

(e) Grants to tribes**(1) Grants authorized**

The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of 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.

§ 14043g-1. Working Group**(a) In general**

The Attorney General, in consultation with the Secretary of Health and Human Services (referred to in this section as the “Secretary”), shall establish a joint working group (referred to in this section as the “Working Group”) to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence.

(b) Consultation with stakeholders

The Working Group shall consult with—

(1) stakeholders in law enforcement, prosecution, forensic laboratory, counseling, forensic examiner, medical facility, and medical provider communities; and

(2) representatives of not less than 3 entities with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, of which not less than 1 representative shall be a sexual assault victim.

(c) Membership

The Working Group shall be composed of governmental or nongovernmental agency heads at the discretion of the Attorney General, in consultation with the Secretary.

(d) Duties

The Working Group shall—

(1) develop recommendations for improving the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

(2) encourage, where appropriate, the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation

of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and leaders in the medical community;

(3) develop recommendations to promote the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(4) develop and implement, where practicable, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among State attorneys general, United States attorneys, heads of State law enforcement agencies, forensic laboratory directors and managers, and other leaders in the law enforcement community;

(5) collect feedback from stakeholders, practitioners, and leadership throughout the Federal and State law enforcement, victim services, forensic science practitioner, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of sexual assault survivors; and

(6) perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

(e) Report

Not later than 2 years after October 7, 2016, the Working Group shall submit to the Attorney General, the Secretary, and Congress a report containing the findings and recommended actions of the Working Group.

(Pub. L. 114-236, § 4, Oct. 7, 2016, 130 Stat. 968.)

CODIFICATION

Section was enacted as part of the Survivors' Bill of Rights Act of 2016, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

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 sur-