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Violence Against Women Act: History and Federal Funding

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Summary

On November 22, 2005, President Bush signed the Departments of State, Justice, and Commerce, and Related Agencies Appropriations Act, FY2006 [P.L. 109-108 (H.R. 2862)]. P.L. 109-108 provides \$386.5 million for Violence Against Women Act (VAWA) programs administered by the Department of Justice (DOJ). FY2006 funding for STOP grants is \$187.31 million, a \$2.72 million increase over FY2005. On November 17, 2005, the House rejected, by a vote of 209-224, a conference report (H.Rept. 109-300) on H.R. 3010, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, which would fund VAWA programs administered by the Department of Health and Human Services (HHS) at \$129 million. These programs are funded at FY2005 levels through a continuing resolution that expires December 17, 2005.

On October 4, 2005, the Senate voted to amend S. 1197, the Violence Against Women Act (VAWA) of 2005, as reported earlier by the Judiciary Committee, and subsequently passed the bill by unanimous consent. In addition to making technical corrections, this floor amendment modified housing and other provisions in the bill, and inserted a new Title X related to DNA fingerprinting. On September 28, 2005, the House approved H.R. 3402, the Department of Justice (DOJ) Appropriations Authorization Act, Fiscal Years 2006 through 2009, which contains the House version of the VAWA Reauthorization Act of 2005. Among other things, these bills would reauthorize VAWA; continue to encourage collaboration among law enforcement, judicial personnel, and public and private service providers to victims of domestic and sexual violence; increase public awareness of domestic violence; address the special needs of victims of domestic and sexual violence, including the elderly, disabled, children, youth, and individuals of ethnic and racial communities; provide emergency leave and long-term transitional housing for victims; make provisions gender neutral; and require studies and reports on the effectiveness of approaches used for certain grants in combating domestic and sexual violence.

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

The original Violence Against Women Act, enacted in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act (P.L. 103-322), established within DOJ and HHS discretionary grant programs for state, local, and Indian tribal governments. The Violence Against Women Act of 2000 (VAWA 2000), enacted as Division B of the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386), reauthorized many VAWA programs, set new funding levels, and created new grant programs to address sexual assaults on campuses and assist victims of domestic abuse. This report will be updated to reflect legislative activity.

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Violence Against Women Act: History and Federal Funding

Recent Developments

On November 22, 2005, President Bush signed the Departments of State, Justice, and Commerce and Related Agencies Appropriations Act, 2006 [P.L. 109-108 (H.R. 2862)]. P.L. 109-108 provides \$386.50 million for VAWA programs administered by the Department of Justice (DOJ), compared with FY2005 funding of \$382.10 million.

On November 17, 2005, the House rejected, by a vote of 209-224, a conference report (H.Rept. 109-300) on H.R. 3010, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, which contained funding for VAWA programs administered by HHS. For funding details, see “FY2006 Funding for Violence Against Women Programs,” below.

History of the Violence Against Women Act

Legislation proposing a federal response to the problem of violence against women was first introduced in 1990, although such violence was first identified as a serious problem in the 1970s. Congressional action to address gender-related violence culminated in the enactment of the Violence Against Women Act (VAWA), which is Title IV of the Violent Crime Control and Law Enforcement Act of 1994.¹ Funding under the bill emphasized enforcement as well as educational and social programs to prevent crime. The focus of the funding was on local government programs, an approach that the sponsors of the bill believed was the most promising technique for reducing crime and violence. They also cautioned that, due to the variety of programs funded through the states, the impact of the bill may be difficult to quantify.² Funding through FY2000 was authorized through the Violent Crime Reduction Trust Fund, created under Title XXXI of P.L. 103-322. Authorization for

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

² Indeed, there are only two studies that attempt to evaluate the overall effects of a VAWA grant program: (1) Martha R. Burt, Lisa C. Newmark, Lisa K. Jacobs, and Adele V. Harrell, *1998: Report: Evaluation of the STOP Formula Grants Under the Violence Against Women Act of 1994* (Washington, DC: Urban Institute, 1998); and (2) Neal Miller, *National Evaluation of the Arrest Policies Program Under VAWA*, presented at the Bureau of Justice Statistics/Justice Research Statistical Association National Conference in Minneapolis, MN, Nov. 2, 2000. Though both studies provide examples of effective programs funded by the grants, neither offers a conclusion as to the overall effectiveness of these grant programs.

VCRTF expired at the end of FY2000. Nonetheless, most of the programs in VAWA received appropriations for FY2001.³

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

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

As in the original Act, VAWA 2000 created new stalking offenses, changing the law to create penalties for a person who travels in interstate or foreign commerce with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who in the course of such travel commits or attempts to commit a crime of violence against the spouse or intimate partner. It also created penalties for a person who

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

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

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

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

Civil Rights and Supreme Court Ruling.⁹ Under Title IV, subtitle C — “Civil Rights for Women,” of the 1994 Act, language was included that would have permitted private damage suits in federal court by victims of “gender motivated violence.” This provision was struck down (5-4) on May 15, 2000, by the Supreme Court in *United States v. Morrison* as unconstitutional under the Commerce Clause and the Fourteenth Amendment.¹⁰ The Court found that such violence did not substantially affect interstate commerce. It further noted that the Fourteenth Amendment is directed at state actions, not those of private citizens. None of the other provisions of the 1994 Act have been challenged in the Supreme Court.

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

⁵ P.L. 106-386, Section 1107.

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

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

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

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

¹⁰ Nonetheless, victims can still bring damage suit in state courts.

of local government and private nonprofit groups, and include grants to improve law enforcement and prosecution of violent crimes against women, grants to encourage arrests in domestic violence incidents, moneys for rural domestic violence and child abuse enforcement, rape prevention and education programs, and grants for battered women's shelters, among others. (A national domestic violence hotline is funded to a single contractor under the administration of HHS.) The following sections describe grant programs created by VAWA, followed by a section on additional initiatives created in VAWA 2000.

Original VAWA Grant Programs

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

- training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including those of sexual assault, domestic violence, and dating violence;
- developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women;
- developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying and responding to violent crimes against women;
- developing, installing, or expanding relevant data collection and communication systems;
- developing, enlarging, or strengthening programs for relevant victim services to address stalking and to address the needs and circumstances of Indian tribes in dealing with violent crimes against women including dating violence;
- developing, enlarging, or strengthening programs to assist law enforcement and the courts to address the needs of older individuals and individuals with disabilities who are the victims of domestic violence and sexual assault;
- coordinating the response of state law enforcement agencies, prosecutors, courts, victim service agencies, and other state agencies to violence crimes against women, including dating violence; and
- training of sexual assault forensic medical personnel in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.

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

State Domestic Violence and Sexual Assault Coalition Grants.

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

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

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

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

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

Grants to Encourage Arrests Policies in Domestic Violence Cases.

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

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

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

Grants for Battered Women's Shelters. These grants are distributed by the Secretary of Health and Human Services for battered women's shelters. The grants for each state are allocated based on the relative population of the state except that (1) each state is allocated not less than 1% of the total grant or \$600,000 which ever is less; and (2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands are allotted not less than one-eighth of 1% of the amounts available for grants. [Section 40241] This program has been reauthorized through FY2008, outside of the VAWA reauthorization process by the Keeping Children and Families Safe Act (P.L. 108-36), described later in this report.

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

Grants fund local projects that coordinate efforts among such sectors as health care providers, the education community, the religious community, the criminal justice system, human service entities, and business and civic leaders. Grants may

be made for up to three years and are to be geographically dispersed throughout the country. [Section 40261]

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

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

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

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

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

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

- the court-appointed special advocate program;
- child abuse training programs for judicial personnel and practitioners; and
- grants for televised testimony.

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

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

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

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

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

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

New Initiatives in the Violence Against Women Act 2000

Grant Programs

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

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

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

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

Other Initiatives

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

Battered Immigrant Women Protection Act of 2000. VAWA 2000 contains the Battered Immigrant Women Protection Act of 2000, which provides for increased protection of immigrant women who are victims of domestic abuse, and

creates special rules for alien battered spouses and children to allow them to remain in the United States.¹¹ [Sections 1501-1513]

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

violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

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

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

Program Reauthorizations in the 108th Congress

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

Transitional Housing Assistance

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

The PROTECT Act contains provisions for transitional housing assistance that are very similar to the transitional housing program established within *HHS*. The PROTECT Act, however, provides for *DOJ* to administer the transitional housing assistance program. Among other provisions, the act directs the Attorney General, in consultation with the Director of VAWO, to provide transitional housing assistance grants to states, units of local governments, Indian tribes, and other organizations. These grants can assist persons who need transitional housing as a result of fleeing domestic violence conditions, and for whom emergency shelter

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

services are lacking or are inadequate. For 18 months, eligible persons can receive assistance with short-term housing (including rental), utilities payments, security deposits, and other expenses related to relocating to transitional housing. Grant recipients can waive the 18-month period and extend assistance for six more months to persons who have made a good-faith effort to acquire permanent housing but have been unsuccessful. In addition, a minor, an adult, or a dependent of such minor or adult who is escaping a domestic violence situation can receive support services to locate and secure permanent housing, and transportation, counseling, child care services, case management, employment counseling, and other assistance to become integrated into a community.

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

National Domestic Violence Hotline

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

Grants for Battered Women's Shelters

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

Reauthorization of VAWA 2000 in the 109th Congress¹²

The House and Senate have each passed bills with provisions related to VAWA, H.R. 3402 and S. 1197, which are compared in detail below. In addition to these, however, numerous bills were introduced during the first session of the 109th Congress, including H.R. 1214, Best Help for Rape Victims Act (Maloney); H.R. 2876, Violence Against Women Reauthorization Act of 2005 (Green); H.R. 3171, VAWA 2005 Reauthorization Act (Lofgren); and H.R. 3594, Domestic Violence Victim Protection Act (Rothman). No hearings were held on H.R. 1214, H.R. 2876, H.R. 3171 or H.R. 3594.

H.R. 3402 would authorize appropriations for the Department of Justice for FY2006 through FY2009. The bill would reauthorize many VAWA 2000 programs and contains several titles related domestic violence. Titles IV through X of H.R. 3402 are collectively cited as the Violence Against Women Reauthorization Act of 2005. S. 1197 also would reauthorize VAWA programs and is cited as the Violence Against Women Act of 2005.

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

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

Senate Action. On October 4, 2005, Senator Bill Frist (for Senator Arlen Specter) proposed Senate Amendment 2045 (S.Amdt 2045) to S. 1197, which the Senate adopted. On this same date, the Senate passed S. 1197 by unanimous consent. In addition to making technical corrections to S. 1197, S.Amdt 2045 changed some housing and other provisions of the bill. The floor amendment also added a new Title X related to DNA fingerprinting. The new language would require the director of the Federal Bureau of Investigation (FBI) to expunge the DNA analysis of certain arrestees from the FBI's Combined DNA Index System (CODIS). These arrestees include those for whom the Attorney General receives a certified copy of a final court order that establishes that no charge was filed within the applicable time period, or that the charge has been dismissed or has resulted in an acquittal.

