

- (A) a State;
- (B) a unit of local government;
- (C) an Indian tribal government or tribal organization; or
- (D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

(2) Limitation

A grant awarded for the purpose described in subsection (b)(8) of this section shall only be awarded to an eligible agency (as defined in section 796f-5¹ of title 29).

(d) Underserved populations

In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

(e) Authorization of appropriations

There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

(Pub. L. 106-386, div. B, title IV, §1402, Oct. 28, 2000, 114 Stat. 1513; Pub. L. 109-162, title II, §204(a), Jan. 5, 2006, 119 Stat. 3000.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(5)(A), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of this title and Tables.

Section 796f-5 of title 29, referred to in subsec. (c)(2), was in the original “section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f-5)” and was translated as meaning section 726 of the Rehabilitation Act of 1973, to reflect the probable intent of Congress.

CODIFICATION

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2006—Pub. L. 109-162 substituted “Education, training, and enhanced services to end violence against and abuse of women with disabilities” for “Education and training to end violence against and abuse of women with disabilities” in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to award of grants to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities and authorized appropriations for fiscal years 2001 through 2005.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, set out as a note under section 3796gg-2 of this title.

§ 3796gg-8. Polygraph testing prohibition

(a) In general

In order to be eligible for grants under this subchapter, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

(b) Prosecution

The refusal of a victim to submit to an examination described in subsection (a) of this section shall not prevent the investigation, charging, or prosecution of the offense.

(Pub. L. 90-351, title I, §2013, as added Pub. L. 109-162, title I, §101(g), Jan. 5, 2006, 119 Stat. 2975.)

EFFECTIVE DATE

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as an Effective Date of 2006 Amendment note under section 3793 of this title.

§ 3796gg-9. Repealed. Pub. L. 109-271, §3(a), Aug. 12, 2006, 120 Stat. 754

Section, Pub. L. 90-351, title I, §2014, as added Pub. L. 109-162, title II, §202, Jan. 5, 2006, 119 Stat. 2994, related to sexual assault services. See section 14043g of this title.

CODIFICATION

Pub. L. 109-271, which directed the repeal of section 202 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162), was executed by repealing this section, which was section 2014 of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 202 of Pub. L. 109-162, to reflect the probable intent of Congress.

§ 3796gg-10. Grants to Indian tribal governments

(a) Grants

The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments to—

- (1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;
- (2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;
- (3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation,¹ correctional facilities;
- (4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;
- (5) work in cooperation with the community to develop education and prevention strategies

¹ See References in Text note below.

¹ So in original. Probably should be followed by “and”.

directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children;

(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community; and

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) Collaboration

All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

(Pub. L. 90-351, title I, § 2015, formerly § 2007, as added Pub. L. 109-162, title IX, § 906(a), Jan. 5, 2006, 119 Stat. 3080; renumbered § 2015 and amended Pub. L. 109-271, § 7(a)(1)(A), (C), (3), Aug. 12, 2006, 120 Stat. 763.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-271, § 7(a)(3)(A), substituted “or authorized designees of Indian tribal governments” for “and tribal organizations” in introductory provisions and added par. (8).

Subsec. (c). Pub. L. 109-271, § 7(a)(3)(B), struck out subsec. (c). Prior to amendment, text read as follows: “The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.”

EFFECTIVE DATE

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as an Effective Date of 2006 Amendment note under section 3793 of this title.

FINDINGS AND PURPOSES

Pub. L. 109-162, title IX, §§ 901, 902, Jan. 5, 2006, 119 Stat. 3077, 3078, provided that:

“SEC. 901. FINDINGS.

“Congress finds that—

“(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

“(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

“(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

“(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

“(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

“(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

“SEC. 902. PURPOSES.

“The purposes of this title [enacting this section, sections 3796gg-11 and 14045d of this title, and section 117 of Title 18, Crimes and Criminal Procedure, amending sections 3796gg-1, 3796gg-6, 3796hh, 13971, 13975, and 10420 of this title, section 921 of Title 18, section 2803 of Title 25, Indians, and section 534 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under this section and section 534 of Title 28] are—

“(1) to decrease the incidence of violent crimes against Indian women;

“(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

“(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.”

NATIONAL BASELINE STUDY ON VIOLENCE AGAINST INDIAN WOMEN

Pub. L. 109-162, title IX, § 904(a), Jan. 5, 2006, 119 Stat. 3078, provided that:

“(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

“(2) SCOPE.—

“(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

“(i) domestic violence;

“(ii) dating violence;

“(iii) sexual assault;

“(iv) stalking; and

“(v) murder.

“(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

“(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

“(3) TASK FORCE.—

“(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

“(B) MEMBERS.—The Director shall appoint to the task force representatives from—

“(i) national tribal domestic violence and sexual assault nonprofit organizations;

“(ii) tribal governments; and

“(iii) the national tribal organizations.

“(4) REPORT.—Not later than 2 years after the date of enactment of this Act [Jan. 5, 2006], the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [probably should be “subsection”] \$1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.”

§ 3796gg-11. Tribal Deputy

(a) Establishment

There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

(b) Duties

(1)¹ In general

The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

(E) represent the Office on Violence Against Women in the annual consultations under section 14045d² of this title;

(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

(I) ensure that adequate tribal technical assistance that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law is

made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

(c) Authority

(1) In general

The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

(2) Accountability

The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this subchapter is used to hold offenders accountable through—

(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

(C) development of tribal educational awareness programs and materials;

(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

(Pub. L. 90-351, title I, §2016, formerly §2008, as added Pub. L. 109-162, title IX, §907, Jan. 5, 2006, 119 Stat. 3082; renumbered §2016 and amended Pub. L. 109-271, §7(a)(1)(B), (C), (4), Aug. 12, 2006, 120 Stat. 763, 764.)

REFERENCES IN TEXT

This Act, referred to in subssecs. (b)(1)(B) and (c)(1), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

Section 14045d of this title, referred to in subsec. (b)(1)(E), was in the original “section 903” and was translated as meaning section 903 of Pub. L. 109-162, to reflect the probable intent of Congress, because there is no section 903 of Pub. L. 90-351.

The Violence Against Women Act of 1994, referred to in subsec. (c)(1), is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

The Violence Against Women Act of 2000, referred to in subsec. (c)(1), is div. B of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1491. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under section 13701 of this title and Tables.

AMENDMENTS

2006—Subsec. (b)(1)(I). Pub. L. 109-271, §7(a)(4), inserted “that is developed and provided by entities hav-

¹ So in original. There is no par. (2).

² See References in Text note below.