46)** Underserved populations. The term “underserved populations” means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.
- (47)** Unit of local government. The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.
- (48)** Victim advocate. The term “victim advocate” means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.
- (49)** Victim assistant. The term “victim assistant” means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

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

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

**(52) Youth.** The term “youth” means a person who is 11 to 24 years old.

**(b) Grant conditions.**

**(1) Match.** No matching funds shall be required for any grant or subgrant made under this Act for—

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

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

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

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

**(2) Nondisclosure of confidential or private information.**

**(A)** In general. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

**(B)** Nondisclosure. Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

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

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

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

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

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

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



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**(D)** Information sharing.**(i)** Grantees and subgrantees may share—

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

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

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

**(ii)** In no circumstances may—

**(I)** an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;

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

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

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

**(G)** Confidentiality assessment and assurances. Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

**(H)** Death of the party whose privacy had been protected. In the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, grantees and subgrantees may share personally identifying information or individual information that is collected about deceased victims being sought for a fatality review to the extent permitted by their jurisdiction's law and only if the following conditions are met:

**(i)** The underlying objectives of the fatality review are to prevent future deaths, enhance victim safety, and increase offender accountability.

**(ii)** The fatality review includes policies and protocols to protect identifying information, including identifying information about the victim's children, from further release outside the fatality review team.

**(iii)** The grantee or subgrantee makes a reasonable effort to get a release from the victim's personal representative (if one has been appointed) and from any surviving minor children or the guardian of such children (but not if the guardian is the abuser of the deceased parent), if the children are not capable of knowingly consenting.

**(iv)** The information released is limited to that which is necessary for the purposes of the fatality review.

**(3)** Approved activities. In carrying out the activities under this title, grantees and subgrantees may collaborate with or provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies and develop and promote State, local, or tribal legislation

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or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking if—

- (A)** the confidentiality and privacy requirements of this title are maintained; and
  - (B)** personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault, and stalking is not requested or included in any such collaboration or information-sharing.
  - (4)** Non-supplantation. Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.
  - (5)** Use of funds. Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.
  - (6)** Reports. An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.
  - (7)** Evaluation. Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

    - (A)** evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or
    - (B)** evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.
- Final reports of such evaluations shall be made available to the public via the agency's website.
- (8)** Nonexclusivity. Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.
  - (9)** Prohibition on tort litigation. Funds appropriated for the grant program under this title may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.
  - (10)** Prohibition on lobbying. Any funds appropriated for the grant program shall be subject to the prohibition in [section 1913 of title 18, United States Code](#), relating to lobbying with appropriated moneys.
  - (11)** Technical assistance.

    - (A)** In general. Of the total amounts appropriated under this title, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this title to improve the capacity of the grantees, subgrantees, and other entities. If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this title, the Office has the authority to continue setting aside amounts greater than 8 percent.
    - (B)** Requirement. The Office on Violence Against Women shall make all technical assistance available as broadly as possible to any appropriate grantees, subgrantees, potential grantees, or other entities without regard to whether the entity has received funding from the Office on Violence Against Women for a particular program or project, with priority given to recipients awarded a grant before the date of enactment of the Violence Against Women Act Reauthorization Act of 2022 [enacted March 15, 2022].

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**(12)** Delivery of legal assistance. Any grantee or subgrantee providing legal assistance with funds awarded under this title shall comply with the eligibility requirements in section 1201(d) of the Violence Against Women Act of 2000 ([42 U.S.C. 3796gg-6\(d\)](#) [[34 USCS § 20121\(d\)](#)]).

**(13)** Civil rights.

**(A)** Nondiscrimination. No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph [249\(c\)\(4\)](#) of title 18, United States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of *Public Law 103-322; 108 Stat. 1902*), the Violence Against Women Act of 2000 (division B of *Public Law 106-386; 114 Stat. 1491*), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of *Public Law 109-162; 119 Stat. 3080*), the Violence Against Women Reauthorization Act of 2013, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women.

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

**(C)** Discrimination. The authority of the Attorney General and the Office of Justice Programs to enforce this paragraph shall be the same as it is under [section 3789d of title 42, United States Code](#).

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

**(14)** Clarification of victim services and legal assistance. Victim services and legal assistance under this title also include services and assistance to—

**(A)** victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of severe forms of trafficking in persons as defined by section 103 of the Trafficking Victims Protection Act of 2000 ([22 U.S.C. 7102](#));

**(B)** adult survivors of child sexual abuse; and

**(C)** victims of domestic violence, dating violence, sexual assault, or stalking who are also victims of female genital mutilation or cutting, or forced marriage.