On September 12, 2005, S. 1197 had been reported by the Senate Judiciary Committee without a written report, following a mark-up session on September 8. At the mark-up, several amendments to S. 1197 were offered. The committee, by voice vote, adopted a manager's package of amendments to S. 1197, which included provisions that male victims of domestic violence also could receive funds; and that repeat offenders of a protective order who are convicted of stalking would receive increased penalties. The package clarified that a tenant of public housing actually must be a victim of domestic violence, not merely perceived to be one, before authorities could be prohibited from evicting or revoking housing vouchers for the tenant and that a landlord could not be prohibited from evicting a victim of domestic violence for failing to pay rent or violating the lease. The Senate Judiciary Committee had held a hearing on S. 1197 on July 19, 2005.

Comparison of Selected Provisions of H.R. 3402 and S. 1197

Title IV — VAWA Reauthorization Act of 2005 (H.R. 3402) and Sections 1 and 2 (S. 1197). This title of the House bill provides definitions and requirements for programs relating to violence against women. H.R. 3402 also contains a new section clarifying that VAWA programs are gender neutral. Sections 1 and 2 of S. 1197 give the short title of the bill as the Violence Against Women Act of 2005 and contain a section called "Definitions and Grant Provisions," including a provision regarding gender neutrality that is similar in intent to the provision of H.R. 3402.

Title V — Enhancing Judicial and Law Enforcement Tools to Combat Violence (H.R. 3402) and Title I — Enhancing Judicial and Law Enforcement Tools to Combat Violence Against Women (S. 1197). H.R. 3402 would reauthorize the existing STOP grant program under VAWA at \$215 million for each of fiscal years 2006 through 2010. S. 1197 would reauthorize the STOP grants at \$225 million for the same period. H.R. 3402 alone would amend 42 U.S.C. 3796gg(b), relating to the purpose of STOP grants, by expanding the fifth purpose to include supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking. Both H.R. 3402 and S. 1197 would add a 12th purpose for STOP grants, which is to maintain core victim services and criminal justice initiatives while supporting complementary new initiatives and emergency services for victims and their families. H.R. 3402, however, would also

add a 13th purpose, which is to support the placement of special victim assistants (to be known as Jessica Gonzales Victim Assistants) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault and stalking and personnel in local law enforcement agencies to improve enforcement of protection orders.

H.R. 3402 and S. 1197 would amend 42 U.S.C. 3796gg-1 to add a new **subsection (i) Training, Technical Assistance, and Data Collection**, which would require that a minimum of 3% and up to a maximum of 8% of funds appropriated be used for training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities. In addition, both bills would require the Director of the Violence Against Women Office (VAWO) to ensure that training and technical assistance (H.R. 3402 would also add data collection) on violence against Indian women will be developed and provided by entities with expertise in tribal law and culture.

In amending 42 U.S.C. 3796gg et seq., H.R. 3402 and S. 1197 provide a new **Section 2012. Polygraph Testing Prohibitions**, that would require states to have legislation prohibiting victims of sexual assault from having to submit to polygraph tests before an investigation or prosecution of the crime in order for the state to be eligible for STOP funding; provide grants to protect the confidentiality of information that victims provide and that is included in national databases; prohibit states from requiring a victim to participate in the criminal justice system in order for the victim to be reimbursed for a forensic exam; and support programs designed to specifically serve racial and ethnic populations. H.R. 3402 alone would amend 3796gg-1(d) to add another application requirement by which applicants for grants must provide proof of compliance with the polygraph testing requirements. H.R. 3402 alone would add a new **Section 2013. No Matching Requirement for Certain Grantees**, which would not require matching funds if a grant or subgrant were made to a law enforcement agency having fewer than 20 officers, to a victim service provider with an annual operating budget of less than \$5 million, or to any entity that the Attorney General determines has adequately demonstrated financial need.

H.R. 3402 and S. 1197 would limit the publication of registration or filing of a protection order, restraining order or injunction in either the issuing or enforcing state, tribal, or territorial jurisdiction if such publication would likely reveal the identity or location of the party protected under such order information. The House and Senate measures would allow a state, Indian tribe or territory to share court-generated law enforcement information that is contained in secure, governmental registries for protection order enforcement purposes.

Both H.R. 3402 and S. 1197 would amend 42 U.S.C. 3796hh to add dating violence, sexual assault and stalking, mandatory arrest programs, and protection order registries to the purpose of the existing grant program to encourage arrest and enforce protection orders. H.R. 3402 alone would add a ninth purpose under this section, which is to enhance and support the capacity of victim services programs to collaborate with and inform efforts by state and local jurisdictions and public officials and agencies to develop best practices and policies regarding the arrest of domestic and dating violence, sexual assault, and stalking offenders, to strengthen protection order enforcement, and to reduce or eliminate domestic and dating

violence, sexual assault, and stalking. Only H.R. 3402 contains a provision to develop, enhance, and maintain protection order registries. H.R. 3402 would authorize appropriations of \$65 million for each of fiscal years 2006 through 2010 for grants to encourage arrest and enforce protection orders, while S. 1197 would authorize \$75 million annually for the same period.

H.R. 3402 and S. 1197 would provide that not less than 10% of total appropriations for grants to encourage arrest and enforce protection orders must be made to Indian tribal governments. Both would amend 42 U.S.C. 3796hh to add **Section 2106. Training, Technical Assistance, and Data Collection**, which provides that of appropriations under this part, not less than 5% and up to 8% must be available for providing training, technical assistance, and data collection to improve the capacity of grantees, subgrantees and other entities.

Both bills would amend 42 U.S.C. 3796gg-4 to permit a state or Indian tribal government to use federal grant funds to pay for **forensic medical exams** that are performed by persons trained to examine victims of sexual assault. If, however, a state or Indian tribal government requires victims of sexual assault to have their insurance carriers reimburse them for the cost of such examinations, federal funds may not be used to pay for them. Both bills provide that nothing in this section shall be construed to permit a state or Indian tribal government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to receive a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both. S. 1197 alone would add a provision on judicial notification, which would deny a state or unit of local government funds under this part unless the state or unit of local government (1) certifies that its judicial administrative policies and practices include notification to domestic violence offenders who are subject to court order and who have been convicted of a misdemeanor crime of domestic violence of requirements for them; or (2) assures the Attorney General that its judicial administrative policies and practices will be in compliance with this requirement within the later of the period ending on the date on which the next session of the state legislature ends or in two years. S. 1197 would distribute to other states and units of local government, pro rata any funds withheld from a state or unit of local government under this subsection.

H.R. 3402 and S. 1197 would amend 42 U.S.C. 3796gg-6 by providing that **civil and criminal legal assistance** be made available to provide effective aid to adult and youth (and *minor* in H.R. 3402) victims of domestic and dating violence, sexual assault and stalking. H.R. 3402 alone would provide that criminal legal assistance under this section would be limited to criminal matters on domestic and dating violence, sexual assault and stalking. H.R. 3402 and S. 1197 would provide grants to tribal and territorial organizations, while H.R. 3402 would add nonprofit, nongovernmental organizations. Both bills would add territorial organizations to the list of entities that must be consulted in developing a training program to assist victims. H.R. 3402 alone would require any person or organization providing legal assistance through a program funded under this section also to inform territorial organizations and coalitions, as well as appropriate territorial law enforcement officials of their work. H.R. 3402 and S. 1197 would authorize to be appropriated \$55 million and \$65 million for each of fiscal years 2006 through 2010, respectively, for this section. H.R. 3402 alone provides that any remaining funds are to remain

available until expended and may be used only for the specific programs and activities described in this section. H.R. 3402 alone provides that funds appropriated under this section may not be used for advocacy. Both bills would require that of funds appropriated for this section, a minimum of 10% must be for grants to assist adult and youth (and *minor victims* in the case of H.R. 3402) victims of Indian tribes. S. 1197 also contains **Section 104. Ensuring Crime Victim Access to Legal Services**, which would amend P.L. 105-119; 111 Stat. 2510 by, among other provisions, providing legal services to a victim of sexual assault or trafficking in the United States or a victim who qualifies for immigration relief; H.R. 3402 does not contain such provisions.

To improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking, both measures would add a new **Subtitle J — Violence Against Women Act Court Training and Improvements, Section 41002. Grants for Court Training and Improvements**. Both bills would provide grants for the following uses: (1) to improve internal civil and criminal court functions, responses, practices, and procedures; (2) for education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable; and (3) for collaboration and training with federal, state, and local public agencies and officials as well as nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant federal, state, tribal, territorial and local law. The 4th use of grants would be to enable courts or court-based or court-related programs to develop new or enhance current court infrastructure; community-based initiatives within the court system; offender management, monitoring and accountability programs; safe and confidential information-storage and -sharing databases within and between court systems; education and outreach programs to improve community access, including enhanced access for populations underserved because of geographic location, underserved racial and ethnic populations (and, in H.R. 3402: *populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age) and any other population the Attorney General determines is underserved*); and other projects likely to improve court responses to domestic and dating violence, sexual assault, and stalking. The fifth use of grants would be to provide training, technical assistance, and data collection to tribal, federal, state, territorial or local courts wishing to improve their practices and procedures or to develop new programs. H.R. 3402 alone would provide a sixth use of grants, which is to provide training for specialized service providers, such as interpreters.

Both H.R. 3402 and S. 1197 identify eligible grantees as federal, state, territorial, tribal, or local courts or court-based programs. Both bills would require that national, state, tribal, territorial, or local private, nonprofit organizations have demonstrated expertise in developing and providing judicial education about domestic and dating violence, sexual assault, or stalking. Both bills would require as conditions of eligibility for grants that applicants certify in writing that any courts or court-based personnel working directly with or making decisions about adult or youth (or *minor* in H.R. 3402) parties experiencing domestic and dating violence, sexual assault or stalking have completed or will complete education about those issues; and that any education program has been or will be developed with significant

input from a national, tribal, state, territorial or local victim services provider or coalitions. H.R. 3402 and S. 1197 would require as a condition of eligibility for grants that applicants certify in writing that grantees' internal organizational policies, procedures or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic and dating violence, sexual assault or stalking is an issue. H.R. 3402 alone would require the Attorney General, through the Director of VAWO, to evaluate grants funded under this section. H.R. 3402 would require that an evaluation of tribal grantees under this section be conducted by entities with expertise in federal Indian law and tribal court practice; S. 1197 does not contain such a provision.

H.R. 3402 would authorize funding of \$4 million for each of fiscal years 2006 to 2010 for grants for court training and improvements, of which a minimum of 10% must be used for grants to tribes. S. 1197 would authorize \$5 million for each of the same fiscal years, with the same 10% minimum requirement for tribal programs.

H.R. 3402 and S. 1197 would support efforts to develop a **national education curriculum** for use by state and national judicial educators to ensure that all courts and court personnel have access to appropriate information about relevant federal, state, territorial or local law, promising practices, procedures, and policies on court responses to adult and youth (and *minor* in H.R. 3402) victims of domestic and dating violence, sexual assault, and stalking. Both bills would require the Attorney General, through VAWO, to develop **education curricula for tribal court judges** as well as to ensure that all tribal courts have relevant information about promising practices, procedures, and policies and law on tribal court responses to adult and youth (and *minor* in H.R. 3402) victims of domestic and dating violence, sexual assault, and stalking. H.R. 3402 would authorize \$1 million for each of fiscal years 2006 to 2010 for national and tribal education curricula. On the other hand, S. 1197 would authorize funding of \$5 million for each of fiscal years 2006 to 2010 for both the national education and the tribal education curricula, of which a minimum of 10% must be used for grants to tribal courts, tribal court-related programs and tribal nonprofits.

