

The 2022 Violence Against Women Act (VAWA) Reauthorization

May 22, 2023

Congressional Research Service

<https://crsreports.congress.gov>

R47570



R47570

May 22, 2023

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The 2022 Violence Against Women Act (VAWA) Reauthorization

The Violence Against Women Act (VAWA) was originally enacted in 1994 as Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). It addressed congressional concerns about violent crime, and violence against women in particular, in several ways. The act authorized grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women, with a focus on domestic and dating violence, sexual assault, stalking, and sex trafficking, as well as allowing for enhanced sentencing of repeat federal sex offenders and mandating restitution to victims of specified federal sex offenses. The majority of the grant programs authorized by VAWA are administered by the Office on Violence Against Women (OVW).

VAWA has been reauthorized four times since its original enactment; most recently, Congress passed and President Biden signed the Violence Against Women Act Reauthorization Act of 2022 in Division W of the Consolidated Appropriations Act of 2022 (VAWA 2022; P.L. 117-103). VAWA 2022 reauthorized most of the programs under VAWA, including the two large formula grant programs: the STOP (Services, Training Officers, and Prosecutors) Violence Against Women Formula Grant Program and the Sexual Assault Services Program (SASP). VAWA 2022 also authorized new programs such as those to address the availability of Sexual Assault Forensic Exams and the backlog of untested sexual assault kits (SAKs), and included provisions to address cybercrime and the nonconsensual dissemination of intimate pictures, new violence prevention efforts, and programs that focus on restorative and trauma-informed practices. VAWA 2022 further expanded tribal criminal jurisdiction over non-Indian offenders to include Alaskan Native Villages and additional offenses. It also added Native Hawaiians as eligible recipients of VAWA grant programs for which they were previously ineligible such as the Grants for Outreach and Services to Underserved Populations.

Congress may consider several policy options for future actions concerning VAWA-related offenses. Congress could conduct more oversight into the programs that are already funded under VAWA to help ensure they are fulfilling their intended purposes and providing adequate support to victims. It may also consider programs, previously included in a VAWA reauthorization bill that passed the House in 2021 and referred to the Senate Committee on the Judiciary (H.R. 1620, 116th Congress), to provide unemployment compensation for victims of VAWA-related offenses who are out of work as a result of their victimization, to define a National VAWA Victims Relocation Pool voucher, or to expand the definition of a vulnerable person in the context of women in federal custody to include those identifying as lesbian, gay, bisexual, transgender, or intersex.

Congress may also consider VAWA-related violence prevention programs or interventions to address recidivism. The shortfalls of legal responses and the need for a change in attitudes toward violence against women were the primary reasons cited for the original passage of VAWA in 1994. Since then the majority of grants funded under VAWA have generally addressed the victims' and justice system needs in response to violence that has already occurred rather than prevention of VAWA-related offenses. Congress may consider shifting greater attention or grant funding toward programs aligned with the goals of violence prevention and changing attitudes about gendered violence. Congress may also consider funding research to further develop effective intervention programs that focus on offenders. Statistics from the Bureau of Justice Statistics (BJS) indicated that in 2021, 34% of female murder/non-negligent manslaughter victims were killed by an intimate partner, and this was the most common victim-offender relationship among female victims. Based on these and similar data, Congress may also consider increasing funding for intimate partner violence lethality prevention programs.

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This report provides an overview of the crimes addressed under VAWA, the types of grant programs authorized under the act, and some notable changes made in VAWA 2022. It concludes with a discussion of relevant policy issues that Congress might consider.

Categories of Crime Addressed in VAWA

The crimes generally addressed under VAWA (sometimes referred to as VAWA-related offenses) are domestic violence, sexual assault, dating violence, and stalking, although some VAWA programs address additional crimes. The Violence Against Women Reauthorization Act of 2013 (VAWA 2013; P.L. 113-4) amended VAWA grant purpose areas to include sex trafficking.

VAWA grant programs largely address responses from the criminal justice system and the broader community to the offenses described below. Certain programs focus on preventing these offenses as well. Public concern over violence against women prompted the original passage and enactment of VAWA. Although anyone can be a victim of a VAWA offense, the risk of victimization is typically higher for women, and as a result, they have been historically emphasized in VAWA legislation and programs.² More recently, however, there has been a focus on ensuring that the needs of all victims of VAWA-related offenses are met through provisions of VAWA programs.

A Note on the VAWA Non-discrimination Clause

VAWA 2013 (P.L. 113-4) added a civil rights provision applicable to all VAWA grant programs that prohibits discrimination on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in VAWA programs while including a specific exception for sex segregation or sex-specific programming that is “necessary to the essential operation of a program.”³

Domestic Violence

Domestic violence is a label applied to abusive behaviors used by one person to intimidate and gain power and control over another person in the context of a family or intimate partner

¹ Although U.S. code headings and general purpose areas may refer to “violent crimes against women,” most grant purpose areas are not specific to women.

² National Institutes of Health (NIH), Centers for Disease Control and Prevention (CDC), *National Intimate Partner and Sexual Violence Survey 2016/2017*, https://www.cdc.gov/violenceprevention/datasources/nisvs/summaryreports.html#anchor_1535031475856.