**(15)** Accountability. All grants awarded by the Attorney General under this Act shall be subject to the following accountability provisions:

**(A)** Audit requirement.

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

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

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**(iii)** Technical assistance. A recipient of grant funds under this Act that is found to have an unresolved audit finding shall be eligible to receive prompt, individualized technical assistance to resolve the audit finding and to prevent future findings, for a period not to exceed the following 2 fiscal years.

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

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

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

**(II)** seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

**(B)** Nonprofit organization requirements.

**(i)** Definition. For purposes of this paragraph and the grant programs described in this Act, the term ‘nonprofit organization’ means an organization that is described in [section 501\(c\)\(3\) of the Internal Revenue Code of 1986 \[26 USCS § 501\(c\)\(3\)\]](#) and is exempt from taxation under section 501(a) of such Code [\[26 USCS § 501\(a\)\]](#).

**(ii)** Prohibition. The Attorney General may not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in [section 511\(a\) of the Internal Revenue Code of 1986 \[26 USCS § 511\(a\)\]](#).

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

**(C)** Conference expenditures.

**(i)** Limitation. No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$100,000 in Department funds, unless the Director or Principal Deputy Director of the Office on Violence Against Women or the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

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

**(iii)** Report. The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.

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

- (i)** all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;
- (ii)** all mandatory exclusions required under subparagraph (A)(iii) have been issued;
- (iii)** all reimbursements required under subparagraph (A)(v) have been made; and
- (iv)** includes a list of any grant recipients excluded under subparagraph (A) from the previous year.

**(16)** Innovation fund. Of the amounts appropriated to carry out this title, not more than 1 percent shall be made available for pilot projects, demonstration projects, and special initiatives designed to improve Federal, State, local, Tribal, and other community responses to gender-based violence.

## History

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### HISTORY:

Sept. 13, 1994, *P. L. 103-322*, Title IV, § 40002, as added Jan. 5, 2006, *P. L. 109-162*, § 3, *119 Stat. 2964*; Aug. 12, 2006, *P. L. 109-271*, §§ 1(d)–(f), 2(e), *120 Stat. 751, 752*; Dec. 20, 2010, *P. L. 111-320*, Title II, § 202(d), *124 Stat. 3509*; March 7, 2013, *P. L. 113-4*, § 3, *127 Stat. 56*; Mar. 15, 2022, *P.L. 117-103*, Div W, § 2(a), *136 Stat. 840*; Dec. 27, 2022, *P.L. 117-315*, § 2(b), *136 Stat. 4404*.

Annotations

## Notes

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### HISTORY; ANCILLARY LAWS AND DIRECTIVES

**References in text:**

**Explanatory notes:**

**Amendment Notes**

**2006.**

**2010.**

**2013.**

**2022.**

**Other provisions:**

### References in text:

“This Act”, referred to in this section, is Act Sept. 13, 1994, *P. L. 103-322*, which is popularly known as the Violent Crime Control and Law Enforcement Act of 1994. For full classification of such Act, consult USCS Tables volumes.

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"This title", referred to in this section, is Title IV of Act Sept. 13, 1994, *P. L. 103-322*, which appears generally as [34 USCS §§ 12291](#) et seq. For full classification of such Title, consult USCS Tables volumes.

**Explanatory notes:**

The bracketed close parenthesis has been inserted in subsec. (a)(8) to indicate the probable intent of Congress to include such punctuation.

In subsec (b)(12), "[34 USCS § 20121\(d\)](#)" has been inserted in brackets to reflect the reclassification of such section by the compilers of the United States Code.

This section formerly appeared as [42 USCS § 13925](#).

**Amendment Notes****2006.**

Act Aug. 12, 2006, in subsec. (a), in para. (1), substituted "Alaska Native" for "Alaskan", in para. (23), substituted "proscribed" for "prescribed", redesignated paras. (31)–(36) as paras. (32)–(37), respectively, and inserted new para. (31); and, in subsec. (b), substituted para. (1) for one which read: "(1) Match. No matching funds shall be required for a grant or subgrant made under this title for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.", and, in para. (11), inserted the sentence beginning "Of the total amounts . . .".