H.R. 3402 and S. 1197 would amend 18 U.S.C. 2265 by replacing "State or Indian tribe" wherever it appears in **full faith and credit provisions** with "State, Indian tribe or territory"; and "State or tribal" wherever it appears in the section with "State, tribal, or territorial." H.R. 3402 alone would replace "State or tribe" with "State, Indian tribe, or territory" in the provision concerning issuance of a protection order in a jurisdiction and recognition and enforcement of that protection order in other jurisdictions. Both bills would amend 18 U.S.C. 2265(a) by clarifying that any protection order issued by the court of one state, Indian tribe or territory must be accorded full faith and credit by the court and law enforcement personnel of the other state, Indian tribal government, or territory and must be enforced by the court and law enforcement personnel of the other state, Indian tribal government, or territory.

H.R. 3402 would amend 18 U.S.C. 2265 and 2266 relating to full faith and credit given to a protection order by deleting "protection order" each place it appears and adding "protection order, restraining order, or injunction;" S. 1197 does not contain this provision. H.R. 3402 and S. 1197 would amend 18 U.S.C. 2266 to redefine "protection order."

S. 1197 alone would amend 18 U.S.C. 2261(A) on interstate stalking by inserting new language to protect a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser or a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

H.R. 3402 would amend the Violence Against Women Act of 1994 by adding **Subtitle K — Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking, Section 41101. Task Force.** This provision would require the Attorney General to establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic and dating violence and sexual assault and stalking. The bill would require the Attorney General to designate one staff member to work with the task force, and would authorize the Attorney General to make grants to develop a demonstration project for implementing the best practices identified by the Task Force. H.R. 3402 would authorize \$1 million to be appropriated for each of fiscal years 2006 through 2010, requiring funds appropriated to remain available until they are expended and limiting their use to only the specified programs and activities described in this subtitle. S. 1197 does not contain such provisions.

S. 1197 alone would amend the Violence Against Women Act of 1994 by adding **Subtitle K — Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking.** S. 1197 would require the Attorney General, through the Director of VAWO, to award grants to states, Indian tribes, territories or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence is not released or disclosed to the detriment of such victimized persons. S. 1197 identifies eligible entities under this subtitle to include jurisdictions or agencies with jurisdiction having authority or responsibility for developing or maintaining public databases, registries or victim notification systems, nonprofit nongovernmental victim advocacy organizations with expertise on confidentiality, privacy and information technology, states or state agencies, local governments or agencies, Indian tribal entities, territorial governmental or private entities or nonprofit nongovernmental victim advocacy organizations.

S. 1197 would authorize to be appropriated for this subtitle \$5 million for each of fiscal years 2006 through 2010, of which 10% must be for grants to Indian tribes for programs to assist victims of domestic and dating violence, stalking, and sexual assault; and a minimum of 5% for grants to organizations with expertise in confidentiality, privacy, and technology issues that impact victims of domestic and dating violence, stalking, and sexual assault, to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality and technology to protect victimized persons.

Both H.R. 3402 and S. 1197 would reauthorize the **Sex Offender Management Program** — H.R. 3402 at \$5 million and S. 1197 at \$3 million for each of fiscal

years 2006 through 2010. Both measures would reauthorize the **Stalker Database Program** at \$3 million for each of fiscal years 2006 through 2010.

Both H.R. 3402 and S. 1197 would amend Section 40114 of the Violence Against Women Act of 1994 to reauthorize **federal victim assistants** for prosecuting sex and domestic violence crimes in the District of Columbia, providing \$1 million for each of fiscal years 2006 through 2010.

Both H.R. 3402 and S. 1197 contain provisions on preventing **cyberstalking**. H.R. 3402 would amend 18 U.S.C.2261A, relating to interstate stalking, by adding language directed at a person who travels in interstate, foreign commerce or within the U.S. maritime and territorial jurisdictions with the intent to kill, injure, harass, intimidate, or place under surveillance an individual and who, thereby, causes substantial emotional harm to the individual. New language would also address stalking an individual by using any interactive computer service to engage in conduct that causes substantial emotional harm to an individual. S. 1197 would amend 18 U.S.C. 2261(b) (relating to penalties for interstate domestic violence) by providing a minimum penalty of one year for whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or any other order described in 18 U.S.C. 2266. In addition, S. 1197 would amend 47 U.S.C. 223(h)(1) of the Communications Act of 1934 (which contains definitions for this section) to add language to the use of the term “telecommunications device,” which is “to include any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet.” S. 1197 also would provide that this provision may not be construed to affect the meaning given the term “telecommunications device” in Section 223(h)(1) of the Communications Act of 1934, as in effect before the date of enactment of this section.

Both H.R. 3402 and S. 1197 would amend 18 U.S.C. Chapter 110A, relating to domestic violence and stalking, by adding a new **Section 2265A. Repeat Offenders**. The bills would provide a maximum term of imprisonment of twice the term otherwise provided under this chapter for someone with a prior domestic violence or stalking offense conviction.

Both H.R. 3402 and S. 1197 would amend 18 U.S.C. 2261(a) relating to interstate domestic violence offenses. Both bills would prohibit a person who crosses a state line with the intent to injure, harass, or intimidate a person’s intimate partner or dating partner, and would protect an intimate partner or dating partner from any potential harms that could result from such travel or conduct. Both bills define a dating partner as a person who is or has been in a social relationship of a romantic or intimate nature with the abuser; and would base the existence of such a relationship on the length of the relationship, the type of relationship; and the frequency of interaction between the persons involved in the relationship.

S. 1197 would amend 42 U.S.C. 13011, which relates to the **Court Appointed Special Advocate Program (CASA)**. S. 1197 would delete the old findings and add new ones. S. 1197 would amend 42 U.S.C. 13012, changing the date from January 1, 1995 to January 1, 2010 by which a CASA would be available to all children who are victims of child abuse or neglect who need one. S. 1197 would amend 42 U.S.C.

13013 to require the administrator of the Office of Juvenile Justice and Delinquency Prevention to make grants to initiate, sustain, and expand the CASA program. S. 1197 would authorize state and local CASA programs to request criminal background checks from the Federal Bureau of Investigation National Crime Information Center for prospective volunteers; however, the requesting program would be responsible for reasonable costs associated with the federal records check. S. 1197 would reauthorize and provide funding of \$17 million for each of fiscal years 2006 through 2010 for the Court Appointed Special Advocate Program. H.R. 3402 does not contain such provisions.

S. 1197 would provide under **Section 111. Grants for Law Enforcement Training Programs** definitions of the following terms: act of trafficking, eligible entity, state, and victim of trafficking. S. 1197 would require the Attorney General to award grants to eligible entities for training state and local law enforcement personnel in identifying and protecting victims of trafficking. S. 1197 would limit funds that an eligible entity could spend on administrative expenses to a maximum of 5% of the total amount of funding received. S. 1197 would provide that nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other sources to carry out training described in this section. S. 1197 would authorize to be appropriated \$10 million for each of the fiscal years 2006 through 2010 for this section.

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

S. 1197 would amend 18 U.S.C. 2261(a)(1) to prohibit domestic violence within U.S. maritime and territorial jurisdictions. H.R. 3402 does not contain such a provision.

S. 1197 would amend 28 U.S.C. 9534 by inserting a new definition of the term “protection order,” which would include (i) any injunction, restraining order, or any other order issued by a civil or criminal court to prevent 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 (ii) 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 to protect victims of domestic and dating violence, sexual assault, or stalking. H.R. 3402 does not contain such provisions.

Title VI (H.R. 3402) and Title II (S. 1197) — Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking. S. 1197 contains findings which are not in H.R. 3402. Both H.R. 3402 and S. 1197 would amend 42 U.S.C. 3796gg et seq., by adding a new section, **Sexual**

Assault Services Program. The purposes of this section would be: to assist states, tribes and territories in providing intervention, advocacy, support services and related assistance to victims of sexual assault, their family and household members, and others collaterally affected by the victimization, except for the perpetrator of the crime. In addition, the program would provide technical assistance, training (and *support data collection* in H.R. 3402 only) on sexual assault to federal, state, tribal, territorial and local governments, law enforcement agencies, courts, professionals in legal, social service and health care settings, nonprofit organizations, faith-based organizations and other individuals and organizations seeking such assistance. H.R. 3402 alone would add another purpose, which is to enhance coordinated community response to sexual assault.

H.R. 3402 would provide grants to states and territories, Indian tribes, tribal organizations and nonprofit tribal organizations within Indian country and Alaskan native villages for establishing, maintaining, and expanding **rape crisis centers** or other programs and projects to assist sexual assault victims; S. 1197 would award grants to states and territories. H.R. 3402 alone would require that special emphasis be given to support community-based organizations with a demonstrated history of providing intervention and related assistance to sexual assault victims and to support coordinated community responses to sexual assault. S. 1197 provides that not more than 5% of grant funds received by a state or territory governmental agency under this subsection for any fiscal year may be used for administrative costs; H.R. 3402 does not contain such a provision. S. 1197 would provide that any funds received by a state or territory under this subsection that are not used for administrative costs must be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for direct intervention and related assistance programs and activities; H.R. 3402 does not contain such a provision.

For grants to states, territories (and *tribal entities* under H.R. 3402) and grants for **culturally specific programs addressing sexual assault**, H.R. 3402 and S. 1197 would identify intervention and related assistance as including 24 hour hotline services providing crisis intervention services and referral; accompaniment and advocacy through medical, criminal justice, and social support systems; crisis intervention, short-term individual and group support services and comprehensive service coordination and supervision in assisting sexual assault victims and family or household members; information and referral to assist a sexual assault victim and family or household members; community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for racial and ethnic, and other underserved communities (and *linkages to existing services in these populations* in H.R. 3402); and development and distribution of materials on issues related to these described services. In addition to authorized services provided in S. 1197, H.R. 3402 would include support mechanisms that are culturally relevant to the community; collaborating with and informing public officials and agencies to develop and implement policies for reducing or eliminating sexual assault; developing and distributing educational materials on sexual assault issues and other services; sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and developing and enhancing coordinated community responses to sexual assault, including developing and enhancing sexual assault response teams.

H.R. 3402 and S. 1197 would require an eligible entity seeking a grant under this subsection to submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require. H.R. 3402 and S. 1197 would require the Attorney General to allocate to each state a minimum of 1.5% of the total amount appropriated in a fiscal year for grants under this section, except that the U.S. Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands would each be allocated 0.125% of the total appropriation. Any remaining funds would be allotted to each state and territory in an amount that bears the same ratio to such remaining funds as the population of such state and territory bears to the combined populations of the states or the combined populations of the territories.