³ 34 U.S.C. §12291(b)(13)(B).

relationship.⁴ As such, domestic or intimate partner violence can include many different types of behaviors or threats of actions including physical, sexual, emotional, economic, psychological, or technological abuse.⁵

OVW provides the following examples of abusive behavior:

Physical Abuse: Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

Sexual Abuse: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

Emotional Abuse: Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

Economic Abuse: Controlling or restraining a person's ability to acquire, use, or maintain economic resources to which they are entitled. This includes using coercion, fraud, or manipulation to restrict a person's access to money, assets, credit, or financial information; unfairly using a person's personal economic resources, including money, assets, and credit, or exerting undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Psychological Abuse: Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Technological Abuse: An act or pattern of behavior that is intended to harm, threaten, control, stalk, harass, impersonate, exploit, extort, or monitor another person that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.⁶

As defined in statute for the purposes of VAWA grant programs, *domestic violence* includes

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

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

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

⁴ National Coalition Against Domestic Violence, "What is Domestic Violence," <https://ncadv.org/learn-more>.

⁵ U.S. Department of Justice (DOJ), OVW, "Domestic Violence," <https://www.justice.gov/ovw/domestic-violence>.

⁶ Ibid.

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

(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.⁷

Sexual Assault

Sexual assault may include the crimes of rape, attempted rape, assault with intent to rape, statutory rape,⁸ and other sexual offenses. *Intimate partner violence* can, and often does, include sexual assault.⁹ Sexual assault is termed *sexual abuse* and *aggravated sexual abuse* under federal criminal law.¹⁰

As defined in statute for purposes of VAWA grant programs, *sexual assault* includes

any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.¹¹

Dating Violence

As defined in statute for purposes of VAWA grant programs, *dating violence* includes

violence committed by a person—

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

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

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.¹²

Stalking

As defined in statute for purposes of VAWA grant programs, *stalking* includes

engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

(B) suffer substantial emotional distress.¹³

⁷ 34 U.S.C. §12291(a)(12). The Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) revised the definition of *domestic violence* specifically to include “intimate partners” in addition to “current and former spouses.”

⁸ *Statutory rape* refers to nonforcible sexual intercourse with or between individuals, at least one of whom is younger than the age of consent. Federal law defines sexual abuse of a minor in 18 U.S.C. §2243, and each state has its own defined age of consent.

⁹ NIH, CDC, *National Intimate Partner and Sexual Violence Survey 2016/2017*, https://www.cdc.gov/violenceprevention/datasources/nisvs/summaryreports.html#anchor_1535031475856.

¹⁰ See 18 U.S.C. §2241 et seq.

¹¹ 34 U.S.C. §12291(a)(35).

¹² 34 U.S.C. §12291(a)(11).

¹³ 34 U.S.C. §12291(a)(36).

Sex Trafficking

As defined in statute for purposes of VAWA grant programs, *sex trafficking* includes

any conduct proscribed by section 1591 of title 18, whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.¹⁴

Additional Terms Defined Under VAWA

Other crimes related to intimate partner or family violence defined for the purposes of VAWA grant programs include the following:

Elder abuse: any action against a person who is 50 years of age or older that constitutes the willful—(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or (B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.¹⁵

Abuse later in life: neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and does not include self-neglect.¹⁶

Child abuse and neglect: any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm to an unemancipated minor. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.¹⁷

Child maltreatment: the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.¹⁸

Economic abuse: behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—(A) restrict a person's access to money, assets, credit, or financial information; (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.¹⁹

Forced Marriage: a marriage to which 1 or both parties do not or cannot consent, and in which 1 or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault or stalking.²⁰

¹⁴ 34 U.S.C. §12291(a)(34).

¹⁵ 34 U.S.C. §12291(a)(14).

¹⁶ 34 U.S.C. §12291(a)(1).

¹⁷ 34 U.S.C. §12291(a)(3).

¹⁸ 34 U.S.C. §12291(a)(4).

¹⁹ 34 U.S.C. §12291(a)(13).

²⁰ 34 U.S.C. §12291(a)(16).

Technological abuse: an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.²¹

Federal Programs Authorized by VAWA

There are dozens of programs authorized under VAWA, including formula grant programs, discretionary grant programs, and grant programs funded via set-asides from one or more appropriations (see **Table 1** for a list of VAWA programs and appropriations for FY2019-FY2023). This section provides background on grant programs authorized under VAWA and administered by OVW. The discussion is split into two parts: the first section will summarize the formula grant programs authorized by VAWA and the second section will discuss the discretionary grant programs.

