Federal Informational Series

Violence Against Women Act

An Overview of the VAWA and its Reauthorization in the FY22 Omnibus Bill

March 16, 2022

Michael Tinsley
NAPE President
NAPE Public Policy Chair
Background information on the Violence Against Women Act (VAWA)

**VAWA’s purpose:**

“To prevent violent crime; respond to the needs of crime victims; learn more about crime; and change public attitudes through a collaborative effort by the criminal justice system, social service agencies, research organizations, schools, public health organizations, and private organizations.” VAWA covers domestic violence, sexual assault, dating violence, and stalking.

### Domestic violence
- Under VAWA, domestic violence includes intimate partner violence committed by spouses, ex-spouses, boyfriends, girlfriends, ex-boyfriends, or ex-girlfriends.
- Crimes include felony or misdemeanor sexual assault, simple or aggravated assault, homicide, and others.

### Sexual assault
- Sexual assault is defined by the Act as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.”
- The FBI altered the definition of rape to include language for male and female victims and include instances in which the victim is not able to give consent because of mental or physical incapacity.

### Dating violence
- Dating violence is any instance of violence committed by a person who is or was in a social or intimate relationship with the victim.
- The relationship is determined based on the length of the relationship, the type of the relationship, and the frequency of interactions between the people in the relationship.

### Stalking
- Under VAWA, stalking includes intimate partner violence committed by spouses, ex-spouses, boyfriends, girlfriends, ex-boyfriends, or ex-girlfriends.
- Crimes include felony or misdemeanor stalking, sexual assault, simple or aggravated assault, homicide, and others.
The Office on Violence Against Women was created under the Department of Justice to administer the grants provided under VAWA 1995. VAWA was reauthorized through the Victims of Trafficking and Violence Protection Act. The reauthorization included new provisions to provide transitional housing for victims, protect elderly and disabled women, and extended protections to victims of dating violence. The reauthorization also amended interstate stalking and domestic violence law.

VAWA was reauthorized a second time through the Violence Against Women and Department of Justice Reauthorization Act. The reauthorization extended protections for battered and/or trafficked nonimmigrants, added programs for American Indian victims, enhanced penalties for repeat stalking offenders, and included other changes.

Funding for VAWA programs expired in 2011, but these programs continued to receive appropriations in FY2012 and FY2013. After VAWA expired in 2011, Congress reauthorized the program in 2013 under the Violence Against Women Reauthorization Act of 2013. The sweeping legislation added a nondiscrimination provision for grant programs, revised the definitions of various terms, incorporated provisions for institutions of higher education (IHEs), and added housing rights for victims, among other changes. The 2013 reauthorization was more sharply split along partisan lines than it had been in prior years, with only 87 of the majority voting in favor of reauthorization.

VAWA’s 2013 reauthorization expired, and programs’ funding was further jeopardized by the partial government shutdown in December 2018. VAWA was temporarily extended through February 2019 via a continuing resolution enacted in January 2019. The Act was not reauthorized in 2019, but programs continued to receive appropriations from FY2019-FY2021.

VAWA was reauthorized through the FY2022 omnibus appropriations bill. The reauthorization includes provisions to strengthen rape prevention efforts, provide legal funding for marginalized communities, and expand criminal jurisdiction by tribal courts to cover non-Native perpetrators of sexual assault.


Slide Updated by Michael Tinsley on 3/16/22
On March 15, the Violence Against Women Act was renewed as part of the FY22 omnibus bill

**Background**
- The Violence Against Women Act (VAWA) was originally signed into law in 1994; VAWA was last reauthorized in 2013 and lapsed in December 2018, though Congress continues to fund related programs
- The bill addresses domestic violence, sexual assault, dating violence, and stalking
- Included in the new authorization is $500 million in grants towards law enforcement, housing authorities and more

**Outlook**
- After passing the House in 2021, VAWA stalled in the Senate over a provision that would have prohibited convicted abusers from possessing firearms
- Congressional negotiators removed the so-called ‘boyfriend loophole’ and introduced a new Senate bill in 2022, which was incorporated in the FY22 omnibus appropriations bill

**New provisions**
- Allows for **tribal jurisdiction** over non-Native perpetrators of sexual violence on tribal lands
- Reauthorizes **funding** for violence reduction and prevention programs
- Requires the FBI to notify local law enforcement in the case of **failed background checks** for gun purchases
- Expands access to **safe housing** for victims

**Status**
- **S. 3623**
  - Introduced: Senate 2/9/22
  - Added to FY22 bill 3/9/22
  - Passed: Senate 3/10/22
  - Passed: House 3/9/22
  - Signed by President 3/15/22
  - Received: House 3/9/22
Congress appropriated $575 million in FY22 for the Violence Against Women Act

Breakdown of funding for the Violence Against Women Act

IN MILLIONS

- Grants to combat violence against women: $217,000,000
- Grants to encourage arrest policies: $55,000,000
- Assistance for sexual assault victims: $54,000,000
- Legal assistance for victims: $50,000,000
- Rural domestic violence and child abuse enforcement assistance grants: $48,000,000
- Transitional housing assistance grants: $43,000,000
- Grants to reduce violent crimes against women on campus: $22,000,000
- Grants to support families in the justice system: $20,000,000
- Grants to support restorative justice responses: $11,000,000
- Culturally specific services for victims: $10,000,000
- Enhanced training and services to end violence and abuse of women: $7,500,000
- Tribal Special Assistant United States Attorneys: $3,000,000
- National Institute of Justice and the Bureau of Justice Statistics: $2,500,000
- Purposes authorized under the 2015 Act: $1,500,000
- Analysis and research on violence against Indian women: $1,000,000
- National Resource Center on Workplace Responses: $1,000,000
- National clearinghouse for sexual assault of American Indian & Alaska Native women: $500,000

SOURCE House Rules Committee

Slide Updated by Michael Tinsley on 3/16/22
Federal Informational Series

Violence Against Women Act

An Overview of the VAWA and its Reauthorization in the FY22 Omnibus Bill

March 16, 2022

Michael Tinsley
NAPE President
NAPE Public Policy Chair