H.R. 3402 and S. 1197 would authorize the Attorney General to award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault. Under H.R. 3402, an eligible entity would be any *culturally specific community-based organization* that meets the following criteria, while S. 1197 would only require that eligible entities meet the following criteria: an organization that is a private nonprofit and that focuses primarily on racial and ethnic communities; has documented organizational experience in the area of sexual assault intervention or is in partnership with an organization with such experience; is expert in developing community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities for whom assistance is being provided or has the capacity to link to existing services in the community that are tailored to the needs of racial and ethnic populations; and has an advisory board or steering committee and staff with members who reflect the targeted racial and ethnic community. H.R. 3402 would require the Attorney General to award culturally specific grants on a competitive basis for a minimum of three fiscal years; under S. 1197, grants would be for two fiscal years. S. 1197 alone would provide that the Attorney General not use more than 2.5% of funds appropriated for this subsection on culturally specific grants in any year for administration, monitoring, and evaluation of grants made available under this subsection; and that up to 5% of appropriated funds for culturally specific grants in any year be made available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within racial and ethnic communities. S. 1197 would require an entity receiving a grant for culturally specific grants to submit a report to the Attorney General describing activities carried out with grant funds.

H.R. 3402 and S. 1197 would provide for the Attorney General to award grants to state, territorial, and tribal sexual assault *coalitions* to assist in supporting the establishment, maintenance, and expansion of these coalitions. H.R. 3402 would require eligible applicants for state, territorial and tribal sexual assault coalitions to be determined by the National Center for Injury Prevention and Control in collaboration with VAWO; S. 1197 does not contain such a provision. Both H.R. 3402 and S. 1197 would require that not less than 10% of total appropriations for state, territorial, and tribal sexual assault coalitions be used for grants for *tribal* sexual assault coalitions. The bills would require remaining funds to be available for grants to state and territorial coalitions and would require the Attorney General to allocate 1/56 of the amount appropriated to each of those state and territorial

coalitions. Both bills would provide that no entity be prohibited from applying for grants because the entity had not previously applied for or received grant funding under state, territorial and tribal sexual assault coalitions.

H.R. 3402 and S. 1197 would require each eligible entity applying for state, territorial, and tribal sexual assault coalitions to submit an application to the Attorney General. H.R. 3402 alone would require each eligible entity applying for a grant for a state or territorial coalition to include a demonstration of meaningful involvement of the state or territorial coalitions, or tribal coalition, where applicable, in developing the application and implementation of the plans; to provide a plan for equitable distribution of grants and grant funds within the state, territory or tribal area as well as between urban and rural areas in each state or territory; to identify the state, territorial or tribal entity that is responsible for administering the grants; and to provide any other information the Attorney General determines necessary. H.R. 3402 alone would require each grant recipient to submit a report to the Attorney General describing the activities carried out with grant funds.

H.R. 3402 would authorize funding of \$55 million for each of fiscal years 2006 through 2010 for Sexual Assault Services, while S. 1197 would authorize funding of \$50 million annually for the same period. S. 1197 would provide that not more than 2.5% of funds appropriated under this section for each fiscal year could be used by the Attorney General for evaluation, monitoring and other administrative costs; and not more than 2.5% for providing technical assistance to grantees and subgrantees under this section. Both H.R. 3402 and S. 1197 would require specific percentages of total appropriations for each fiscal year for sexual assault programs to be distributed to states and territories, state, territorial, and tribal sexual assault coalitions, to tribes and for culturally specific programs addressing sexual assault.

H.R. 3402 and S. 1197 would amend 42 U.S.C. 13971 to reauthorize funding of **rural domestic violence programs** and would set out three purposes of this section. Both bills would authorize the Attorney General, acting through the Director of VAWO, to award three-year grants, with a possible extension for an additional three years, to states, Indian tribes, local governments and nonprofit, public or private entities including tribal nonprofit organizations, for carrying out programs that serve rural areas or rural communities (*including rural areas or rural communities in United States Territories*, in H.R. 3402) in addressing domestic and dating violence, sexual assault, and stalking by: implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic and dating violence, sexual assault, and stalking; providing treatment, counseling and other long-and short-term assistance to adult, youth, and minor victims of domestic and dating violence, sexual assault, and stalking in rural communities (*including assistance in immigration matters*, in S. 1197); and working in cooperation with the community to develop education and prevention strategies directed at such issues.

H.R. 3402 and S. 1197 would provide that funds appropriated for this section must be used only for specific programs and activities expressly described in the purposes of this section. Both bills would provide that a minimum of 10% of the total amount made available for each fiscal year for rural domestic violence programs

must be allocated for grants to Indian tribes or tribal organizations; that of the allotment for sexual assault services, a minimum of 25% of the total amount made available for each fiscal year must be allocated for grants that meaningfully address sexual assault in rural communities with the following exceptions. H.R. 3402 and S. 1197 would provide that the required percentage of funding allotted for sexual assault services in rural communities must be: 30% in any fiscal year for which \$45 million or more is made available to carry out this section; 35% in any fiscal year for which \$50 million or more is made available to carry out this section; or 40% in any fiscal year for which \$55 million or more is made available to carry out this section. Both bills would provide that nothing in this paragraph prohibits an applicant from applying for funding to address domestic and dating violence, sexual assault, or stalking, separately or in combination, in the same application.

H.R. 3402 alone would require the Attorney General to submit, annually, a report on the effectiveness of the set-aside for sexual assault services and to include in the report any recommendations of the Attorney General on the rural grant program. Both bills would provide that of amounts appropriated for each fiscal year for rural domestic violence a maximum of 8% may be used by the Director of VAWO for costs of technical assistance (and *training and data collection* in H.R. 3402); and that of the amounts so used a minimum of 25% must be available for nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide technical assistance (and *training and data collection* in H.R. 3402) for sexual assault grantees.

H.R. 3402 and S. 1197 would require the Director of VAWO in awarding rural domestic violence grants to give priority to the needs of racial, ethnic and other underserved populations (including, under H.R. 3402, those underserved because of *geographic location or special needs (such as language barriers, disabilities, alienage status, or age), and any other population the Attorney General determines is underserved*). S. 1197 alone would require that not less than 75% of the total amount made available for each fiscal year for this section be allocated to eligible entities in rural states.

H.R. 3402 would authorize appropriations of \$50 million for each of the fiscal years 2006-2010 for this section; while S. 1197 would authorize \$55 million annually for the same period. Both bills would provide that a law enforcement agency may receive additional funding under provisions of 42 U.S.C. 37966dd et seq., which provides statutory authority for public safety and community policing grants.

Both House and Senate bills would provide services for victims of abuse who are **disabled and elderly**. H.R. 3402 would authorize the Attorney General to award grants to appropriate entities: (1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older; (2) to improve the physical accessibility of existing buildings where services are or will be provided for victims of domestic violence and sexual assault who are 50 years of age or older; (3) for training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities and enhance direct services to the disabled victims; (4) for training programs that assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of federal, state, tribal, territorial, and local

courts to recognize, address, investigate and prosecute instances of adult, youth, or minor domestic and dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and (5) for multidisciplinary and collaborative community responses to victims. S. 1197 would authorize the Attorney General, in consultation with the Secretary of Health and Human Services (HHS), to award grants (1) for training, consultation, and information on domestic and dating violence, stalking, and sexual assault against individuals with disabilities and (2) to enhance direct services to such individuals.

H.R. 3402 alone would implement or expand programs or services that respond to the needs of persons 50 years of age or older who are victims of domestic and dating violence, sexual assault, stalking, or elder abuse; and purchase equipment and provide personnel so that shelters and victim service organizations can meet the needs of disabled individuals.

H.R. 3402 and S. 1197 would provide that an entity is eligible to apply for a grant under this section if it is a state, a unit of local government, a nonprofit, nongovernmental organization, such as a victim services organization, an organization that serves individuals with disabilities or a community-based organization (and *a religious organization*, in H.R. 3402). Both bills would limit grants awarded to develop model programs providing advocacy and intervention services within organizations serving disabled victims of domestic and dating violence, stalking, and sexual assault to an eligible agency as defined in 29 U.S.C. 796f-5, which is a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency. S. 1197 alone would require the Director of VAWO to ensure that the needs of racial and ethnic and other underserved populations are being addressed.

H.R. 3402 alone would require an eligible entity applying for a grant for the disabled and elderly to submit an application to the Attorney General. H.R. 3402 also would require the Attorney General to submit to Congress a report that evaluates the effectiveness of programs administered and operated under provisions of this section, and would require the report to be submitted within a year of the last day of the first fiscal year that begins on or after enactment of this act and not later than 180 days after the last day of each fiscal year thereafter.

H.R. 3402 would authorize appropriations of \$20.5 million for each of the fiscal years 2006-2010 for **Section 2015. Assistance for Victims of Abuse**. On the other hand, S. 1197 would authorize separate funding for different victims of abuse — for women with disabilities and for elderly victims of abuse. Specifically, S. 1197 would authorize appropriations of \$10 million for each of the fiscal years 2006 through 2010 for **Section 1402. Education, Training, and Enhanced Services to End Violence Against and Abuse of Women with Disabilities**; and \$10 million for each of the fiscal years 2006 through 2010 for **Section 40802. Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life**. Total appropriations for the two sections under S. 1197 with similar provisions to Section 2015 under H.R. 3402 would be \$20 million.

H.R. 3402 alone would require the Comptroller General to conduct a study of the National Domestic Violence Hotline no later than six months after enactment of this act to determine the effectiveness of the Hotline in assisting victims of domestic violence. H.R. 3402 would require the Comptroller General to submit to Congress a report on the results of the study within three years after enactment. S. 1197 alone would amend 42 U.S.C. 10416 to provide technology and telecommunication training and assistance for advocates, volunteers, staff, and others affiliated with the National Domestic Violence Hotline. S. 1197 would authorize funding of \$5 million for each of fiscal years 2006 through 2010 for the National Domestic Violence Hotline.

H.R. 3402 would authorize the Attorney General, acting through the Director of VAWO, to award grants to eligible entities to carry out local, regional, or national **public information campaigns** that focus on addressing adult, youth, or minor domestic and dating violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic and dating violence, stalking, and sexual assault.

H.R. 3402 would provide that of amounts appropriated for grants for public information campaigns a maximum of 20% must be used for national model campaign materials targeted at specific tribal, racial, or ethnic populations or the immigrant community, including American Indian tribes and Alaskan native villages, for research, testing, message development, and preparation of materials. H.R. 3402 would require that the balance of funds be used for a minimum of 10 state, regional, territorial, tribal, or local campaigns that target specific communities with information and materials developed through the national campaign or, if appropriate, for new materials for an underserved population or a particularly isolated community. H.R. 3402 would provide that funds appropriated under this section would be used to conduct a public information campaign and to build the capacity and develop the leadership of racial and ethnic populations or immigrant community members to address domestic and dating violence, stalking, and sexual assault.

H.R. 3402 would require the Attorney General in awarding grants for public information campaigns to ensure that there is a reasonable distribution among eligible grantees representing various racial, ethnic, and immigrant communities and among state, regional, territorial, tribal, and local campaigns; and that no more than 8% of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection. H.R. 3402 would require each eligible entity receiving a grant under this section to submit to the Director of VAWO a report every 18 months that describes activities carried out with grant funds. H.R. 3402 would authorize appropriations for this section of \$2 million for each of fiscal years 2006-2010.