Table 1. Appropriations and Set-Asides for VAWA Programs, FY2019-FY2023
(dollars in millions)

Office and Program	FY2019 Enacted Approps. and Set- Asides	FY2020 Enacted Approps. and Set- Asides	FY2021 Enacted Approps. and Set- Asides	FY2022 Enacted Approps. and Set- Asides	FY2023 Enacted Approps. and Set- Asides
Office on Violence Against Women (OVW)					
STOP (Services, Training Officers, and Prosecutors) Violence Against Women Formula Grant Program	\$215.00	\$215.00	\$215.00	\$217.00	\$255.00
<i>Survivor's Bill of Rights</i>					(\$10.00)
<i>State and Territorial Sexual Assault and Domestic Violence Coalitions Program</i>	(\$10.75)	(\$10.75)	(\$10.75)	(\$10.85)	(\$12.75)
Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program	\$36.00	\$37.00	\$40.00	\$43.00	\$50.00
Grants to Improve the Criminal Justice Response	\$53.00	\$53.00	\$53.00	\$55.00	\$60.50
<i>Domestic Violence Homicide Reduction Initiative</i>	(\$4.00)	(\$4.00)	(\$4.00)	(\$4.00)	(\$4.00)
<i>Domestic Violence Lethality Reduction Initiative</i>				(\$4.00)	(\$4.00)
<i>Prosecution and Investigation of Online Harassment and Abuse</i>					(\$1.00)
<i>Policing and Prosecution Initiative</i>					(\$8.00)
Grants to Support Families in the Justice System	\$16.00	\$17.00	\$18.00	\$20.00	\$22.00
Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance	\$42.00	\$43.50	\$45.00	\$48.00	\$50.00

²¹ 34 U.S.C. §12291(a)(40).

Consolidated Youth Oriented Program	\$11.00	\$11.50	\$12.00	\$15.00	\$17.00
Engage Men and Boys in Preventing Domestic Violence, Dating Violence, Sexual Assault, and Stalking				(\$3.00)	(\$3.50)
Civil Legal Assistance for Victims Grant Program	\$45.00	\$46.00	\$47.00	\$50.00	\$55.00
Grants for Training and Services to End Violence Against Individuals with Disabilities and Deaf People	\$6.00	\$6.00	\$6.50	\$7.50	\$12.00
Training and Services to End Abuse in Later Life Program	\$5.00	\$5.00	\$5.50	\$7.50	\$9.00
Sexual Assault Services Program (SASP)	\$37.50	\$38.00	\$41.00	\$54.00	\$78.50
SASP Culturally Specific Services	(\$3.75)	(\$3.80)	(\$4.10)	(\$5.40)	(\$7.85)
Tribal SASP	(\$3.75)	(\$3.80)	(\$4.10)	(\$5.40)	(\$7.85)
SASP State Coalitions	(\$3.38)	(\$3.42)	(\$3.69)	(\$4.86)	(\$7.07)
SASP Tribal Coalitions	(\$0.38)	(\$0.38)	(\$0.41)	(\$0.54)	(\$0.79)
Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program	\$20.00	\$20.00	\$20.00	\$22.00	\$25.00
Grants to Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities				(\$11.00)	(\$12.50)
Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction	\$4.00	\$4.00	\$4.00	\$5.50	\$11.00
Research and Evaluation on Violence Against Women	\$3.00	\$2.50	\$2.50	\$2.50	\$2.50
Rape Survivor Child Custody Act ^a	\$1.50	\$1.50	\$1.50	\$1.50	\$2.50
Research on Violence Against Indian Women	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
National Indian Country Clearinghouse on Sexual Assault	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
National Resource Center on Workplace Responses	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
Grants to Support Restorative Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking				\$11.00	\$15.00
Outreach for Underserved Populations					\$5.00
Culturally Specific Services				\$10.00	\$11.00
Grant to Support Cross-Designation of Tribal Prosecutors (also known as TSAUSA)				\$3.00	\$3.00
Technical Assistance to Support Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking					\$1.00
National Deaf Services Line					\$2.00
Financial Assistance to Victims					\$4.00
Trauma-Informed, Victim-Centered Training for Law Enforcement					\$5.00
Pilot Program to Improve Victim Services on College Campuses					\$1.50
Multi-account Set-Asides					
Tribal Governments Program	(\$40.45)	(\$40.92)	(\$41.59)	(\$43.30)	(\$49.30)

Tribal Domestic Violence and Sexual Assault Coalitions Grant Program	(\$6.49)	(\$6.49)	(\$6.49)	(\$6.63)	(\$7.58)
Grants to Enhance Culturally Specific Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking	(\$7.55)	(\$7.68)	(\$7.85)	(\$8.40)	(\$15.38)
Grants for Outreach and Services to Underserved Populations	(\$5.36)	(\$5.36)	(\$5.36)	(\$5.44)	(\$6.31)
Total OVW	\$497.50	\$502.50	\$513.50	\$575.00	\$700.00
(Total OVW Set-Asides)	(\$85.85)	(\$86.59)	(\$88.34)	(\$94.82)	(\$118.88)
Office of Justice Programs					
Court Appointed Special Advocates for Victims of Child Abuse	\$12.00	\$12.00	\$12.50	\$14.00	\$15.00
Centers for Disease Control and Prevention					
Rape Prevention and Education Grants ^b	\$49.43	\$54.43	\$52.75	\$56.75	\$61.75
Total VAWA	\$558.93	\$568.93	\$578.75	\$645.75	\$776.75

Sources: FY2019 enacted amounts were taken from H.Rept. 116-9. FY2020 enacted amounts were taken from P.L. 116-93. FY2021 enacted amounts were taken from H.Rept. 116-455. FY2022 enacted amounts were taken from P.L. 117-103. FY2023 enacted amounts were taken from P.L. 117-328. Set-aside amounts were provided by OVW.

