

Be it enacted by the Senate and House of Representatives of the United States of America in
Congress assembled,

A Bill

*To reauthorize and enhance the provisions of the Violence Against Women Act of 1994,
and for other purposes.*

Ms. Sinclair, for herself

SECTION 1. SHORT TITLE.

This Act shall be referred to as the “Violence Against Women Act
Reauthorization.”

SECTION 2. FINDINGS

Whereas, the Violence Against Women Act enacted in 1994 by President Bill
Clinton, provides lifesaving services for women and victims of sexual
harassment, sexual violence, and domestic violence;

Whereas, the Act implements and supports programs that address and
respond to these problems, improving federal, state, local, and tribal
responses to cases of sexual harassment, sexual violence, and domestic
violence;

Whereas, the lack of funding due to the failure to reauthorize the Act hurt
those that the Act sought to improve the lives of;

Whereas, over 1 in 3 women have experienced some form of sexual
harassment or sexual violence, and over 1 in 5 women have survived
completed or attempted rape;

Whereas, such instances of violence and harassment have a serious and detrimental effect on the health of women;

Whereas, this impacts the ability of women to maintain emotional and mental health, their jobs, and long-term financial security, impacting the broader economic conditions of the United States;

Whereas, domestic violence is a pressing problem in the United States, with over 1 in 4 women and 1 in 9 men in the United States having suffered from domestic violence, which includes sexual or physical violence as well as stalking on behalf of an intimate partner;

Whereas, lesbian, gay, bisexual, transgender, and other queer or nonconforming individuals face significantly higher rates of sexual harassment, sexual violence, and domestic violence compared to their gender-conforming or heterosexual counterparts;

Whereas, as a result, members of said communities therefore have seen vastly higher rates of depression, suicide, and other conditions, worsening outcomes later in life;

Whereas, American Indian and Alaska Native individuals are far more likely to be victims of sexual violence, domestic violence, or sexual harassment, with rates of such crimes as high as 2.5 times more prevalent compared to other individuals;

Whereas, immigrants and visa applicants that are victims of sexual violence, domestic violence, or sexual harassment have historically been ignored via a lack of consideration towards those individuals for visa programs;

Whereas, this Act ensures that the funds appropriated by the Act are re-appropriated as necessary and extends the provisions of the Act;

Whereas, this Act implements a number of new, necessary programs that address culturally specific needs, new avenues to justice, issues of tribal jurisdiction over sexual and domestic crimes, the expansion of rape prevention programs, sexual violence loopholes, sexual violence among immigrants and visa applicants, and economic security;

Whereas, the cost of domestic violence and other sexual crimes in the United States is estimated to be over \$8,300,000,000;

Whereas, ensuring protections against through the implementation of programs that prevent domestic violence and other sexual crimes in the United States, as the Act previously did, will save American lives and save money in the process by providing economic security;

Whereas, it is high time to reauthorize the Violence Against Women Act of 1994 and its subsequent additions.

SECTION 3. DEFINITIONS.

For the purposes of this Act and the provisions affected by this Act, the following terms shall have their respective meanings:

- (1) “Secretary of Commerce and Labor” and all terms and definitions implying a reference to said terms, shall refer to the Secretary of the Economic Affairs in the case that the provisions affected by this Act conflict with modifications in departmental administration enacted on or before April 23rd, 2023. .
- (2) “Secretary of Health and Welfare” and “Secretary of Interior” all terms and definitions implying a reference to said terms , shall refer to the Secretary of Interior in the case that the provisions affected by this Act conflict with modifications in departmental administration enacted on or before April 23rd, 2023.
- (3) “Secretary of Defense”, and all terms and definitions implying a reference to said those terms, shall refer to the Secretary of Defense in the case that the provisions affected by this Act conflict with modifications in departmental administration enacted on and before the date of April 23rd , 2023
- (4) “Attorney General” shall refer to the Attorney General of the United States.

SECTION 4. REAUTHORIZATION OF FUNDING.

All sums appropriated from the Treasury and provisions enacted by Congress for the purposes of the enactment and enforcement of the Violence Against Women Act (34 USC Subtitle I, Chapter 121, Subchapter III) shall be considered re-appropriated and enacted for no more than 5 years upon enactment of this Act.

SECTION 5. ADJUSTMENT OF FUNDING.

All sums reauthorized to be appropriated from the Treasury by Congress in this Act shall be adjusted as necessary for inflation according to the date said appropriated sums were enacted by Congress and estimates from the Secretary of the Treasury.

SECTION 6. PRIMARY SOURCES OF ADDITIONAL FUNDING.

All sums appropriated under the provisions of this Act by Congress shall be appropriated from the budget of the Office of Violence Against Women under the Department of Justice, listed as budget item “Violence Against Women Prevention and Prosecution Programs”, unless otherwise specified by the provisions of this Act.

SECTION 7. CULTURALLY SPECIFIC SERVICES.

