

sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

(2) Allocation and use of funds

(A) Administrative costs

Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds

Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

(f) Authorization of appropriations

(1) In general

There are authorized to be appropriated \$40,000,000 to remain available until expended for each of fiscal years 2014 through 2018 to carry out the provisions of this section.

(2) Allocations

Of the total amounts appropriated for each fiscal year to carry out this section—

(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).

(Pub. L. 103-322, title IV, §41601, as added Pub. L. 109-271, §3(b), Aug. 12, 2006, 120 Stat. 754; amended Pub. L. 113-4, title II, §201, Mar. 7, 2013, 127 Stat. 80.)

AMENDMENTS

2013—Subsec. (b)(1). Pub. L. 113-4, §201(a)(1), substituted “other nongovernmental or tribal programs and projects to assist individuals who have been victimized by sexual assault, without regard to the age of the individual.” for “other programs and projects to assist those victimized by sexual assault.”

Subsec. (b)(2)(B). Pub. L. 113-4, §201(a)(2)(A), inserted “or tribal programs and activities” after “nongovernmental organizations”.

Subsec. (b)(2)(C)(v). Pub. L. 113-4, §201(a)(2)(B), struck out “linguistically and” before “culturally”.

Subsec. (b)(4). Pub. L. 113-4, §201(a)(3)(B), which directed striking out “the District of Columbia, Puerto

Rico,” after “Guam”, was executed by striking out such phrase after “Guam,” to reflect the probable intent of Congress.

Pub. L. 113-4, §201(a)(3)(A), (C), (D), inserted “(including the District of Columbia and Puerto Rico)” after “The Attorney General shall allocate to each State”, substituted “0.25 percent” for “0.125 percent”, and struck out at end “The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.”

Subsec. (f)(1). Pub. L. 113-4, §201(b), substituted “\$40,000,000 to remain available until expended for each of fiscal years 2014 through 2018” for “\$50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011”.

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.

PART N-2—RAPE SURVIVOR CHILD CUSTODY

§ 14043h. Definitions

In this part:

(1) Covered formula grant

The term “covered formula grant” means a grant under—

(A) part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”); or

(B) section 14043g of this title (commonly referred to as the “Sexual Assault Services Program”).

(2) Termination

(A) In general

The term “termination” means, when used with respect to parental rights, a complete and final termination of the parent’s right to custody of, guardianship of, visitation with, access to, and inheritance from a child.

(B) Rule of construction

Nothing in this paragraph shall be construed to require a State, in order to receive an increase in the amount provided to the State under the covered formula grants under this part, to have in place a law that terminates any obligation of a person who fathered a child through rape to support the child.

(Pub. L. 114-22, title IV, §402, May 29, 2015, 129 Stat. 256.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in par. (1)(A), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Part T of title I of the Act is classified generally to subchapter XII-H (§3796gg et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

SHORT TITLE

For short title of this part as the “Rape Survivor Child Custody Act”, see section 401 of Pub. L. 114-22, set out as a Short Title of 2015 Amendment note under section 13701 of this title.

§ 14043h-1. Findings

Congress finds the following:

(1) Men who father children through rape should be prohibited from visiting or having custody of those children.

(2) Thousands of rape-related pregnancies occur annually in the United States.

(3) A substantial number of women choose to raise their child conceived through rape and, as a result, may face custody battles with their rapists.

(4) Rape is one of the most under-prosecuted serious crimes, with estimates of criminal conviction occurring in less than 5 percent of rapes.

(5) The clear and convincing evidence standard is the most common standard for termination of parental rights among the 50 States, territories, and the District of Columbia.

(6) The Supreme Court established that the clear and convincing evidence standard satisfies due process for allegations to terminate or restrict parental rights in *Santosky v. Kramer* (455 U.S. 745 (1982)).

(7) Currently only 10 States have statutes allowing rape survivors to petition for the termination of parental rights of the rapist based on clear and convincing evidence that the child was conceived through rape.

(8) A rapist pursuing parental or custody rights causes the survivor to have continued interaction with the rapist, which can have traumatic psychological effects on the survivor, and can make it more difficult for her to recover.

(9) These traumatic effects on the mother can severely negatively impact her ability to raise a healthy child.

(10) Rapists may use the threat of pursuing custody or parental rights to coerce survivors into not prosecuting rape, or otherwise harass, intimidate, or manipulate them.

(Pub. L. 114-22, title IV, § 403, May 29, 2015, 129 Stat. 256.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-2. Increased funding for formula grants authorized

The Attorney General shall increase the amount provided to a State under the covered formula grants in accordance with this part if the State has in place a law that allows the mother of any child that was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court is authorized to grant upon clear and convincing evidence of rape.

(Pub. L. 114-22, title IV, § 404, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-3. Application

A State seeking an increase in the amount provided to the State under the covered formula grants shall include in the application of the State for each covered formula grant such information as the Attorney General may reasonably require, including information about the law described in section 14043h-2 of this title.

(Pub. L. 114-22, title IV, § 405, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-4. Grant increase

The amount of the increase provided to a State under the covered formula grants under this part shall be equal to not more than 10 percent of the average of the total amount of funding provided to the State under the covered formula grants under the 3 most recent awards to the State.

(Pub. L. 114-22, title IV, § 406, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-5. Period of increase**(a) In general**

The Attorney General shall provide an increase in the amount provided to a State under the covered formula grants under this part for a 2-year period.

(b) Limit

The Attorney General may not provide an increase in the amount provided to a State under the covered formula grants under this part more than 4 times.

(Pub. L. 114-22, title IV, § 407, May 29, 2015, 129 Stat. 257.)

CODIFICATION

Section was enacted as part of the Rape Survivor Child Custody Act and also as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14043h-6. Allocation of increased formula grant funds

The Attorney General shall allocate an increase in the amount provided to a State under the covered formula grants under this part such that—