Notes: Numbers in parentheses are set-asides and are not included in the office or agency total amounts. Set-asides are listed under the accounts from which they are drawn with the exception of those listed under the Multi-account Set-Asides heading, which includes those programs that draw funds from several different VAWA programs. From FY2015 to FY2023, Congress transferred funds from the Crime Victims Fund (CVF) to OVW to help fund VAWA programs at the levels shown in this table. For more information on these transfers and the CVF, see CRS Report R42672, *The Crime Victims Fund: Federal Support for Victims of Crime*.

- a. Under the Rape Survivor Child Custody Act, states are eligible to receive additional funds in their STOP and SASP formula grant awards if they meet the requirements of the act.
- b. The Rape Prevention and Education Grants were originally authorized in the Public Health Service Act (42 U.S.C. §280b et seq.) and have been repeatedly reauthorized in VAWA legislation.

Formula Grants

Formula grants are awarded to all eligible applicants (i.e., are noncompetitive) based on a specific formula.²² This means that as long as an entity is eligible based on the program's requirements and submits a satisfactory application, it will receive funding under a formula grant program. The two primary formula grant programs authorized in VAWA are the Services, Training Officers, and Prosecutors (STOP) grant program and Sexual Assault Services Program (SASP).²³ In addition to these larger formula grant programs, VAWA authorized the State and Territorial Sexual Assault and Domestic Violence Coalitions Program and the Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program, both of which are formula grants funded by set-asides from the larger SASP formula grant. The Centers for Disease Control and Prevention (CDC) administers the Rape Prevention and Education grant program, which is a formula grant

²² DOJ, Office of Justice Programs (OJP), *Grants 101*, <https://www.ojp.gov/funding/grants101/types-funding>. Many federal criminal justice-related formula grants, such as the Edward Byrne Memorial Justice Assistance Grant Program, base allocations to grantees on their share of the national population and violent crimes reported to the Federal Bureau of Investigation.

²³ DOJ, OVW, *Formula Grant Programs*, <https://www.justice.gov/ovw/page/file/1548266/download> (hereinafter, "OVW Formula Grant Programs").

originally authorized in the Public Health Service Act²⁴ that has been repeatedly reauthorized in VAWA legislation

STOP Grant Program

The eligible applicants for this program are the states, the U.S. territories, and Washington, DC. The overarching purpose of the grant program is to enhance “the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women.”²⁵ Grantees are required to allocate their funds as follows: 25% to law enforcement, 25% to prosecutors, 30% to victim services,²⁶ and 5% to state and local courts, with the remaining 15% left for “discretionary distribution.”²⁷

SASP Grant Program

The eligible applicants for this program are also the states, territories, and Washington, DC. These grants are intended to provide “direct intervention and related assistance for victims of sexual assault,” for example by supporting rape crisis centers.²⁸ There are four VAWA grant programs funded entirely from SASP set-asides: the SASP Culturally Specific Services program, the Tribal SASP program, the SASP State Coalitions, and the SASP Tribal Coalitions.²⁹

Discretionary Grant Programs

Discretionary programs are competitive grant programs, meaning grantees compete for limited funds and are chosen from a pool of eligible applicants based on a set of published criteria.³⁰ VAWA authorizes many competitive grant programs, such as the Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program. Many of these discretionary grants focus on addressing the needs of a specific population.

Some VAWA discretionary grant programs are focused on communities that present unique issues or where resources to address VAWA-related offenses may be limited. For instance, the Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program aims to serve victims of VAWA-related offenses who live in rural areas. The Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus Program aims to enhance the response to VAWA-related offenses at institutions of higher learning. A set-aside from this grant program provides funding to strengthen institutional responses to VAWA-offenses at Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal colleges and universities.

Other VAWA discretionary grant programs address certain demographic groups who may experience heightened rates of VAWA-related crime victimization, have specific vulnerabilities, or require additional or unique services. For instance, tribal government programs address “the ability of tribes to respond to violent crimes against Indian women, enhance victim safety, and

²⁴ 42 U.S.C. §280b et seq.

²⁵ OVW Formula Grant Programs.

²⁶ At least 10% of this must be allocated to culturally specific community based organizations.

²⁷ OVW Formula Grant Programs.

²⁸ OVW Formula Grant Programs.

²⁹ See 34 U.S.C. §12511(c-e).

³⁰ DOJ, OJP, *Grants 101*, <https://www.ojp.gov/funding/grants101/types-funding>.

develop education and prevention strategies.”³¹ There are also several VAWA programs and set-asides that focus on tribal communities and Native American victims of VAWA-related offenses. Additional programs address the specific needs of victims with disabilities or who are deaf and another focuses on older adults. There are also programs that focus on youth and teen dating violence, as well as programs that focus on engaging men and boys in preventing familial and intimate partner violence.

There are also discretionary grant programs authorized in VAWA that are broader in scope while still aiming to address the needs of specific communities. For example, VAWA authorizes a grant program for outreach to underserved populations that is meant to fund efforts to provide or improve both engagement with and services to one or more underserved populations.³² VAWA defines underserved populations as those “who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.”³³ This definition encompasses a wide-ranging set of demographic groups, which allows the applicant pool to include a diverse range of victim populations and needs.