Title VII (H.R. 3402) and Title III (S. 1197) — Services, Protection, and Justice For Young Victims of Violence.¹³ S. 1197 differs from H.R. 3402 by including provisions reauthorizing the rape prevention and education program.

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

S. 1197 lists several findings regarding rape and sexual assault, two of which state that more than 4,000 rape or sexual assault incidents occur in one year in public schools across the nation, and that college women have been victims of rape and attempted rape. S. 1197 would authorize \$80 million to be appropriated in each fiscal year from 2006-2010 for rape prevention and education; and \$1.5 million for collecting and distributing sexual assault information through the National Sexual Violence Resource Center.

Under a new program, S. 1197 would require the Attorney General in consultation with HHS to make three-year grants to eligible entities¹⁴ to conduct domestic and dating violence, sexual assault, and stalking programs for serving 12- to 24-year-old teen and young adult victims of such violence. H.R. 3402 also would require the Attorney General to make such grants, and would require grantees to submit a report to the HHS Secretary. S. 1197 would not require such a report, and would authorize \$15 million to be appropriated for each fiscal year from 2006 through 2010 for program grants, while H.R. 3402 would authorize \$10 million for such grants for each fiscal year stipulated.

H.R. 3402 would require the Attorney General through VAWO to make three-year competitive grants to eligible entities¹⁵ for training and collaboration in order to enhance community responses to families where both child maltreatment and domestic and dating violence occur. When awarding such grants, the Attorney General must consider the needs of underserved populations because of geographic location, underserved racial and ethnic populations, populations underserved because of language barriers, disabilities, alienage status, or age, and any other populations determined to be underserved by the Attorney General. H.R. 3402 would authorize \$8 million annually for such grants for each of fiscal years 2006-2010. In contrast, S. 1197 would authorize the HHS Secretary, through the Family and Youth Services Bureau, and in consultation with VAWO, to award two-year competitive training and collaboration grants to eligible entities for such purposes. When awarding grants, S. 1197 states that the Attorney General must consider the needs of racial,

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

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

ethnic, and other underserved populations. S. 1197 would authorize \$5 million to be appropriated for each of fiscal years 2006 through 2010.

S. 1197 also differs from H.R. 3402 by including a section titled “Access to Justice for Youth,” which would require the Attorney General through VAWO to make two-year grants to eligible entities¹⁶ to encourage cross training and collaborations between the courts, domestic violence and sexual assault service providers, and other similar groups working with law enforcement agencies to create and implement policies, practices, and procedures to protect and provide more widespread and effective service for 12- to 24-year-old victims of dating and domestic violence, sexual assault, and stalking. The measure would authorize \$5 million to be appropriated for each of fiscal years 2006-2010 for such grants.

S. 1197 would amend Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) regarding grants to combat violent crimes against women on campus by adding new language directing the Attorney General, through VAWO, to make grants to individual higher education institutions in amounts of not more than \$500,000, and not more than \$1 million for consortia of such institutions. In contrast, H.R. 3402 would not amend the Higher Education Amendments, but would direct the Attorney General to award three-year competitive grants through VAWO in amounts, as in S. 1197, of not more than \$500,000, and not more than \$1 million for consortia of such institutions. Also, H.R. 3402 states that no higher education institution will be eligible for a grant unless it complies with requirements under the Higher Education Act of 1965, Section 485(f) (20 U.S.C. 1092(f), related to mandatory reporting of campus security policy and crime statistics. Up to \$200,000 of total appropriated grant funds for fiscal years 2006 through 2010 may be used for technical assistance to comply with these mandatory reporting requirements. Furthermore, H.R. 3402 would require each higher education institution grantee to submit a report to the Attorney General about activities conducted with grant funds. If such an institution fails to submit such a report, the Attorney General is required to suspend grant funding for that higher education institution. The House measure requires the Attorney General to submit a report to Congress for the period of two fiscal years at any time that grants are made, no later than 30 days after the end of each even-numbered fiscal year. S. 1197 has no similar requirements. Both proposals would authorize \$15 million for each fiscal year from 2006-2010 for such grants.

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

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

Both measures would amend the existing Safe Havens for Children Pilot Program, by deleting reference to the program as a pilot. Both proposals specify that the Attorney General would be allowed to award grants through VAWO, and H.R. 3402 would also include public and nonprofit nongovernmental entities as grantees, along with states, local government units, and Indian tribal governments as specified in current law. Both bills would include dating violence as a situation for supervised visitation and safe visitation exchange of children. Furthermore, the bills would add provisions to (1) protect children from the trauma of witnessing domestic or dating violence, or from experiencing abduction, injury, or death during parent and child visitation exchanges; (2) protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and (3) protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges. Both bills would authorize \$20 million for each fiscal year from 2006-2010 for the program.

H.R. 3402 includes a provision for grants to combat domestic and dating violence, sexual assault, and stalking in middle and high schools by the Supporting Teens Through Education and Protection Act of 2005 or “STEP Act.” The bill would authorize the Attorney General through VAWO to make three-year competitive grants to schools that work with domestic violence and sexual assault experts. Also, the measure would authorize \$5 million to be appropriated for each of fiscal years 2006 through 2010 for such grants. S. 1197 does not contain such a provision.

Title VIII (H.R. 3402) and Title IV (S. 1197) — Strengthening America’s Families By Preventing Violence in the Home.¹⁷ Both proposals would amend VAWA 1994 by adding new language for the purpose of preventing violent crimes against family members, and domestic and dating violence, sexual assault, and stalking, including when committed against children and youth. S. 1197 contains language intended to ensure that male victims of domestic violence would be eligible for assistance under the bill’s provisions. Both bills would increase resources and services for these specific purposes, as well as to reduce the effects of exposure to violence on children and youth to interrupt the intergenerational cycle of violence; develop and put in place education and services programs to prevent children in at-risk families from becoming victims or perpetrators of domestic and dating violence, sexual assault, or stalking; promote programs guaranteeing that

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

children and youth would receive needed assistance to end the cycle of violence and develop mutually respectful, nonviolent relationships; and encourage community-based groups to work with governmental agencies serving children and youth, health and mental health service providers, and service providers of domestic and dating violence, sexual assault, and stalking victims to prevent violence.

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

H.R. 3402 would authorize the Attorney General to act through VAWO to make three-year competitive grants to eligible entities,¹⁹ collaborating with the HHS Secretary, to develop and enhance programs to build alliances among men, women, and youth to prevent such violence by helping them develop mutually respectful and nonviolent relationships. When awarding grants, the Director must consider the needs of underserved populations because of geographic location, underserved racial and ethnic populations, populations underserved because of language barriers, disabilities, alienage status, or age, and any other populations determined to be underserved by the Attorney General. Also, the Director must award grants with respect to gender-specific programs guaranteeing reasonable fund distribution for

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

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

programs for boys and programs for girls; award not less than 10% of total funding for a fiscal year for tribal projects; and award up to 8% from available funds for a fiscal year for training, technical assistance, and data collection for grantees and non-grantees working in this area. S. 1197 slightly differs because it would authorize the Attorney General, acting through VAWO, to make two-year competitive grants collaborating with HHS for the same purposes, but directs the Director to consider the needs of racial and ethnic and other underserved populations; award not less than 10% for Indian tribes; and award up to 8% for technical assistance for grantees and non-grantees. S. 1197 does not include directions with respect to considering gender-specific programs. Both bills would authorize \$10 million for such purposes.

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

S. 1197 requires the HHS Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, to make grants to entities for supporting research to study prevention and intervention programs to foster the understanding of sexual and domestic violence committed by and against adults, youth, and children. Such entities would be required to include sexual assault coalitions and programs, research groups, tribal organizations, and academic institutions. The measure would authorize \$2 million for each fiscal year from 2006 through 2010 for such research grants. H.R. 3402 does not include such a provision.

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

Title X (H.R. 3402) and Title IX (S. 1197) — Safety for Indian Women.²⁰ Both S. 1197 and H.R. 3402 would authorize or require consultation with and studies covering tribes and certain violent crimes, create Indian-related offices or positions in VAWO, create or grant access to crime-related databases, and combine Indian set-asides into a formula block grant. S. 1197 would also amend

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

certain criminal and BIA-related laws. Both bills have similar provisions laying out their purposes, but S. 1197 has a findings section on crimes against Indian women. The bills differ throughout, however, in the Indian persons and the crimes on which they focus. In general, S. 1197 focuses on violence against Indian women, while H.R. 3402 focuses on the specific offenses of domestic and dating violence, sexual assault, and stalking against all members of Indian tribes. H.R. 3402 is also more likely to focus on crimes occurring on tribal lands.

Consultation and Studies. Both H.R. 3402 and S. 1197 would require the Secretary of the Interior and the Attorney General to consult annually with Indian tribal governments on federal administration of VAWA tribal funds and programs and to solicit recommendations from Indian tribes on the quality of federal administration of these funds and programs, and on how to strengthen the federal response to domestic and dating violence, sexual assault, and stalking.

Both bills would require that a national baseline study be conducted on domestic and dating violence, sexual assault, stalking, and murder of Indian women, which would include an evaluation of the effectiveness of federal, state, tribal and local responses to these crimes. Both bills would direct the Attorney General, through VAWO, to establish a task force representing tribal governments and organizations to assist in developing and implementing the baseline study. S. 1197 would specify that the baseline study be conducted by the National Institute of Justice, in consultation with VAWO, while H.R. 3402 would direct the Attorney General to conduct the study acting through VAWO. S. 1197 also would add a requirement that the national baseline study make recommendations on how to improve the effectiveness of responses to these crimes at all government levels. For the national baseline study, the bills would authorize to be appropriated \$1 million for each of fiscal years 2006 and 2007.

S. 1197, but not H.R. 3402, would require the Secretary of HHS, acting through the Indian Health Service and the Centers for Disease Control and Prevention, to conduct a study to obtain a national projection of the incidence of injuries and homicides resulting from domestic and dating violence, sexual assault, and stalking against American Indian and Alaska Native women as well as the cost of providing health care for those injuries. S. 1197 would require that a report describing the study's findings and recommendations be submitted to certain committees in the Senate and House. S. 1197 would authorize to be appropriated \$500,000 for each of fiscal years 2006 and 2007 for these purposes.

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

Crime Data. Both H.R. 3402 and S. 1197 would require the Attorney General to collect crime information and disseminate the data to federal, state, and local governments, and penal and certain other institutions. The bills would require the Attorney General to allow Indian law enforcement agencies to enter information into these national crime information databases and to obtain information from the databases for cases involving domestic and dating violence, sexual assault, and stalking. H.R. 3402, but not S. 1197, gives examples of the types of information that can be obtained from the databases, namely, identification records, criminal history records, protection orders, and wanted persons records.