**2010.**

Act Dec. 20, 2010, in subsec. (a)(26), substituted "under sections 302 and 311 of the Family Violence Prevention and Services Act" for "under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))".

**2013.**

Act March 7, 2013 (effective 10/1/2013, as provided by § 4 of such Act, which appears as 18 USCS § 2261 note), substituted this section for one which read:

"Definitions and grant provisions.

"(a) Definitions. In this title:

"(1) Courts. The term 'courts' means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

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

"(3) Community-based organization. The term 'community-based organization' means an organization that—

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

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

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

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

“(4) Child maltreatment. The term ‘child maltreatment’ means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

“(5) Court-based and court-related personnel. The term ‘court-based’ and ‘court-related personnel’ mean persons working in the court, whether paid or volunteer, including—

“(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

“(B) court security personnel;

“(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

“(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

“(6) Domestic violence. The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

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

“(A) the length of the relationship;

“(B) the type of relationship; and

“(C) the frequency of interaction between the persons involved in the relationship.

“(8) Dating violence. The term ‘dating violence’ means violence committed by a person—

“(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

“(i) The length of the relationship.

“(ii) The type of relationship.

“(iii) The frequency of interaction between the persons involved in the relationship.

“(9) Elder abuse. The term ‘elder abuse’ means any action against a person who is 50 years of age or older that constitutes the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

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“(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

“(10) Indian. The term ‘Indian’ means a member of an Indian tribe.

“(11) Indian country. The term ‘Indian country’ has the same meaning given such term in section 1151 of title 18, United States Code.

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

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

“(14) Indian law enforcement. The term ‘Indian law enforcement’ means the departments or individuals under the direction of the Indian tribe that maintain public order.

“(15) Law enforcement. The term ‘law enforcement’ means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

“(16) Legal assistance. The term ‘legal assistance’ includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

“(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

“(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim’s safety and privacy.

“(17) Linguistically and culturally specific services. The term ‘linguistically and culturally specific services’ means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

“(18) Personally identifying information or personal information. The term ‘personally identifying information’ or ‘personal information’ means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

“(A) a first and last name;

“(B) a home or other physical address;

“(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

“(D) a social security number; and

“(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

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

“(20) Protection order or restraining order. The term ‘protection order’ or ‘restraining order’ includes—

“(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or



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communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

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

“(21) Rural area and rural community. The term ‘rural area’ and ‘rural community’ mean—

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

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

“(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

“(ii) located in a rural census tract.

“(22) Rural State. The term ‘rural State’ means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

“(23) Sexual assault. The term ‘sexual assault’ means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

“(24) Stalking. The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

“(B) suffer substantial emotional distress.

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

“(26) State domestic violence coalition. The term ‘State domestic violence coalition’ means a program determined by the Administration for Children and Families under sections 302 and 311 of the Family Violence Prevention and Services Act.

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

“(28) Territorial domestic violence or sexual assault coalition. The term ‘territorial domestic violence or sexual assault coalition’ means a program addressing domestic or sexual violence that is—

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

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

“(29) Tribal coalition. The term ‘tribal coalition’ means—

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“(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

“(30) Tribal government. The term ‘tribal government’ means—

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

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

“(31) Tribal nonprofit organization. The term ‘tribal nonprofit organization’ means—

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

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

“(32) Tribal organization. The term ‘tribal organization’ means—

“(A) the governing body of any Indian tribe;

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

“(C) any tribal nonprofit organization.

“(33) Underserved populations. The term ‘underserved populations’ includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

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

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

“(36) Victim services or victim service provider. The term ‘victim services’ or ‘victim service provider’ means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

“(37) Youth. The term ‘youth’ means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

“(b) Grant conditions.

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“(1) Match. No matching funds shall be required for any grant or subgrant made under this Act for—

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

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

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

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

“(2) Nondisclosure of confidential or private information.

“(A) In general. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

“(B) Nondisclosure. Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

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

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

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

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

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

“(D) Information sharing. Grantees and subgrantees may share—

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

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

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

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

“(3) Approved activities. In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

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“(4) Non-supplantation. Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

“(5) Use of funds. Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

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

“(7) Evaluation. Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

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

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

“(8) Nonexclusivity. Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.