Changes to VAWA in the 2022 Reauthorization

VAWA 2022 made several changes to existing programs, created new programs, and authorized new studies. This section summarizes some of these changes.

Native American, Alaska Native, and Native Hawaiian Communities

Prior VAWA reauthorizations expanded tribal criminal jurisdiction to include non-Indian offenders in cases of domestic and dating violence, sexual violence, and stalking against Indian victims (as well as the enforcement of certain protection orders) when the conduct occurs on tribal lands and when certain requirements to protect a non-Indian defendant’s constitutional rights in tribal courts are met.³⁴ VAWA 2022 added the following offenses to tribal criminal jurisdiction over non-Indian offenders: assault of tribal justice personnel, child violence,³⁵ obstruction of justice, and sex trafficking.

³¹ DOJ, OVW, *OVW Grants and Programs*, <https://www.justice.gov/ovw/grant-programs>.

³² DOJ, OVW, *Underserved Program*, <https://www.justice.gov/ovw/page/file/1548326/download>.

³³ 34 U.S.C. §12291(a)(46).

³⁴ After the 1978 Supreme Court decision in *Oliphant v. Suquamish Indian Tribe*, tribes did not have criminal jurisdiction over non-Indian offenders. VAWA 2013 authorized an expansion of jurisdiction for certain crimes regardless of Indian or non-Indian status. In order to exercise this jurisdiction, the tribal court must (among other things) guarantee the non-Indian defendant’s constitutional rights, including the right to due process and habeas corpus, and if imprisonment may be imposed, the right to a trial by an impartial jury that is both a fair cross section of the community and does not “systematically exclude any distinctive group in the community, including non-Indians”. For more information see CRS Report R47010, *Missing and Murdered Indigenous People (MMIP): Overview of Recent Research, Legislation, and Selected Issues for Congress*.

³⁵ Defined in 25 U.S.C. §1304 as “the use, threatened use, or attempted use of violence against a child proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.”

The prior expansion of tribal jurisdiction did not include Alaska Native Villages. VAWA 2022 established a pilot program to expand the special tribal criminal jurisdiction to include up to five Alaska Native Villages per calendar year.³⁶

For FY2022, \$5.50 million was appropriated in VAWA 2022 for the Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction program, and for FY2023 P.L. 117-328 increased the appropriation to \$11 million.

VAWA 2022 included Native Hawaiians for the first time as an eligible party for certain VAWA grants such as the Outreach and Services to Underserved Populations Grants. It also mandated that the Attorney General prepare a report no more than 180 days after the enactment of VAWA 2022 on the interaction of Native Hawaiians with the criminal justice system (including federal, state, and local systems) as well as a report on the federal funding received by Native Hawaiian-serving organizations for work related to crime prevention, victim services, and broader criminal justice purposes no more than 18 months after the enactment of VAWA 2022.

Sexual Assault Kits (SAKs), Sexual Assault Nurse Examiners (SANEs), Sexual Assault Forensic Exams (SAFEs), and Related Services

VAWA 2022 also included several provisions related to SAKs as well as SANE and SAFE programs and services. For example, one section of the reauthorization mandated that the Comptroller General of the United States submit a report to Congress on the “requirements and funding of States for forensic exams conducted after sexual assaults and any related medical expenses.” The Fairness for Rape Kit Backlog Survivors Act of 2022, included in VAWA 2022, amended the Victims of Crime Act of 1984 (P.L. 98-473) to provide waivers of application deadlines for crime victims who would otherwise be eligible for victim compensation but were delayed in filing as a result of DNA testing backlogs. VAWA 2022 authorized the Supporting Access to Nurse Exams Act (SANE Act), a grant program to establish regional SANE training programs to expand access to related services. To date, no funds have been appropriated for this program.

Cybercrime

The 2022 VAWA reauthorization also contained new provisions related to the dissemination of nonconsensual pornography (also called *revenge porn*). The reauthorization established a civil right of action (i.e., a basis for suing in court) for individuals who have an intimate image shared without their consent “in or affecting interstate or foreign commerce or using any means or facility of interstate or foreign commerce”³⁷ and “where such disclosure was made by a person who knows that, or recklessly disregards whether, the individual has not consented to such disclosure.”³⁸ The law also specified that the court may award damages and injunctive relief to order the defendant to stop distributing the image, while allowing the plaintiff to remain anonymous via the use of a pseudonym.

³⁶ Tribes or tribal organizations may also participate jointly in the pilot program. For more information, see <https://www.justice.gov/tribal/2013-and-2022-reauthorizations-violence-against-women-act-vawa#:~:text=VAWA%202022%20also%20includes%20provisions,the%20Village%20or%20otherwise%20within>.

³⁷ 15 U.S.C. §6851(b)(1)(A).

³⁸ 15 U.S.C. §6851(b)(1)(A).

