

- (B) a unit of local government;
- (C) an Indian tribal government or tribal organization; or
- (D) a victim service provider, such as a State or tribal 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 \$9,000,000 for each of fiscal years 2014 through 2018 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; Pub. L. 113-4, title II, §203, Mar. 7, 2013, 127 Stat. 82.)

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

2013—Subsec. (b)(1). Pub. L. 113-4, §203(1)(A), inserted “(including using evidence-based indicators to assess the risk of domestic and dating violence homicide)” after “risk reduction”.

Subsec. (b)(4). Pub. L. 113-4, §203(1)(B), substituted “victim service providers” for “victim service organizations”.

Subsec. (b)(5). Pub. L. 113-4, §203(1)(C), substituted “victim service providers” for “victim services organizations” in introductory provisions.

Subsec. (c)(1)(D). Pub. L. 113-4, §203(2), substituted “victim service provider, such as a State or tribal” for “nonprofit and nongovernmental victim services organization, such as a State”.

Subsec. (e). Pub. L. 113-4, §203(3), substituted “\$9,000,000 for each of fiscal years 2014 through 2018” for “\$10,000,000 for each of the fiscal years 2007 through 2011”.

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 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

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.

¹ See References in Text note below.

§ 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, sex trafficking, 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, sex trafficking, and stalking;

(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, sexual assault, sex trafficking, and stalking;

(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, sex trafficking, 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, sex trafficking, or stalking to locate and secure permanent housing and integrate into a community;

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, sex trafficking, 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;

(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of youth and children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing parent or the caretaker of the youth or child; and

(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(b) Collaboration

All applicants under this section shall demonstrate their proposal was developed in con-

sultation 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; Pub. L. 113–4, title IX, § 901, Mar. 7, 2013, 127 Stat. 118.)

AMENDMENTS

2013—Subsec. (a)(2). Pub. L. 113–4, § 901(1), inserted “sex trafficking,” after “sexual assault.”

Subsec. (a)(4). Pub. L. 113–4, § 901(2), inserted “sex trafficking,” after “sexual assault.”

Subsec. (a)(5). Pub. L. 113–4, § 901(3), substituted “sexual assault, sex trafficking, and stalking;” for “and stalking programs and to address the needs of children exposed to domestic violence;”

Subsec. (a)(7). Pub. L. 113–4, § 901(4)(A), inserted “sex trafficking,” after “sexual assault,” in two places.

Subsec. (a)(8). Pub. L. 113–4, § 901(5)(A), inserted “sex trafficking,” after “stalking.”

Subsec. (a)(9), (10). Pub. L. 113–4, § 901(4)(B), (5)(B), (6), added pars. (9) and (10).

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 OF 2013 AMENDMENT

Amendment by Pub. L. 113–4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113–4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

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;

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