§12511, subsection (c), clause (4), subclause (a) of the Violence Against Women Act of 1994 shall be amended to read as follows —

- (a) The Attorney General shall not use more than 5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

§12511, subsection (c), clause (4) of the Violence Against Women Act of 1994 shall be amended to append a subclause following subclause (a) to read as follows —

- (b) A minimum of \$50,000,000 shall be appropriated for the programs outlined by this clause in addition to the percent of funds appropriated in the previous subclause.

SECTION 8. REFORMING AVENUES TO JUSTICE.

\$50,000,000 shall be awarded in grants by the Attorney General to promote, equip, and enable programs that focus on providing and reforming avenues to justice that prioritize victim autonomy, agency, and safety at state, local, and tribal levels of government.

SECTION 9. TRIBAL JURISDICTION.

The Indian Civil Rights Act of 1968 (25 U.S.C. §1304) shall be amended so that each reference or implication of “domestic violence” shall be interpreted to include crimes of domestic violence, dating violence,

obstruction of justice, sexual violence, sex trafficking, stalking, and assault of a law enforcement or corrections officer. Jurisdiction over these crimes shall not be withheld from a tribal government when an offense is committed within the jurisdiction of said tribal government.

SECTION 10. RAPE PREVENTION AND EDUCATION PROGRAM.

Section 393A of the Public Health Service Act (42 U.S.C. §280b–1b) shall be amended in the following manner —

- (1) In subsection (a), append the following after clause (6) and renumber subsequent clauses accordingly —

“(7) digital services;”

- (2) In subsection (a), amend clause (7), renumbered to clause (8) in accordance with the Section 8, subsection 1 of this Act, to read as follows —

“other efforts to increase awareness of the facts about, or to help prevent, ~~sexual assault,~~ **sexual violence, sexual assault, and sexual harassment,** including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 12102 of this title).”

- (3) In subsection (c), clause (1) (“In general”), amend the value of the appropriations designated to read \$150,000,000.
- (4) In subsection (c), clause (2) (“National sexual violence resource center allotment”), amend the value of the appropriations designated to read \$3,000,000.
- (5) In subsection (c), clause (3) (“Baseline funding for States, the District of Columbia, and Puerto Rico”), append the following at the conclusion of the clause —

“No less than 80 percent of the funds appropriated under this subsection shall be granted for each fiscal year.”

- (6) Append the following subsection —

“(e) **Report.** No later than one year and one month following the enactment of this Act, the Secretary of Welfare in coordination with the Centers for Disease Control shall present

to the House Committee on Health, Education, Labor, and Entitlements, the House Committee on Science, Energy, the Environment, and Commerce, and the Senate Committee on Health, Science, and the Environment a report detailing the administration, authorization, and distribution of the grants authorized by this section, as well as the impact and projected impact of said grants.”

(7) Append the following subsection —

“(f) Advertisement of programs. The Secretary of Welfare shall implement and administer an advertising program concurrent with the length of appropriations authorized by this section in order to promote and advertise the grants authorized under this section.

(1) \$5,000,000 shall be appropriated for the purposes of administering and implementing the advertising programs authorized under this subsection.”

SECTION 11. CLOSING THE CONSENT LOOPHOLE.

18 U.S.C. §2243 shall be amended in the following manner —

- (1) Amend the section title to read “Sexual abuse of a minor or ward **or by any person acting under the color of the law.**”
- (2) Append the following subsection (c), titled “Of individuals acting under the color of the law” between subsections (b) and (d), and renumber subsequent subsections accordingly —

“(c) OF INDIVIDUALS ACTING UNDER THE COLOR OF THE LAW — Whoever, acting under the color of law, knowingly engages in a sexual act with an individual who is under arrest, detention, or otherwise in the custody of a federal law enforcement officer, shall be fined under this title, imprisoned for no more than 15 years, or both.

(1) “Sexual act” shall refer to the definition given by section 2246 of this title.

- (2) In a prosecution under this subsection, it shall not be valid to present a defense against prosecution alleging that the other person consented to the sexual act.

The Attorney General is authorized to make grants from the funds appropriated by Section 4 of this Act to states that have enacted policies that —

- (1) Make it a criminal offense for any person acting under the color of the law to commit an act of sexual assault with an individual in detention or under arrest;
- (2) Prohibit defensive arguments alleging consent between the two individuals involved in the sexual act as described;
- (3) Generally concur and are similar in form to Section 9 of this Act.

No later than one year and one month following the enactment of this Act, the Attorney General shall present to the House Committee on Social Concerns and the Judiciary and the Senate Committee on the Judiciary, Local Government, and Oversight a report detailing the enforcement of the provisions appended by Section 9 of this Act and the grants authorized by said section.

SECTION 12. ECONOMIC SECURITY FOR VICTIMS.

Section 41501 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. §12501) shall be amended in the following manner —

- (1) Amend subsection (a) to read as follows —

“(a) AUTHORITY

The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence **and sexual harassment**. The resource center shall provide information and assistance to employers, labor organizations, **and victim service providers** to aid in their efforts to develop and implement responses to such violence.”