Title XIV of the 2022 reauthorization also dealt with cybercrime enforcement. This title created a new grant program to help state, tribal, and local law enforcement address cybercrimes against individuals (i.e., crimes in which a computer is used by one person or persons to harm another individual or other individuals, for example through threats, harassment, stalking, extortion, coercion, intimidation, or distributing intimate images without consent). Title XIV authorized a grant to found the National Resource Center on Cybercrimes Against Individuals and mandated that the Attorney General develop a national strategy to address these types of crimes. To date, no funds have been specifically appropriated for these purposes.

Violence Prevention Initiatives

The 2022 reauthorization included changes meant to prevent and address violence. For example, the National Instant Criminal Background Check System (NICS) Denial Notification Act of 2022, which is included in Title XI of the reauthorization, required the Attorney General to issue a report to relevant state, local, or tribal law enforcement within 24 hours when someone attempts to purchase a firearm and is denied as a result of an NICS record.³⁹ Title XI also required the Attorney General to appoint special assistant U. S. attorneys in no fewer than 75 jurisdictions identified as having high rates of firearms violence (or threats of firearms violence) against intimate partners and lacking adequate local resources to address these concerns.

Title XII, or the Closing the Law Enforcement Loophole Act of 2022, changed U.S. Code to criminalize and establish penalties for any person who, while acting under the color of law, engages in a sexual act with someone who is in law enforcement custody. It also authorized a grant program to incentivize states to similarly criminalize such actions and prohibit the use of consent as a permissible defense. To date, no funds have been appropriated for this purpose.

Other aspects of the reauthorization that seek to prevent or address violence included an amendment to remove marriage as a defense to federal statutory rape charges; Bree’s Law, which included a new grant authorization and mandated a federal working group to address teen dating violence; and the Choose Respect Act, which established October 1 as “Choose Respect Day” and authorized OVW to conduct a national media campaign aimed at changing attitudes about violence against women, encouraging victims to seek help, and providing information about available resources for victims. To date, no funds have been appropriated for these purposes.

New Grant Programs to Address Victim Services

VAWA 2022 authorized several new grant programs related to victim services, many of which incentivized programs that address domestic violence, dating violence, sexual assault, or stalking by focusing on repairing the harm caused by the offense or aimed at addressing the needs of specific communities. For example, it authorized a new pilot program to develop and implement best practices for adopting restorative practices to “prevent or address”⁴⁰ VAWA-related offenses. In this context, restorative practices were defined as:

a practice relating to a specific harm that—

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

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

³⁹ For more information see, CRS Report R45970, *Gun Control: National Instant Criminal Background Check System (NICS) Operations and Related Legislation* and CRS In Focus IF12210, *Firearms Eligibility: Domestic Violence and Dating Partners*.

⁴⁰ 34 U.S.C. §12514(b)(1).

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

- (i) 1 or more individuals who committed the harm;
- (ii) 1 or more victims of the harm; and
- (iii) the community affected by the harm through 1 or more representatives of the community;

(D) shall include and has the goal of—

- (i) collectively seeking accountability from 1 or more individuals who committed the harm;
- (ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and
- (iii) developing a written course of action plan—

- (I) that is responsive to the needs of 1 or more victims of the harm; and
- (II) upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and

(E) is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.⁴¹

In FY2023, \$5 million was appropriated for the pilot program in P.L. 117-328.

A later section of VAWA 2022 authorized a new demonstration program on trauma-informed victim-centered training for law enforcement. This program will award competitive grants to implement policies or practices that

- (A) prevent re-traumatization of the victim;
- (B) ensure that covered individuals use evidence-based practices to respond to and investigate cases of domestic violence, dating violence, sexual assault, and stalking;
- (C) improve communication between victims and law enforcement officers in an effort to increase the likelihood of the successful investigation and prosecution of the reported crime in a manner that protects the victim to the greatest extent possible;
- (D) increase collaboration among stakeholders who are part of the coordinated community response to domestic violence, dating violence, sexual assault, and stalking; and
- (E) evaluate the effectiveness of the training process and content.⁴²

In FY2022, \$11 million was appropriated for this program in VAWA 2022, and in FY2023 the appropriation increased to \$15 million in P.L. 117-328.

The 2022 reauthorization also created a new program to address the needs of lesbian, gay, bisexual, and transgender (LGBT) victims of VAWA-related offenses. To date, no funds have been specifically appropriated for this purpose.

The reauthorization authorized a new grant program aimed at funding state and tribal court programs to develop electronic communication systems for serving protection orders. Title XV of the reauthorization, otherwise known as Kayden’s Law, authorized an increase in STOP grant

⁴¹ 34 U.S.C. §12291(a)(31).

⁴² 34 U.S.C. §12513(b)(1).

funding for states, localities, tribes, and territories that implement certain provisions related to child custody hearings involving child abuse and require certain standards for judicial training related to domestic and sexual violence as well as child abuse. To date, no funds have been appropriated for this purpose.

The reauthorization also defined female genital mutilation or female genital cutting (FGM/C)⁴³ for VAWA grant purposes and amended the purpose areas of three VAWA grant programs (STOP, Outreach and Services to Underserved Populations, and CHOOSE Children and Youth) to include responses to and prevention of FGM/C.