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

“(10) Prohibition on lobbying. Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

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

**2022.**

The 2022 amendment by P.L. 117-103 (effective 10/1/2022, as provided by § 4 of P.L. 117-103, which appears as 15 USCS § 6851 note), substituted “In this title, for the purpose of grants authorized under this title” for “In this title” in the introductory language of (a); added (a)(1); redesignated former (a)(1) as (a)(2); redesignated former (a)(4) as (a)(3); redesignated former (a)(4) and (a)(5) as (a)(5) and (a)(4); added (a)(6); redesignated former (a)(6) and (a)(7) as (a)(8) and (a)(9); redesignated former (a)(9) and (a)(10) as (a)(10) and (a)(11); redesignated former (a)(8) as (a)(12); substituted “includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—” for “includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.” in (a)(12); added (a)(12)(A) through (a)(12)(D) added (a)(13); redesignated former (a)(11) as (a)(14); added (a)(17); redesignated former (a)(12) through (a)(15) as (a)(17) through (a)(20); redesignated former (a)(16) and (a)(17) as (a)(22) and (a)(21); in (a)(22), added “; Indian Tribe” in

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the subparagraph heading and substituted “terms ‘Indian tribe’ and ‘Indian Tribe’ mean” for “term ‘Indian tribe’ means”; redesignated former (a)(18) through (a)(25) as (a)(23) through (a)(30); rewrote (a)(24), which formerly read: “(24) Legal assistance. The term ‘legal assistance’ includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

“(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

“(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim’s safety and privacy.

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

redesignated former (a)(26) through (a)(33) as (a)(32) through (a)(39); added (a)(31) and (a)(40); redesignated former (a)(34) through (a)(42) as (a)(41) through (a)(49); redesignated former (a)(43) through (a)(45) as (a)(50) through (a)(52); added “legal assistance and” in (a)(51); added (b)(2)(H); deleted the concluding period in (b)(3); added (b)(3)(A) and (b)(3)(B); added the (b)(11)(A) designation and subparagraph heading; added (b)(11)(B); added the (b)(14)(A) designation; deleted the concluding period in (b)(14)(A); added (b)(14)(B) and (b)(14)(C); deleted former (b)(15), which read: “(15) Conferral.

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

“(B) Areas covered. The areas of conferral under this paragraph shall include—

“(i) administration of grants;

“(ii) unmet needs;

“(iii) promising practices in the field; and

“(iv) emerging trends.

“(C) Initial conferral. The first conferral shall be initiated not later than 6 months after the date of enactment of the Violence Against Women Reauthorization Act of 2013.

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

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

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

redesignated former (b)(16) as (b)(15); rewrote (b)(15)(A)(iii), which formerly read: “Mandatory exclusion. A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the following 2 fiscal years.”; in (b)(15)(C)(i), substituted “\$100,000” for “\$20,000” and added “the Director or Principal Deputy Director of the Office on Violence Against Women or”; and added (b)(16).

The 2022 amendment by P.L. 117-315 (effective on 12/28/2022, as provided by § 3 of P.L. 117-315, which appears as 34 USCS § 10441 note), in (a)(42)(A), added “, Native Hawaiian organizations, or the Native Hawaiian community”, “, organizations, or communities” and “or Native Hawaiian”; added “, organizations, or communities” in (a)(42)(B)(i); and added “or Native Hawaiian communities” in (a)(42)(B)(ii).

**Other provisions:****Improving services for victims of domestic violence, dating violence, sexual assault, and stalking; findings.**

Act Jan. 5, 2006, *P. L. 109-162*, Title II, § 201, *119 Stat. 2993*, provides:

“Congress finds the following:

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

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

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

“(A) lost productivity;

“(B) medical and mental health care;

“(C) police and fire services;

“(D) social services;

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

“(F) reduced quality of life.

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

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

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

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

“(A) the inability to support themselves;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Services, protection, and justice for young victims of violence; findings.** Act Jan. 5, 2006, *P. L. 109-162*, Title III, § 301, *119 Stat. 3003*, provides:

“Congress finds the following:

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

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

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

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

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

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

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

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

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

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

**Definitions and grant conditions.**

Act March 15, 2022, *P.L. 117-103*, Div W, § 2(b), *136 Stat. 846*, provides: “Section 40002 of the Violence Against Women Act of 1994 ( [34 U.S.C. 12291](#)) shall apply to this Act and any grant program authorized under this Act [for full classification, consult USCS Tables volumes].”.