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

VAWO Indian Specialists. Both H.R. 3402 and S. 1197 have provisions for VAWO officers specializing in tribal affairs. H.R. 3402 would require the Director of VAWO to designate one or more employees with demonstrated expertise in tribal law and practice regarding domestic and dating violence, sexual assault, and stalking against members of Indian tribes to comprise a new Tribal Division. S. 1197 would instead require establishing within VAWO a Deputy Director for Tribal Affairs. Duties for the tribal division administrator or deputy director are similar under both bills. Duties for the tribal division administrator would include administering grants and contracts with tribes and tribal organizations (and, under H.R. 3402, grants to territories); ensuring that the approval of each tribe that benefits from grants and contracts is obtained; ensuring that adequate training, technical assistance, and data collection are made available to tribes and tribal organizations; advising the VAWO director on policies and implementation of laws concerning such crimes; and maintaining a liaison with federal, state, and tribal judicial branches on such crimes. While both bills would encourage DOJ to develop policy and enforce federal laws relating to violence (or specific violent crimes) against Indian women (or tribal members), only S. 1197 would direct that DOJ enforcement of these laws include litigation of civil and criminal actions.

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

Formula Block Grant. Both H.R. 3402 and S. 1197 would establish a Safety for Indian Women Formula Grants Program, under which the Attorney General would be required to combine various Indian set-asides authorized in VAWA and related laws into a single formula grant program for tribes, tribal organizations, and tribal consortia, to be administered by the new VAWO tribal division or deputy director. H.R. 3402 would combine nine programs (five existing and four created by the bill), while S. 1197 would combine seven programs (all of them included in H.R. 3402's list). The purposes of the formula grant program would be to increase tribal capacity to respond to domestic and dating violence, sexual assault, and stalking crimes, strengthen tribal interventions, enhance tribal services to Indian tribal members (in H.R. 3402, Indian women in particular), but in ways determined by participating tribes' allocation and use of funds to best protect tribal members from domestic and dating violence, sexual assault, and stalking (and, in H.R. 3402, kidnapping and murder).

H.R. 3402, but not S. 1197, provides for a distribution formula, which would allocate 60% of funds to participating tribes equally and 40% to participating tribes on a per-capita basis. H.R. 3402 would also set aside 5-7% of total formula grant funds for training and technical assistance contracts through expert tribal organizations, which S. 1197 does not do. H.R. 3402, but not S. 1197, would require participating tribes to set aside at least 50% of their allocations under the program for victim services and advocacy related to domestic and dating violence, sexual assault, and stalking, and to give preference to tribal organizations providing advocacy services such as shelters or safety centers. H.R. 3402, but not S. 1197, would set deadlines for notices to applicants and disbursement of funds, require an expedited application process and reduced reporting burdens, require a contract to evaluate tribal programs, and prohibit VAWO from requiring matching funds from tribes (although VAWO may waive the prohibition if it determines that a tribe has adequate resources to pay matching funds), and require evaluations. Both bills would require the new VAWO deputy director (or tribal division) to ensure that some portion of any tribal set-asides from grants awarded under VAWA, VAWA 2000, or (in S. 1197) this act, is used to enhance the capacity of Indian tribes to address the safety of Indian women.

Criminal and Indian Law Enforcement Amendments. S. 1197, but not H.R. 3402, includes several amendments to federal criminal and Indian laws. S. 1197 would amend criminal law, at 18 U.S.C. 921(33)(a)(I), to make the crime of domestic violence a misdemeanor under tribal law, as it currently is under federal and state law. S. 1197 would also add a new section to 18 U.S.C., Chapter 7, to require that a repeat offender of domestic assault who has been convicted on at least two separate prior occasions in federal, state, or Indian tribal court be fined or imprisoned for not more than five years, or both. If substantial bodily injury results from the domestic assault, however, the repeat offender must be imprisoned for not more than 10 years.

S. 1197 would also amend Indian law, at 25 U.S.C. 2803(3), which relates to the authority of Secretary of the Interior to charge Bureau of Indian Affairs (BIA) employees with law enforcement responsibilities. S. 1197 would provide that the Secretary may authorize BIA employees to make an arrest without a warrant for a misdemeanor crime of domestic violence if the offense were committed in Indian

country, had as an element the use or attempted use of physical force or the threatened use of a deadly weapon, and were committed by a current or former spouse, parent, or guardian of the victim, by a person who is a parent of the victim's child, or by a person who is living with or has lived with the victim as a spouse, parent, or guardian of the victim, and if the BIA employee reasonably believed that the person to be arrested had committed or was committing a domestic violence crime.

Title XI — Public Awareness Campaign Regarding Domestic Violence Against Women (H.R. 3402). H.R. 3402 would require the Attorney General, acting through VAWO, to make grants to states for carrying out a campaign to increase public awareness of domestic violence against pregnant women issues. H.R. 3402 would authorize to be appropriated such sums as may be necessary for each of fiscal years 2006-2010 to carry out the purpose of this section. S. 1197 does not contain such provisions.

The following provisions are contained *only* in S. 1197:

Title V (S. 1197) — Strengthening the Health Care System's Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking. S. 1197 contains provisions that are intended to improve the health care system's response to domestic and dating violence, sexual assault, and stalking through training and education for health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting. For training and education of health professionals in domestic and sexual violence, the bill would authorize appropriations of \$3 million for each of fiscal years 2006 through 2010. S. 1197 would provide grants to foster public health responses to domestic and dating violence, sexual assault, and stalking, authorizing funding of \$5 million for each of fiscal years 2006 through 2010. S. 1197 would also authorize funding of \$5 million for each of fiscal years 2006 through 2010 for research on effective interventions in the health care setting.

Title VI (S. 1197) — Housing Opportunities and Safety for Battered Women and Children. S. 1197 would amend 42 U.S.C. 13701 et seq. by adding **Subtitle N — Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking, Section 41404. Collaborative Grants to Develop Long-Term Housing for Victims.** The bill would establish findings, identify the purpose, and provide definitions for this subtitle. S. 1197 would create two new programs to provide long-term housing for victims of domestic and sexual violence, and to protect the safety of these housing residents. S. 1197 would provide for the Secretary of HHS, acting through the Administration on Children, Youth and Families (ACYF) and in consultation with the Secretary of Housing and Urban Development (HUD), to award grants, contracts, or cooperative agreements for a minimum of two years to eligible entities to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking, who are currently homeless or at risk of becoming so. S. 1197 would require the Secretary of HHS to award funds in amounts not less than \$25,000 per year; and not more than \$1 million per year.

S. 1197 would provide that each eligible entity applying for funds under this section must demonstrate that it is a coalition or partnership, applying jointly, and that it *must* include a domestic violence victim service provider; a homeless service provider, a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing services program or a tribally designated housing entity or tribal housing consortium in the absence of a homeless service provider on tribal lands. An eligible entity *may* include a dating violence, sexual assault, or stalking victim service provider; housing developers, corporations, state housing finance agencies, other housing agencies, and associations representing landlords; a public housing agency or tribally designated housing entity; tenant organizations in public or tribally designated housing; other nonprofit, nongovernmental organizations participating in HUD's Continuum of Care process; a state, tribal, territorial or local government or government agency; and any other agency or nonprofit, nongovernmental organizations with the capacity to effectively help adult and youth victims of domestic and dating violence, sexual assault, or stalking.

S. 1197 would require an eligible entity that is seeking funds under this section to submit an application to the Secretary of HHS. S. 1197 would require that funds under this section be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic and dating violence, sexual assault, or stalking and their dependents who are currently homeless or at risk of becoming homeless. These activities, services, and programs must participate in HUD's Continuum of Care process, unless the process does not exist in the community to be served; develop sustainable long-term housing in the community; develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units; use funds for administrative expenses; and provide community information about housing and housing programs, and the process to locate and obtain long-term housing. S. 1197 would prohibit grant funds to be used for construction, modernization or renovation. S. 1197 would require the Secretary of HHS in awarding grants to give priority to linguistically and culturally specific services, to domestic and dating violence, sexual assault, or stalking assault providers; and award a minimum of 15% of grants funds appropriated in any fiscal year to tribal organizations. S. 1197 would authorize appropriations of \$10 million for each of fiscal years 2006 through 2010 for these grants to develop long-term housing for victims.

For a proposed new **Section 41405. Grants to Combat Violence Against Women in Public and Assisted Housing**, S. 1197 would establish the purpose of assisting eligible grantees in responding appropriately to domestic and dating violence, sexual assault, and stalking so that victims of such crimes are not denied or do not lose housing as a result of being a victim. S. 1197 would provide that the Attorney General, acting through the Director of VAWO and in consultation with the Secretary of HUD and through ACYF, would award grants and contracts for a minimum of two years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking. S. 1197 would provide that a minimum of 15% of funds appropriated under this section be provided to tribally designated housing entities.

The bill would authorize appropriations of \$10 million for each of fiscal years 2006 through 2010 for grants to combat violence against women in public and assisted housing.

S. 1197 would identify eligible entities and require them to submit applications to the Attorney General. The bill would provide that a public housing agency, tribally designated housing entity or assisted housing provider receiving funds under this section may request certification that an individual claiming relief under this section is a victim of domestic and dating violence, sexual assault, or stalking. The bill would provide how funds for grants and contracts funds must be used, and would authorize appropriations of \$10 million for each of fiscal years 2006 through 2010 to carry out the provisions of this section, of which up to 12% must be used by the Attorney General for technical assistance costs.

The Senate bill also contains provisions that are intended to reduce evictions and denials of housing to victims because of lease violations or crimes committed by the perpetrator of violence or because of a poor credit or rental history that is associated with history of abuse. S. 1197 would require housing program administrators and victim service providers to collaborate. The bill would prohibit public housing authorities from evicting a victim of violence but would allow the perpetrator of violence to be evicted. S. 1197 contains provisions to protect the safety of victims of domestic violence by prohibiting grantees from disclosing identifying information about any victim of violence who is a client. The bill amends the Public Housing program within HUD (42 U.S.C. 1437d) by prohibiting a public housing authority from denying a person admission to the project because the applicant is a victim of domestic violence, dating violence, or stalking. S. 1197 would require each public and Indian housing authority to complete housing strategies that include a description of the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking and how those needs will be addressed.

S. 1197 also would amend and reauthorize Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13075) to provide funding of \$40 million for each of fiscal years 2006 through 2010 for the existing program of transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, and stalking. S. 1197 would require applicants for funds under this section to submit an application to the Secretary of HHS.

Title VII (S. 1197) — Providing Economic Security for Victims of Violence. S. 1197 would amend Subtitle N of the Violence Against Women Act of 1994 to add **Subtitle O — National Clearinghouse and Resource Center; Section 41501. Grant for National Clearinghouse and Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Violence.** S. 1197 would require the Attorney General, acting through the Director of VAWO, to award a grant to an eligible nonprofit nongovernmental entity or tribal organization for establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The bill would provide that information and assistance be given to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence to help their efforts to develop and implement appropriate responses to such violence.

S. 1197 would provide that applications include certain information, and would allow an entity or organization receiving a grant under this section to use the funds for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence. These responses may include providing training to promote a better understanding of appropriate workplace assistance to domestic or sexual violence victims; providing conferences and other educational opportunities; developing protocols and model workplace policies; providing employer-sponsored and labor organization-sponsored victim assistance and outreach counseling; and conducting assessments of the workplace costs of domestic or sexual violence. S. 1197 would authorize funding of \$1 million for each of fiscal years 2006 through 2010 for these grants, and would provide for funds appropriated under this section to remain available until expended.