Going Forward

Congress may consider several actions to prevent VAWA-related offenses, improve the criminal justice system's response, and increase the availability of services for victims and survivors. For example, Congress may appropriate money toward the programs that were authorized in VAWA 2022 but not subsequently funded. Congress could consider funding the aforementioned SANE Act to establish regional SANE training programs, the authorized grants to address cybercrime, or the Closing the Law Enforcement Loophole Act of 2022.

Alternatively, Congress could conduct more oversight into the programs that are already funded under VAWA to help ensure they are fulfilling their intended purposes and providing adequate support to victims.⁴⁴ Presently, reporting requirements mandate a biennial report on VAWA programs' effectiveness.⁴⁵ These reports include information on the services and training provided, data on staff, victim demographics, and remaining areas of need. The reports also feature grantee perspectives in which funded organizations provide feedback on their specific experiences, accomplishments, and setbacks. Congress may consider conducting additional oversight, for example, to gain further information on program performance and areas of need.

Past Congresses have considered language to provide unemployment compensation for victims of VAWA-related offenses who are out of work as a result of these victimizations, to establish new relocation provisions for victims of VAWA-related offenses and create a National VAWA Victims Relocation Pool voucher, and to expand the definition of a *vulnerable person* in the context of women in federal custody to include those identifying as lesbian, gay, bisexual, transgender, or intersex. For example, H.R. 1620 (116th Congress), a VAWA reauthorization bill that was passed by the House in 2021, included language to support immigrants who are victims of domestic violence, including cases in which a victim's immigration status is dependent on their abuser. Specifically, it would have required the Secretary of Homeland Security to publish an interim final rule establishing a six-year pilot program allowing nonimmigrants authorized for employment under Section 106 of the Immigration and Nationality Act and their children to apply for lawful temporary status and travel authorization independent of the principal nonimmigrants to which their current status is or was tied. In the future, Congress may choose to re-examine any of these provisions.

Congress may also consider a number of issues surrounding prohibitions on firearms possession and matters of domestic violence, which are the subject of vigorous debate. For example, Congress may consider so-called red flag laws that allow law enforcement officers or family members to petition a court to have firearms removed from those who are a danger to themselves

⁴³ 34 U.S.C. §12291(a)(15).

⁴⁴ For more information on Congress's oversight role, see CRS Report RL30240, *Congressional Oversight Manual*.

⁴⁵ Violence Against Women Act Measuring Effectiveness Initiative, "2020 Biennial Report to Congress on the Effectiveness of Grant Programs Under the Violence Against Women Act," <https://www.vawamei.org/>.

or others. Congress may also choose to take further steps to restrict firearms sales and possession or it might continue to leave the decisions to the states.

The shortfalls of legal responses and the need for a change in attitudes toward violence against women were some of the primary reasons cited for the original passage of VAWA in 1994.⁴⁶ However, since then the majority of grants funded under VAWA have tended to address violence that has already occurred rather than working to change public attitudes or prevent violence in the first place. In 2017, CDC published a report on intimate partner violence prevention that highlighted six main strategies and related implementation approaches (see **Table 2**).⁴⁷ The VAWA programs that currently have such a prevention focus, like the Engage Men and Boys in Preventing Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program, are relatively small in the context of all VAWA grants (or, as in the case of Choose Respect Day, are not funded). In the future, Congress may consider providing more funding to prevention-focused programs.

Table 2. Preventing Intimate Partner Violence (IPV)

Strategy	Approach
Teach safe and healthy relationship skills	• Social-emotional learning programs for youth • Healthy relationship programs for couples
Engage influential adults and peers	• Men and boys as allies in prevention • Bystander empowerment and education • Family-based programs
Disrupt the developmental pathways toward partner violence	• Early childhood home visitation • Preschool enrichment with family engagement • Parenting skill and family relationship programs • Treatment for at-risk children, youth, and families
Create protective environments	• Improve school climate and safety • Improve organizational policies and workplace climate • Modify the physical and social environments of neighborhoods
Strengthen economic supports for families	• Strengthen household financial security • Strengthen work-family supports
Support survivors to increase safety and lessen harms	• Victim-centered services • Housing programs • First responder and civil legal protections • Patient-centered approaches • Treatment and support for survivors of IPV, including teen dating violence (TDV)

Source: CDC, Intimate Partner Violence: Prevention Strategies, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/prevention.html/>.

⁴⁶ For more information, see CRS Report R45410, *The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization*.

⁴⁷ CDC, “Preventing Intimate Partner Violence Across the Lifespan: A Technical Package of Programs, Policies, and Practices,” <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>.

VAWA programs focus on the needs of victims of VAWA-related offenses, who are commonly women; however, it is less typical for VAWA programs to direct prevention funding or attention toward the perpetrators of VAWA-related offenses, who are commonly men.⁴⁸ Additionally, VAWA programs often place the onus for the prevention of future harm on the victim (e.g., relocation to a shelter or different home) or on law enforcement and other administrative bodies rather than on those who have perpetrated violence. Some advocates have argued that responses to domestic violence that address the injuries to the abused but not the behaviors of abusers may be incomplete. Older programs in this vein, like Batterer Intervention Programs (BIPs), have historically suffered from attrition concerns and have shown mixed results in preventing recidivism.⁴⁹ Despite this mixed evidence, many states and localities continue to rely on and, in some cases, mandate these programs.⁵⁰ Implementing ineffective batterer intervention programming may put victims at heightened risk of further violence, as an offender's attendance or promise to attend counseling may increase the likelihood a victim returns to their abuser.⁵¹ Congress may consider directing greater funding toward developing and implementing effective intervention programs that focus on domestic violence offenders.

