



National Task Force to End Sexual & Domestic Violence

Violence Against Women Act (VAWA) Key Provisions

April 27, 2021

INVEST IN PREVENTION:

- Increase the authorization of the Rape Prevention & Education Program (RPE) to \$110 million (current authorization \$50 million), add sexual harassment to its authorized uses, and add language requiring the involvement of and funding for involvement of OVW-recognized sexual assault coalitions in RPE planning and implementation. Demand for programs funded by RPE has skyrocketed with the #MeToo movement and the national focus on addressing campus sexual assault, and a corresponding increase is critically necessary to meet the needs of communities to improve prevention efforts.
- Ensure meaningful involvement of state sexual assault coalitions and culturally specific organizations in the RPE grant making process. Specify that state, territorial, and tribal coalitions receive 15% of the annual appropriation to coordinate, collaborate, and provide prevention activities.
- Increase funding for VAWA Consolidated Youth grants. Prevention education that engages men and boys as allies and promotes healthy relationships is key to reducing gender-based violence. Increased funding will provide programs with the resources they need to increase the depth and reach of these critical programs.

EXPAND ACCESS:

- Increase access to grant programs for culturally specific organizations and ensure culturally specific organizations are included in the development and implementation of service, education, training, and other grants. Increase authorized funding for culturally specific organizations by \$40 million.
- Ensure that underserved populations are not precluded from accessing grants due to the population they serve while allowing OVW to periodically prioritize certain underserved populations.
- Promote safety for victims of violence on tribal lands by: amending the definition of domestic violence to include violence committed against a victim who is a child under 18 or an elder; clarifying that tribal courts can hold offenders who assault tribal police officers or other justice officials accountable; ensuring non-Indian perpetrators who commit sexual assault, stalking, sex trafficking, or obstruct justice on tribal lands are held accountable; creating a permanent authorization for DOJ's Tribal Access to National Crime Information Program; improving the response to cases of missing and murdered women in tribal communities; and addressing the unique barriers to safety for Alaska Native women.
- Increase the authorization for the Sexual Assault Services Program to \$60 million to address increased demand and waiting lists for services.
- Expressly include sexual harassment as part of sexual violence addressed by the Workplace Resource Center to ensure it can continue to provide tools, resources, and training to private employers and federal agencies on preventing and responding to workers and workplaces impacted by such violence and harassment.
- Strengthen economic security for survivors by enhancing existing law, including allowing all domestic violence, sexual assault and stalking victims to apply for unemployment insurance; conduct research on the economic impacts of victimization for college students; and provide public education related to economic abuse and economic security for victims. Require applicants for the National Resource Center on Workplace Responses to include in their applications a plan to enhance survivors' capacity to obtain and maintain employment with a focus on culturally specific organizations and organizations that serve populations who are marginalized in the workplace.

- Train healthcare providers to better prevent, recognize, and respond to domestic violence, dating violence, sexual assault and stalking across the lifespan. Ensure training includes prevention and address systemic racism and health equity, and includes the impact of inter-generational violence. Increase the authorization from \$10 million to \$15 million.
- Increase access to high quality legal assistance by stipulating that legal assistance requires the involvement of a licensed attorney, an immigration-accredited representative, or a person who functions as an attorney or lay advocate in Tribal court and clarifying throughout that victim services include legal assistance. Clarify the forms of advocacy that constitute legal assistance. Increase authorization from \$57 million to \$75 million.
- Create a new LGBTQ specific grant program to increase access for LGBTQ survivors and expand training and outreach.

REMOVE BARRIERS:

- Ensure compliance with VAWA non-discrimination requirements and guarantee equal access to VAWA protections for all victims regardless of gender, especially those from marginalized communities.
- Enforce housing rights for survivors/victims; create a position at HUD specifically tasked with this work; increase survivors' options to maintain housing or break their leases; strengthen emergency transfer protections in federal housing programs and create a Victim Relocation Voucher pool to assist survivors needing to flee their homes due to safety concerns; and improve the homeless system response to survivors. Add a purpose area to assist communities in developing alternatives to housing ordinances that punish survivors for seeking law enforcement intervention.
- Add purpose areas to existing grant programs to implement restorative practices that are focused on victim autonomy, agency, and safety to provide resolution and restitution for the victim. Allow rehabilitative work with harm doers.
- Strengthen privacy protections across state lines, online with digital records, and preserve confidentiality upon a survivor's death in accordance with their wishes.
- Require training in best practices for prosecutors in order to limit the use of bench warrants and other body attachments to compel victim cooperation and testimony, as this has been found to be traumatizing for the victim and counterproductive in encouraging victims to cooperate.
- Acknowledge incarcerated women as survivors of domestic and sexual violence; address the trauma of incarceration on women and their family members, especially their children; improve health care services and trauma informed responses to better prepare incarcerated women to return to their communities; and require BJS/NIJ to regularly conduct research on the status of incarcerated women.
- Ensure Deaf people are included in grants relating to people with disabilities.
- Update the definition of domestic violence to include violence by caregivers in cases involving people with disabilities.
- Improve enforcement of current domestic violence-related firearms laws and equally protect all victims by restricting firearms possession by adjudicated domestic and dating abusers and stalkers.
- Improve enforcement of cybercrimes.
- Create a pilot project to develop best practices for the electronic service of protective orders.

DEFINITIONS:

Revise definitions to clarify language, match state laws, address new technological concerns, and provide technical corrections.

- New definitions include: Abuse in Later Life; Restorative Practices; Digital Services; Forced Marriage; Economic Abuse; and Technological Abuse.
 - DOJ's Bureau of Justice Assistance & Office for Victims of Crime already fund restorative practices programming. The restorative practices definition clarifies the scope of this work and lifts up programming that is also ongoing at OVW.
- Amended definitions include:
 - Domestic Violence – the original definition was outdated and does not sync with most state laws
 - Correct unintended 2013 deletion of "Court-based and court-related personnel"

- Dating partner to clarify sexual contact is not a necessary component of a dating relationship and to ensure pre-marriage relationships in traditional communities are included
- Dating violence (technical fix)
- Legal Services (to include vacatur and expungement) and to require involvement of a licensed attorney, an immigration-accredited advocate, or a person who functions as an attorney or lay advocate in Tribal court

NEW GRANT CONDITIONS:

- Allow grantees to use technology to protect victim privacy.
- Extend advocate confidentiality beyond the death of the victim so victims feel free to communicate fully with their advocates without concern for reputation, civil liability, or possible harm to friends or family.

AMENDED GRANT CONDITIONS:

- Clarify that VAWA confidentiality applies to federal and state agencies seeking information from grantees.
- Expand access to VAWA-funded trainings.
- Permit grantees to serve victims of forced marriage who are also victims of a VAWA crime.
- Increase the cap on expenditures requiring Deputy Attorney General approval to allow DOJ's Office on Violence Against Women to more easily provide oversight and support for VAWA multi-day training events.
- Eliminate the biennial conferral with the field.
- Provide technical assistance, rather than exclusion, to grantees with an unresolved audit finding.

For more information, contact NTF4VAWA@gmail.com.