**Establishment of the White House Task Force to Address Online Harassment and Abuse.**

[Pres. Mem. of June 16, 2022, 87 Fed. Reg. 37431](#), provides:

“Memorandum for the Heads of Executive Departments and Agencies

“By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve efforts to prevent and address online harassment and abuse, it is hereby ordered as follows:

“Section 1. Policy. Technology platforms and social media can be vital tools for expression, civic participation, and building a sense of community. But the scale, reach, and amplification effects of technology platforms have also exacerbated gender-based violence, particularly through online harassment and abuse. Online harassment and abuse include a broad array of harmful and sometimes illegal behaviors that are perpetrated through the use of technology. Women, adolescent girls, and LGBTQI+ individuals, who may be additionally targeted because of their race, ethnicity, religion, and other factors, can experience more severe harms from online harassment and abuse. Online harassment and abuse take many forms, including the non-consensual distribution of intimate digital images; cyberstalking; sextortion; doxing; malicious deep fakes; gendered disinformation; rape and death threats; the online recruitment and exploitation of victims of sex trafficking; and various forms of technology-facilitated intimate partner abuse. In the United States, 1 in 3 women under the age of 35 reports having been sexually harassed online, and over half of LGBTQI+ individuals report having been the target of severe online abuse, including sustained harassment, physical threats, and stalking in addition to sexual harassment. Globally, half of girls report that they are more likely to be harassed through social media than on the street.

“In the United States and around the world, women and LGBTQI+ political leaders, public figures, activists, and journalists are especially targeted by sexualized forms of online harassment and abuse, undermining their ability to exercise their human rights and participate in democracy, governance, and civic life. Online abuse and harassment, which aim to preclude women from political decision-making about their own lives and communities, undermine the functioning of democracy. Growing evidence also demonstrates that online radicalization can be linked to gender-based violence, which, along with other forms of abuse and harassment, spans the digital and physical realms. Online harassment and abuse can result in a range of dire consequences for victims, from psychological distress and self-censorship to economic losses, disruptions to education, increased self-harm, suicide, homicide, and other forms of physical and sexual violence. Further, digital technologies are often used in concert with other forms of abuse and harassment, underscoring the urgency of addressing the interplay of in-person and online harms. More research is needed to fully understand the nature, magnitude, and costs of these harms and ways to address them in the United States and globally.

“Therefore, I am directing the Director of the White House Gender Policy Council and the Assistant to the President for National Security Affairs to lead an interagency effort to address online harassment and abuse, specifically focused on technology-facilitated gender-based violence, and to develop concrete recommendations to improve prevention, response, and protection efforts through programs and policies in the United States and globally.

“Sec. 2. Establishment. There is established within the Executive Office of the President the White House Task Force to Address Online Harassment and Abuse (Task Force).



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“Sec. 3. Membership. (a) The Director of the White House Gender Policy Council and the Assistant to the President for National Security Affairs, or their designees, shall serve as Co-Chairs of the Task Force.

“(b) In addition to the Co-Chairs, the Task Force shall consist of the following members:

- “(i) the Secretary of State;
- “(ii) the Secretary of Defense;
- “(iii) the Attorney General;
- “(iv) the Secretary of Commerce;
- “(v) the Secretary of Health and Human Services;
- “(vi) the Secretary of Education;
- “(vii) the Secretary of Veterans Affairs;
- “(viii) the Secretary of Homeland Security;
- “(ix) the Director of the Office of Science and Technology Policy;
- “(x) the Assistant to the President and Director of the Domestic Policy Council;
- “(xi) the Assistant to the President for Economic Policy and Director of the National Economic Council;
- “(xii) the Administrator of the United States Agency for International Development;
- “(xiii) the Counsel to the President;
- “(xiv) the Counsel to the Vice President; and
- “(xv) the heads of such other executive departments, agencies, and offices as the Co-Chairs may, from time to time, designate.

“(c) A member of the Task Force may designate, to perform the Task Force functions of the member, senior officials within the member’s executive department, agency, or office who are full-time officers or employees of the Federal Government.