The Grants to Support Restorative Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking program authorized in VAWA 2022 includes a focus on perpetrator accountability and harm repair. OVW has put out a call for concept papers to develop its restorative practices pilot program, stating in the solicitation: "Experts in the movement to end gender-based violence recognize that communities need more tools to hold offenders accountable and help victims rebuild their lives.... restorative practices may be more accessible to victims seeking accountability from the harm-doer on their own terms, speaking on their own behalf, and having a say in the consequences that whoever hurt them will face."⁵² Pending the outcome of the pilot program, Congress may consider expanding funding to address perpetrators of violence through community-based restorative justice programs.

⁴⁸ NIH, CDC, "National Intimate Partner and Sexual Violence Survey 2016/2017," https://www.cdc.gov/violenceprevention/datasources/nisvs/summaryreports.html#anchor_1535031475856; DOJ, National Institute of Justice (NIJ), "Who Perpetrates Teen Dating Violence"; and Beth Bjerregaard, "An Empirical Study of Stalking Victimization," *Violence and Victims*, vol. 15, no. 4 (2000); and DOJ, OJP, Bureau of Justice Statistics (BJS), "Human Trafficking Data Collection Activities, 2022," <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/htdca22.pdf>. Data are mixed, but there is evidence that rates of dating violence perpetration are more even between the genders; see Sara F. Lewis and William Fremouw, "Dating Violence: A Critical Review of the Literature," *Clinical Psychology Review*, vol. 21, no. 1 (2001).

⁴⁹ DOJ, NIJ, "Batterer Intervention Programs Have Mixed Results," <https://nij.ojp.gov/topics/articles/batterer-intervention-programs-have-mixed-results>.

⁵⁰ VAWnet, "A Review of Standards for Batterer Intervention Programs," <https://vawnet.org/material/review-standards-batterer-intervention-programs>.

⁵¹ Sascha Griffing, Deborah Fish Ragin, Robert E. Sage, et al., "Domestic violence survivors' self-identified reasons for returning to abusive relationships," *Journal of Interpersonal Violence*, vol. 17, no. 3 (2002).

⁵² DOJ, OVW, "Restorative Practices Technical Assistance Pilot Program Call for Concept Papers," <https://www.justice.gov/ovw/page/file/1573226/download>, p. 2.

Statistics from the Bureau of Justice Statistics (BJS) indicated that in 2021, 34% of female murder/non-negligent manslaughter victims were killed by an intimate partner, and this was the most common victim-offender relationship among female victims.⁵³ Congress may consider funding lethality prevention programs like the Lethality Assessment Program (LAP) and the Domestic Violence High-Risk Team Model (DVHRT).⁵⁴ LAP is a screener used by law enforcement and related professionals to identify those most at risk of homicide or serious assault. Under this model, “officers at the scene of an incident connect high-risk victims with an advocate by phone; the advocate has a brief discussion with the victim about safety planning. Following the incident, the law enforcement agency and service program personnel are encouraged to follow up with victims, particularly those who are most at risk, to connect them with services.”⁵⁵ DVHRT uses “multi-disciplinary teams work[ing] to identify the most dangerous cases of domestic violence in our communities and work together to prevent cases from escalating to lethal levels.”⁵⁶ DVHRTs bring together experts from across the criminal justice and advocacy spaces to make evidence-based risk assessments to identify the most dangerous cases, provide support to high-risk victims, increase “offender monitoring and accountability,” and coordinate responses.⁵⁷ Congress may consider directing greater attention to these types of lethality prevention programs.

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Acknowledgments

This report was originally authored by former CRS Analyst Emily J. Hanson.

⁵³ DOJ, BJS, “Female Murder Victims and Victim-Offender Relationship, 2021”, <https://bjs.ojp.gov/female-murder-victims-and-victim-offender-relationship-2021>. By comparison, 6% of male murder victims were killed by intimate partners. These data were gathered using the National Incident-Based Reporting System (NIBRS). The 2021 data were not as comprehensive as data collected by the agency in prior years, and as such the FBI required new estimation procedures to account for lower participation rates. For more information see, CRS Insight IN11936, *NIBRS Participation Rates and Federal Crime Data Quality*.

⁵⁴ DOJ, NIJ, “New Approaches to Policing High-Risk Intimate Partner Victims and Those Committing the Crimes,” <https://nij.ojp.gov/topics/articles/new-approaches-policing-high-risk-intimate-partner-victims-and-those-committing>.

⁵⁵ Ibid.

⁵⁶ Massachusetts Executive Office of Public Safety and Security, “Recommended Best Practices for Domestic Violence High Risk Teams in Massachusetts,” December 2019, p. 2, <https://www.mass.gov/doc/recommended-best-practices-for-domestic-violence-high-risk-teams-in-massachusetts/download>.

⁵⁷ The Geiger Institute, “What We Do,” <https://geigerinstitute.org/>.

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