Title X — DNA Fingerprinting (S. 1197).²¹ The DNA Fingerprinting Act of 2005 (Title X of S. 1197) would make several changes to current law. Among other provisions, the act would authorize federal authorities to take DNA samples from larger categories of individuals, including those who are arrested and detained, and include the DNA analysis in the Federal Bureau of Investigation's Combined DNA Index System (CODIS). The act, however, requires the Director of the FBI to expunge from CODIS the DNA analysis of certain arrestees. These arrestees include those for whom the Attorney General receives a certified copy of a final court order that establishes that no charge was filed within the applicable time period or that the charge has been dismissed or has resulted in an acquittal. The House passed a similar measure on September 14, 2005 (see Title II of the Children's Safety Act of 2005, H.R. 3132).

FY2006 Funding for Violence Against Women Programs

Department of Justice Programs. On November 22, 2005, President Bush signed the Departments of State, Justice, and Commerce, and Related Agencies Appropriations Act, FY2006 [P.L. 109-108 (H.R. 2862)]. On November 9 and 18, 2005, respectively, both the House and Senate had adopted the conference report (H.Rept. 109-272) accompanying H.R. 2862. P.L. 109-108 provides \$386.5 million for VAWA programs administered by the DOJ, compared with the President's request of \$386.05 million and to FY2005 funding of \$382.10 million. FY2006 funding for STOP grants is \$187.31 million, a \$2.72 million increase above the FY2005 level. Transitional housing assistance is funded as a set-aside from STOP grants as in FY2005; however, the amount of the FY2006 set-aside is \$15 million, compared with the FY2005 set-aside of \$12.3 million. Some other VAWA programs also received small increases in funding for FY2006. (See **Table 3**.)

On September 15, 2005, the Senate passed H.R. 2862, the Department of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006

²¹ This section was prepared by Lisa Seghetti, Analyst in Social Legislation, at CRS. For more information, see CRS Report RL32247, *DNA Testing for Law Enforcement: Legislative Issues for Congress*, by Lisa Seghetti.

(CJS Appropriations Act), which would have provided FY2006 funding of \$386.04 million for DOJ VAWA programs, \$4 million less than FY2005 funding. The Senate-passed bill would have provided \$363 million for programs administered by VAWO and \$23.04 million for programs administered by the Office of Justice Programs (OJP). According to Senate Appropriations Committee report language, because OJP administers some programs for which VAWO previously had received appropriations, the Committee transferred the appropriations for these programs to OJP, which is now the administering agency. These programs include Court Appointed Special Advocate, Child Abuse Training for Judicial Personnel, Televised Testimony, Stalking and Domestic Violence Databases, and Training Programs to Assist Probation and Parole Officers.

On June 10, 2005, the House passed the CJS Appropriations Act (H.R. 2862), which would have provided \$387.5 million for VAWA programs administered by DOJ, \$5.4 million above FY2005 funding. H.R. 3010 and H.R. 2862 would have provided total FY2006 funding of \$516.49 million for VAWA programs, compared to President Bush's total request of \$515 million. H.R. 2862 would have provided FY2006 funding for STOP grants at the same FY2005 level of \$187.31 million. H.R. 2862, however, would have provided that \$15 million of STOP grant funding be set aside for transitional housing assistance. In FY2005, the set aside from STOP grant funding for transitional housing assistance was \$12.30 million. Although funding for training programs for probation and parole officers who work with released sex offenders was not authorized in VAWA 2000, the program was funded for each of FY2001-FY2005. H.R. 2862 does not provide FY2006 funding for this program.

Department of Health and Human Services Programs. On November 17, 2005, the House rejected, by a vote of 229-224, a conference agreement (H.Rept. 109-300) on H.R. 3010, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Labor — HHS-Ed Act). Apparently, opposition to H.R. 3010 was unrelated to VAWA issues. On November 18, 2005, the Senate requested another conference. This bill contained FY2006 funding of \$129 million for VAWA programs administered by HHS — \$126 million for the battered women's shelters program and \$3 million for the national domestic violence hotline. These are the same amounts approved individually by the Senate on October 27, 2005, and the House on June 24, 2005. In the absence of an enacted FY2006 appropriations bill for HHS, these and other HHS programs are funded at FY2005 levels under a continuing resolution in effect through December 17, 2005.

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

VAWA 2000 Historical Funding

Actual appropriations for VAWA programs tend to be less than the amounts authorized in the bill. VAWA 2000 authorized \$3.2 billion for VAWA grant programs from FY2001-FY2005: \$667.5 million for FY2001, \$642.3 million for FY2002, \$627.3 million for FY2003 and FY2004, \$626.8 million for FY2005. (See

Table 2.) Appropriations for VAWA programs in FY1996-FY2001 are shown in **Table 1.**

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

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

FY2004. The Consolidated Appropriations Act for FY2004 became law on January 23, 2004 (P.L. 108-199, H.R. 2673). Congress appropriated total FY2004 funding of \$517 million for VAWA programs. This compared to President Bush’s total request of \$512.4 million for VAWA grant programs. For VAWA programs that were administered by DOJ, Congress provided \$387.6 million. For domestic violence programs that were administered by HHS, the conference agreement provided \$129.4 million, of which \$126.4 million would be for Grants for Battered Women’s Shelters and \$3 million for the National Domestic Violence Hotline. (Note: these amounts were subject to a 0.59% across-the-board rescission included in the act.) Congress also appropriated \$15 million for the transitional housing assistance grants program as a separate line-item.

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

The Senate Appropriations Committee (S. 1585; S.Rept. 108-144) for FY2004 recommended \$406 million for Violence Against Women Act programs, of which \$185 million would have been for general formula grants to states. This funding

would have been used to establish effective arrest and prosecution policies to prevent, identify, and respond to violent crimes against women, to address stalking, and to offer needed victims services such as specialized domestic violence court advocates who obtain protection orders. Recommended funding would have supported two programs in Alaska — \$950,000 for a domestic violence protection unit and \$500,000 for the standing together against rape program.

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

For FY2004, President Bush requested a total of \$512.40 million for VAWA programs, with \$385.40 million for programs administered by DOJ and \$127 million for programs administered by HHS. The President's budget for FY2004 requested funding below levels authorized for these programs. As in FY2003, there was no funding request for federal victims counselors or the domestic violence task force. The Administration requested funding for the safe havens for children pilot program, which was not authorized for FY2004. The FY2004 funding request for VAWA grants for battered women's shelters, administered by HHS, was \$124.42 million, which was \$2.81 million less than the appropriation for FY2004. Authorized funding for this program in FY2004 was \$175 million.

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

FY2002. In FY2002, funding appropriated for VAWA programs totaled \$517.22 million — VAWA programs administered by DOJ received a total of \$390.60 million, while VAWA programs under HHS received \$126.62 million. Within HHS, the President requested funding for programs at FY2001 appropriations levels, and did not request monies for the transitional housing grant program created

in VAWA 2000. The President also requested \$44 million for rape prevention and education grants; however, these grants were not specified by name in the Labor, Health and Human Services, and Education Appropriations Act of FY2002. Rather, the Administration proposed that funding for these grants be included as part of injury prevention grants. Congress provided \$149.8 million for injury prevention grants.

FY2001. For FY2001, the President requested \$481 million and Congress appropriated \$407.1 million for VAWA programs, however, funding for VAWA programs created in the original act did not truly decrease from FY2000 appropriation levels. Grants to Prevent Sexual Abuse of Runaway and Homeless Youth were reauthorized in the Missing, Exploited, and Runway Children Protection Act (P.L. 106-71) and received appropriations of \$15 million, prior to the rescission, for FY2001. In addition, the Center for Disease Control received \$176 million for prevention grants such as rape education and prevention and community domestic violence programs, but the appropriations bill failed to specify amounts for the different programs. Assuming FY2001 funding levels for the prevention grants remained at FY2000 levels, funding for VAWA programs increased by almost \$20 million between FY2000 and FY2001.²² (The FY2000 amount enacted for VAWA programs was \$435.75 million, \$3 million less than the amount enacted for FY1999.²³) As the following tables show, not all of the programs enacted under VAWA have been funded continuously; some have received money for a brief period only, while others have never been funded.

²² The Center for Disease Control reports that these grants received \$45 million in FY2001.

²³ Consolidated Appropriations Act for FY2000 (P.L. 106-113) signed by President Clinton on Oct. 29, 1999. (See source note at end of table for complete *Congressional Record* citation.)

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

Program	Admin. Agency	FY1995 Enacted	FY1996 Enacted	FY1997 Enacted	FY1998 Enacted	FY1999 Enacted	FY2000 Enacted	FY2001 Enacted^a
Law Enforcement and Prosecution Grants (STOP Grants) (Section 40121)	OJP	26.00	130.00	145.00	172.00	206.75	206.75	209.72
Grants to Encourage Arrest Policies (Section 40231)	OJP	0.00	28.00	33.00	59.00	34.00	34.00	33.93
Rural Domestic Violence and Child Abuse Enforcement (Section 40295)	OJP	0.00	7.00	8.00	25.00	25.00	25.00	24.95
Court Appointed Special Advocates for Victims of Child Abuse (Section 40156a)	OJP	0.00	6.00	6.00	7.00	9.00	10.00	11.48
Training for Judicial Personnel and Practitioners for Victims of Child Abuse (Section 40156b)	OJP	0.00	0.75	1.00	2.00	2.00	2.00	1.95
Grants for Televised Testimony by Victims of Child Abuse (Section 40156c)	OJP	0.00	0.05	0.55	1.00	1.00	1.00	1.00
National Stalker and Domestic Violence Reduction Grants (Section 40602)	OJP	0.00	1.50	1.75	2.75	0.00	0.00	0.00
Training Programs for Probation and Parole Officers Who Work With Released Sex Offenders (Section 40152)	OJP	0.00	1.00	1.00	2.00	5.00	5.00	5.00
National Study on Campus Sexual Assault (Section 40506)	OJP	0.00	0.00	0.20	0.00	0.00	0.00	0.00
State Databases Studies (Section 40292)	OJP	0.00	0.20	0.00	0.00	0.00	0.00	0.00
Federal Victim Counselors (Section 40114)	USA	0.00	0.00	1.00	1.00	0.00	0.00	0.00
<i>Subtotal: Department of Justice</i>		26.00	174.50	197.50	270.75	282.75	283.75	288.03
Training Judges/Court Personnel (Section 40421-22)	N/A	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Subtotal: The Judiciary</i>		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Equal Justice for Women in Courts/Training Grants (Section 40411-14)	N/A	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Subtotal: State Justice Institute</i>		0.00	0.00	0.00	0.00	0.00	0.00	0.00
National Domestic Violence Hotline (Section 40211)	ACF	1.00	0.00	1.20	1.20	1.20	2.00	2.16

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

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

Abbreviations to table.