“Sec. 4. Mission and Function. (a) The Task Force shall work across executive departments, agencies, and offices to assess and address online harassment and abuse that constitute technology-facilitated gender-based violence, including by:

- “(i) improving coordination among executive departments, agencies, and offices to maximize the Federal Government’s effectiveness in preventing and addressing technology-facilitated gender-based violence in the United States and globally, including by developing policy solutions to enhance accountability for those who perpetrate online harms;
- “(ii) enhancing and expanding data collection and research across the Federal Government to measure the costs, prevalence, exposure to, and impact of technology-facilitated gender-based violence, including by studying the mental health effects of abuse on social media, particularly affecting adolescents;
- “(iii) increasing access to survivor-centered services, information, and support for victims, and increasing training and technical assistance for Federal, State, local, Tribal, and territorial governments as well as for global organizations and entities in the fields of criminal justice, health and mental health services, education, and victim services;
- “(iv) developing programs and policies to address online harassment, abuse, and disinformation campaigns targeting women and LGBTQI+ individuals who are public and political figures, government and civic leaders, activists, and journalists in the United States and globally;
- “(v) examining existing Federal laws, regulations, and policies to evaluate the adequacy of the current legal framework to address technology-facilitated gender-based violence; and

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“(vi) identifying additional opportunities to improve efforts to prevent and address technology-facilitated gender-based violence in United States foreign policy and foreign assistance, including through the Global Partnership for Action on Gender-Based Online Harassment and Abuse.

“(b) Consistent with the objectives of this memorandum and applicable law, the Task Force may consult with and gather relevant information from external stakeholders, including Federal, State, local, Tribal, and territorial government officials, as well as victim advocates, survivors, law enforcement personnel, researchers and academics, civil and human rights groups, philanthropic leaders, technology experts, legal and international policy experts, industry stakeholders, and other entities and persons the Task Force identifies that will assist the Task Force in accomplishing the objectives of this memorandum.

“Sec. 5. Reporting on the Work and Recommendations of the Task Force. (a) Within 180 days of the date of this memorandum, the Co-Chairs of the Task Force shall submit to the President a blueprint (Initial Blueprint) outlining a whole-of-government approach to preventing and addressing technology-facilitated gender-based violence, including concrete actions that executive departments, agencies, and offices have committed to take to implement the Task Force’s recommendations. The Initial Blueprint shall include a synopsis of key lessons from stakeholder consultations and preliminary recommendations for advancing strategies to improve efforts to prevent and address technology-facilitated gender-based violence. Following submission of the Initial Blueprint to the President, the Co-Chairs of the Task Force shall make an executive summary of the Initial Blueprint publicly available.

“(b) Within 1 year of the date that the Initial Blueprint is submitted to the President, the Co-Chairs of the Task Force shall submit to the President and make publicly available an update and report (1-Year Report) with additional recommendations and actions that executive departments, agencies, and offices can take to advance how Federal, State, local, Tribal, and territorial governments; service providers; international organizations; technology platforms; schools; and other public and private entities can improve efforts to prevent and address technology-facilitated gender-based violence.

“(c) Prior to issuing its Initial Blueprint and 1-Year Report, the Co-Chairs of the Task Force shall consolidate any input received and submit periodic recommendations to the President on policies, regulatory actions, and legislation on technology sector accountability to address systemic harms to people affected by online harassment and abuse.

“(d) Following the submission of the 1-Year Report to the President, the Co-Chairs of the Task Force shall, on an annual basis, submit a follow-up report to the President on implementation of this memorandum.

“Sec. 6. Definition. For the purposes of this memorandum, the term ‘technology-facilitated gender-based violence’ shall refer to any form of gender-based violence, including harassment and abuse, which takes place through, or is aided by, the use of digital technologies and devices.

“Sec. 7. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

“(i) the authority granted by law to an executive department or agency, or the head thereof; or

“(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

“(b) This memorandum shall not apply to independent regulatory agencies as described in [section 3502\(5\) of title 44, United States Code](#). Independent regulatory agencies are nevertheless strongly encouraged to participate in the work of the Task Force.

“(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

“(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

“(e) The Attorney General is authorized and directed to publish this memorandum in the Federal Register.”.

## Research References & Practice Aids

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### Cross References:

This section is referred to in [34 USCS § 10447](#), [10465](#), [20122](#), [20123](#), [20124](#), [20125](#); [42 USCS §§ 1437d](#), [1437f](#).

### Law Review Articles:

Hafemeister. If All You Have Is a Hammer: [Society's Ineffective Response to Intimate Partner Violence](#). *60 Cath UL Rev* 919, Fall, 2011.

Rachmilovitz. Bringing Down the Bedroom Walls: Emphasizing Substance Over Form in Personalized Abuse. *14 Wm & Mary J of Women & L* 495, Spring, 2008.

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