(2) Amend subsection (b), clause (3) to read as follows —

“(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, **sexual harassment**, and stalking impacting the workplace, including the needs of underserved communities.”

(3) Amend subsection (c), clause (1), subclause (A) to read as follows —

“(A) providing training to promote a better understanding of workplace assistance to victims of **sexual harassment or** domestic or sexual violence;”

(4) In subsection (e) (“Authorization of appropriations”), amend the value of the appropriations designated to read \$10,000,000.

For the purposes of the provisions of the Internal Revenue Code and the benefits and credits granted thereof, no person shall be denied compensation under federal or state law on the basis of the individual being voluntarily separated from work due to a documented occurrence(s) of sexual or other harassment, or domestic violence, sexual assault, or stalking.

SECTION 13. PROTECTIONS FOR IMMIGRANTS.

8 U.S.C. §1184 (“Admission of nonimmigrants”) shall be amended in the following manner —

(1) Amend subsection (d) (“Issuance of visa to fiancée or fiancé of citizen”), clause (2), subclause (C), by striking (ii) and the provisions under (ii), replacing it with the following provisions —

“(ii) A petitioner described in this clause is a petitioner who has been battered or subjected to extreme cruelty, or who is a victim of domestic or sexual violence or sexual harassment.”

The Secretary of Defense shall begin to prioritize the issuance of U-visas under the United States Code to victims of domestic or sexual violence or sexual harassment in accordance with the previous paragraph of this section.

No later than one year and one month following the enactment of this Act, the Secretary of Defense shall present to the House Committee on Social Concerns and the Judiciary and the Senate Committee on the Judiciary, Local Government, and Oversight a report detailing progress in enforcement of the provisions amended by Section 11 of this Act, specifically the change in the amount of U-visas granted via the expansion of eligibility for said visas.

SECTION 14. STUDYING IMPACT OF REAUTHORIZATION.

No later than one year and one month following the enactment of this Act, the Secretary of Welfare in coordination with the Congressional Research Service shall present to the House Committee on Health, Education, Labor, and Entitlements, the House Committee on Science, Energy, the Environment, and Commerce, and the Senate Committee on Health, Science, and the Environment a report detailing the impact on women and victims of sexual violence, domestic violence, and sexual harassment of the gap in funding due to the lack of reauthorization of the Violence Against Women Act of 1994.

SECTION 15. PLAIN ENGLISH.

The preamble, the section containing “Whereas” clauses, demonstrates the general sense of Congress and lays out reasoning and context surrounding the proposal and enactment of this Act.

Section 1 provides the title of this Act, the Violence Against Women Act of 1994.

Section 2 and 3 provides definitions and findings for the provisions of this Act and the reauthorization of the Violence Against Women Act, specifically providing for the merging and consolidation of executive departments .

Section 4 formally reauthorizes the Violence Against Women Act.

Section 5 adjusts all funds appropriated by the Violence Against Women Act for inflation.

Section 6 details that the additional funding authorized for the purposes of this Act shall come from the Office of Violence Against Women, an office under the Attorney General and the Department of Justice.

Section 7 implements culturally specific justice and sexual violence programs.

Section 8 implements programs that address new avenues to justice.

Section 9 expands tribal jurisdiction over sexual crimes.

Section 10 expands rape prevention programs through the expansion of their scope as well as boosts in funding; a report from the Secretary of Health and Human Services is mandated in addition to an advertisement program that will promote the expansion of these programs.

Section 11 closes loopholes that previously allowed law enforcement officers to sexually assault or harass individuals who were in detention or being arrested by those law enforcement officers; it includes a prohibition that ensures that an officer being prosecuted under the section may not stipulate that both parties consented to sexual acts as a defense.

Section 12 ensures economic security for victims of sexual crimes by expanding the scope of economic security programs for those victims; it also prohibits the federal government and state governments from denying unemployment benefits if a victim is out of a job because they were a victim of a sexual crime.

Section 13 expands the scope of U-visas to include immigrant victims of sexual crimes.

Section 14 mandates that the Secretary of Welfare study the impact of the government shutdown and resulting lack of reauthorization of the Violence Against Women Act.

SECTION 16: SUPREMACY AND SEVERABILITY.

SUPREMACY.—For any provision of any statute that contradicts any section of this act, the contradictory provision of that statute shall be struck and nullified.

SEVERABILITY.—If any section, subsection, paragraph, subparagraph, clause, subclause, provision, or amendment made by the application of this act is deemed unconstitutional or unenforceable, it shall be struck. The remaining sections, subsections, paragraphs, subparagraphs, clauses, subclauses, provisions, or amendments made by the application of this act shall remain valid, enforceable, and in effect.

SECTION 17: ENACTMENT

1. Should any portion of this act be found to be unconstitutional, illegal, or otherwise incongruent with existent United States law, that portion or portions shall be struck with all others remaining intact
2. The provisions of this Act shall go into effect immediately upon its signature by the President.