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

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

- The FY2001 Consolidated Appropriations Act (P.L. 106-554) contained a provision mandating a 0.22% government-wide rescission of discretionary budget authority for FY2001 for all government agencies (except for certain defense activities). The amounts appropriated for FY2001 in the table include the rescission.
- These grants were reauthorized through FY2003 by the Missing, Exploited, and Runway Children Protection Act (P.L. 106-71; S. 249/Hatch), which was signed into law on Oct. 12, 1999. Thus, these monies are not included in the total of VAWA funds for FY2001.
- For this program, VAWA 2000 authorized \$25 million for FY2001 only.
- These grants were not specified by name in the appropriations bill. In H.R. 4577, however, the CDC was allocated \$175.97 million for injury prevention grants which would include these programs. The House Appropriations Committee report mentioned that \$45 million should be appropriated for rape prevention grants, however, this language was not included in the bill.

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

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

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

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

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

List of Abbreviations

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

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

- a. The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (the PROTECT ACT (P.L. 108-21)) authorized to be appropriated \$30 million each FY2004 through FY2008 for the transitional housing assistance program under DOJ.
- b. Under provisions of The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) the National Domestic Violence Hotline was reauthorized at \$3.5 million for each FY2004 through FY2008.
- c. Under provisions of the Keeping Children and Families Safe Act of 2003, the Grants for Battered Women's Shelters program was reauthorized at \$175 million for each FY2004 through FY2008.
- d. The Keeping Children and Families Safe Act of 2003 amended provisions of the Family Prevention and Services Act by authorizing \$25 million each FY2003 through FY2008 for this program.
- e. Total funding includes the following programs administered by HHS that were reauthorized under the Keeping Children and Families Safe Act of 2003 — \$3.5 million for the National Domestic Violence Hotline and \$25 million for the transitional housing assistance program. In addition, total funding includes \$30 million that the PROTECT ACT authorized for the transitional housing assistance program under DOJ.

Table 3. Summary of Violence Against Women Act Funding
(\$ in millions)

Program and Administrative Agency	Authoriz. FY2005	FY2005 Enacted ^a	FY2006 Request	FY2006 House Bill	FY2006 Senate Bill	FY2006 Conf. Rept
Departments of State, Justice, and Commerce, and Related Agencies Appropriations Act, FY2006^b (P.L. 109-108 (H.R. 2862))						
Law Enforcement and Prosecution (STOP) Grants (Section 1102-1103) (VAWO)	\$185.00	\$184.59	\$187.31	\$187.31	\$187.31	\$187.31
Grants to Encourage Arrest Policies (Section 1104) (VAWO)	65.00	62.64	62.66	63.49	62.66	63.08
Rural Domestic Violence and Child Abuse Enforcement (Section 1105) (VAWO)	40.00	39.16	39.17	39.69	39.17	39.17
Court Appointed Special Advocates for Victims of Child Abuse (Section 1302) (OJP)	12.00	11.74	11.85	11.90	11.85	11.89
Training for Judicial Personnel and Practitioners for Victims of Child Abuse (Section 1302) (OJP)	2.30	1.90	2.29	1.93	2.29	2.29
Grants for Televised Testimony by Victims of Child Abuse (Section 1302) (OJP)	1.00	.97	.99	.98	.99	.98
National Stalker and Domestic Violence Reduction Grants (Section 1106) (OJP)	3.00	2.91	2.96	2.95	2.96	2.96
Training Programs for Probation and Parole Officers Who Work With Released Sex Offenders (Section not included in VAWA 2000) (OJP)	— ^c	4.35	4.96	4.42	4.96	4.96
Grants to Reduce Crimes Against Women on Campus (Section 1108) (VAWO)	— ^d	9.05	9.05	9.18	9.05	9.05
Training Programs for Law Enforcement Officers on Elder Abuse, Neglect, and Exploitation of Older and Disabled Individuals (Section 1209) (VAWO)	5.00	4.54	4.54	4.60	4.54	4.54
Civil and Legal Assistance for Victims of Violence (Section 1201) (VAWO)	40.00	39.21	39.22	39.74	39.22	39.22
Safe Havens for Children Pilot Program (Section 1301) (VAWO)	0.00	13.39	13.89	14.08	13.89	13.89
Grants to Decrease Violence Against Women with Disabilities (Section 1402) (VAWO)	7.50	7.15	7.16	7.25	7.16	7.16
Training Programs for Medical Personnel who Perform Sexual Assault Forensic Exams (Section 1405) (OJP)	0.00	0.00	0.00	0.00	0.00	0.00
Report on Parental Kidnaping (Section 1303) (OJP)	0.00	0.00	0.00	0.00	0.00	0.00
Domestic Violence Task Force (Section 1407) (OJP)	0.00	0.00	0.00	0.00	0.00	0.00
Federal Victim Counselors (Section 1205)	1.00	0.00	0.00	0.00	0.00	0.00
Transitional Housing Assistance Grants for Child Victims of Domestic Violence, Stalking, or Sexual Assault ^{e f} (VAWO)	30.00 ^e	(12.30)	(15.00)	(15.00)	(15.00)	(15.00)
<i>Subtotal: Department of Justice</i>	391.80	382.10	386.05	387.50	386.04	386.50

Program and Administrative Agency	Authoriz. FY2005	FY2005 Enacted ^a	FY2006 Request	FY2006 House Bill	FY2006 Senate Bill	FY2006 Conf. Rept
Equal Justice for Women in Courts/Training Grants (Section 1406(a)) (N/A)	1.50	0.00	0.00	0.00	0.00	0.00
<i>Subtotal: State Justice Institute</i>	1.50	0.00	0.00	0.00	0.00	0.00
Departments of Transportation, Treasury and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Appropriations (H.R. 3058; H.Rept. 109-307)^s						
Training Judges/Court Personnel (Section 1406(b)) (N/A)	.50	0.00	0.00	0.00	0.00	0.00
<i>Subtotal: The Judiciary</i>	.50	0.00	0.00	0.00	0.00	0.00
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (H.R. 3010; H.Rept. 109-300)^h						
National Domestic Violence Hotline (Section 1204) ⁱ (ACF)	3.50	3.22	3.00	3.00	3.00	3.00
Grants for Battered Women's Shelters (Section 1202) ^j (ACF)	175.00	126.63	125.99	125.99	125.99	126.00
Transitional Housing for Victims of Domestic Violence (Section 1203 of VAWA) ^f (ACF)	25.00	0.00	0.00	0.00	0.00	0.00
Rape Prevention and Education Grants (Section 1402) ^k (CDC)	80.00	^l	^m	^k	^k	^k
Community Initiative Programs on Domestic Violence (Section 1403) ^k (CDC)	6.00	^l	^m	^k	^k	^k
<i>Subtotal: Department of Health and Human Services</i>	289.50	129.85	128.99	128.99	128.99	129.00
Grand total	\$683.30 ⁿ	\$511.95	\$515.04	\$516.49	\$515.03	\$515.50

Sources: Violence Against Women Act of 2000 (P.L. 106-386) as signed by the President on Oct. 28, 2000. For FY2005 budget request, see *Budget of the United States Government: Appendix* under named agencies. The Consolidated Appropriations Act, FY2005 (P.L. 108-447), which includes appropriations for Commerce, Justice, State and Labor, Health and Human Services, and Education, became law on Dec. 08, 2004. P.L. 109-108 (H.R. 2862), the Departments of Commerce, Justice, Science and Related Agencies Appropriations Act, 2006, which President Bush signed on Nov. 22, 2005; H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2006, as reported by the Senate on July 14, 2005 and H.R. 3010, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Bill, 2006, as passed by the House on June 24, 2005.

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

Abbreviations to table

In DOJ: USA: United States Attorneys; OJP: Office of Justice Programs; VAWO: Office on Violence Against Women
In HHS: ACF: Administration for Children and Families; CDC: Centers for Disease Control and Prevention

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- a. These funding amounts reflect the rescission reductions of 0.80% for some FY2005 discretionary appropriations, which include VAWA funding as well as a 0.54% cut in Commerce-Justice-State discretionary appropriations for FY2005 that affects funding for VAWA programs administered by DOJ.
- b. On November 22, 2005, President Bush signed the Departments of State, Justice, and Commerce and Related Agencies Appropriations Act, 2006 (P.L. 109-108 (H.R. 2862)); the conference report accompanying H.R. 2862 is H.Rept. 109-272.
- c. VAWA 2000 did not reauthorize training programs for probation and parole officers who work with released sex offenders.
- d. VAWA 2000 authorized “such sums as may be necessary” for grants to reduce crimes against women on campuses.
- e. Administered by VAWO as provided in Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (the PROTECT ACT), Title VI, Sec. 611, Transitional Housing Assistance Grants for Child Victims of Domestic Violence, Stalking, or Sexual Assault (P.L. 108-21, Apr. 30, 2003; 117 Stat. 693). For each of FY2004 through FY2008, the act authorized \$30 million to be appropriated for the transitional housing assistance program under DOJ. For FY2005, Congress appropriated \$12.3 million as a set-aside under the VAWA STOP Formula Grants program. The President proposes \$15 million for transitional housing as a set-aside under the VAWA STOP Formula Grants Program for FY2005, and House and Senate appropriations bills would fund the program in this way. This account was a separate line-item in the FY2004 Consolidated Appropriations Act.
- f. The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) amended provisions of the Family Violence Prevention and Services Act by extending the authorization for the transitional housing assistance program administered by HHS. For the program, the act authorized funding of \$25 million for each of FY2003 through FY2008. No appropriation has been made or requested under this authority.
- g. Both the House and Senate adopted the conference report (H.Rept. 109-307) accompanying H.R. 3058, on Nov. 18 and 21, 2005, respectively.
- h. On Nov. 17, 2005, the House failed to adopt H.Rept. 109-300 accompanying H.R. 3010; on Nov. 18, 2005, the Senate requested another conference on the bill.
- i. Under provisions of The Keeping Children and Families Safe Act of 2003 (P.L. 108-36) the National Domestic Violence Hotline was reauthorized at \$3.5 million for each FY2004 through FY2008.
- j. Under provisions of the Keeping Children and Families Safe Act of 2003, the Grants for Battered Women’s Shelters program was reauthorized at \$175 million for each FY2004 through FY2008.
- k. Grants for rape prevention and education and community programs on domestic violence have not been given a separate line number in either the House or Senate Appropriations proposals for FY2006. Amounts, however, could be provided for these activities from other Centers for Disease Control accounts (see Footnote 1).
- l. Within the Center for Disease Control’s Environmental Health and Injury Prevention account, the Consolidated Appropriations Act, FY2005 provides \$1 million to expand rape prevention and education activities, including funding for the National Resource Center on Sexual Assault at the statutory maximum. Grants for rape prevention and education and community programs on domestic violence were not given a separate line item in the Consolidated Appropriations Act, FY2005, or the President’s budget. CDC allocated FY2005 funding of \$44 million for Rape Prevention and Education Grants and \$5.3 million for Community Programs on Domestic Violence. These funding amounts are not included in the FY2005 Grand Total of this table.
- m. There is no separate line item in the President’s FY2006 budget for Rape Prevention and Education grants and Community Initiative Programs on Domestic Violence.
- n. This total of authorized funding also includes \$30 million that was authorized by the PROTECT ACT (P.L. 108-21).