



National Alliance to  
End Sexual Violence

## **Administrative Priorities for Addressing the Needs of Sexual Assault Survivors September 2020**

### **Top Priorities for the first 100 days:**

- Expand the Rape Prevention & Education Program and support the leadership of state and territorial sexual assault coalitions.
- Invest in healing services by funding the Sexual Assault Services Program in the Office on Violence Against Women, U.S. Department of Justice at \$200 million.
- Create a Culturally Specific Services Program in the Family Violence Prevention and Services Office, U.S. Department of Health and Human Services.

### **Expand the [Rape Prevention & Education Program \(RPE\)](#) and support the leadership of state and territorial sexual assault coalitions**

RPE formula grants, administered by the CDC Injury Center, provide essential funding to states and territories to support rape prevention and education programs conducted by rape crisis centers, state sexual assault coalitions, and other public and private nonprofit entities. While funding is directly distributed to state health departments, the original intent of the RPE program was to fully involve state sexual assault coalitions and rape crisis centers as partners and leaders in this work because of their substantive experience in addressing sexual violence. Over the years, the level of involvement of state coalitions has been uneven and has varied between states. At the same time, there are states in which the health department has never meaningfully involved the state sexual assault coalition in RPE. Preventing sexual violence requires the full participation of state sexual assault coalitions and their member programs. State sexual assault coalitions have specific expertise, experience and resources related to the prevention of sexual assault and want to work in partnership with state public health officials.

One of the biggest challenges facing state sexual assault coalitions related to their sexual assault prevention work is the lack of financial resources. Therefore, we urge the Administration to prioritize legislation and policy to:

- Increase authorization and appropriations for RPE to \$200 million.
- Require meaningful involvement in state RPE planning of the state sexual assault coalition and underserved communities.
- Create within the RPE program a state coalition set aside with 15% of funding going directly to the state and territorial sexual assault coalitions, with 10% (of the 15%) set aside for tribal sexual assault coalitions.

### **Prioritize Healing Services for Sexual Assault Survivors:**

Addressing sexual violence through a criminal justice lens has failed to meet all survivors' needs or change the culture. Criminal justice approaches such as addressing the rape kit backlog have garnered major resources and attention while policymakers have failed to adequately invest in survivor services and prevention. We implore the Administration to prioritize and increase investments and attention to healing, prevention, community-based and transformative justice solutions.

### **Invest \$200 million in the Sexual Assault Services Program (SASP)**

SASP, administered by the Office on Violence Against Women (OVW) in the U.S. Department of Justice (DOJ), was authorized in 2005 through the Violence Against Women Act as the first federal funding stream dedicated to the provision of direct services to victims of sexual violence. Through support of coalitions which provide training and technical assistance, SASP helps ensure that victims receive high quality services and improved responses from the criminal justice system. SASP funds also support underserved communities. Grants to culturally specific organizations help support intervention and related assistance for underserved victims and communities of color. According to OVW's most recent report on the SASP program, over 55,000 individuals received services annually through SASP; over 300 advocates and counselors were funded at local programs; and almost 30,000 survivors received medical or legal advocacy. Yet the current funding for SASP (\$38 million) is not nearly enough to meet the demand.

We know that victims of sexual assault suffer both physically as well as emotionally. They are more likely to struggle professionally and academically and often experience depression, post-traumatic stress disorder, substance abuse, and to contemplate suicide. At the same time [rape crisis centers struggle](#) to meet the complex needs of survivors. The nation's 1,500 sexual assault programs often lack the resources even to meet victims' most basic needs. Attention to workplace, campus and military sexual assault, as well as high profile cases reported in detail in the media, has meant more victims have come forward needing recovery services.

According to a [2019 survey by NAESV](#):

- Half of rape crisis centers have a waiting list for counseling services.
- Survivors are waiting as much as 6 months to receive counseling at some programs.
- 44% of programs lack a therapist on staff.
- 84% of programs saw an increase demand in services in 2019.

### **Create a Culturally Specific Services Program at the FVPSA Office at HHS**

Funding must be intentionally directed to culturally specific Communities of Color organizations that are developed by and for their communities to address the historical and present-day systemic issues that have left their communities vulnerable to public health and economic crisis. To effectively respond to the needs of survivors from Communities of Color, we urge the Administration to provide \$100 million in funding through the Family Violence Prevention and Services Program (FVPSA) of the Department of Health and Human Services (HHS) to address the disproportionate impact of sexual assault and domestic violence on racial and ethnic

minority communities by providing culturally specific services and support to women and youth of color who are victims.

## **EXECUTIVE BRANCH ACTIONS AND AGENCY SPECIFIC RECOMMENDATIONS**

### **Executive Branch**

- Prioritize the work of violence against women within the Executive Branch by creating a component within the Domestic Policy Council (DPC) and staff it with at least four (4) full-time positions.
- Create an interagency working group including representation from all federal agencies to address the priorities in this document and ensure a cohesive national response to sexual assault.
- Assert leadership and foster cross-agency and expert collaboration to prevent sexual violence. Set an expectation that agencies must invest in comprehensive sexual violence and sexual harassment prevention and convene experts in sexual violence prevention and agency leaders to discuss best practice and evidence-based strategies to prevent sexual violence across the federal government.
- Convene a cross-agency collaboration including the Office on Violence Against Women, Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention, Department of Education, Department of Defense, the Administration for Children and Families, and the Family Violence Prevention and Services Program, to develop a strategic plan for reaching survivors of sexual violence, especially those from Communities of Color, Tribes, and other vulnerable communities with trauma-informed services and holistic approaches to healing from sexual violence and childhood sexual abuse.
- Develop a program to fund community organizations to make direct cash grants to survivors to meet their survival needs such as housing, transportation, and childcare as well as their healing needs.
- Broaden the discussion around the “women’s economic agenda” to include the impact of sexual violence on women and the fact that stabilizing their lives requires economic security, including a good job and access to the same kinds of accommodations and resources contemplated by the broader women’s economic agenda.
- Support federal legislation that creates a common floor of workplace protections for survivors of violence, including: paid leave (“sick and safe days”) that includes time off for survivors to attend court proceedings, meet with lawyers and advocates, obtain services from a sexual assault program, and recover from or seek medical care for physical and/or psychological injuries.

### **Department of Justice (DOJ)**

- Ensure access for survivors to high quality supportive services budgeting \$200 million for SASP.
- Increase deposits to Crime Victims Fund (CVF) by including fines from deferred prosecutions and non-prosecution agreements.

- Support the integrity of the CVF by refraining from supporting set asides.
- Ensure funding for tribes in the CVF.
- Redress the lack of justice for sexual assault survivors by reinvigorating work to investigating gender and racial bias in policing and investing in alternatives to the criminal justice system.

### **Department of Education (ED)**

- Repeal the 2020 Title IX Guidance.
- Immediately begin a rulemaking process to build on the work of the Obama Administration to protect students from sexual violence exemplified in 2011 and 2013 guidance.
- Repeal the religious exemption to Title IX compliance.
- Require schools to enter into Memoranda of Understanding with local sexual violence and dating/domestic violence programs and culturally specific programs, whether for training, resources, services, technical support, or other purposes.
- Expand prevention and services to public K-12 schools. Support policy changes that ensure K-12 public schools provide annual, age-appropriate education on healthy relationships and affirmative consent beginning in elementary school through graduation.
- Support policies to make it easier for teens experiencing dating violence and sexual assault to access accommodations, services, and protective measures.

### **Department of Defense (DOD)**

- Convene a panel of military and sexual assault experts to improve policies for reporting, investigating and prosecuting sexual assault that includes removing the process from the chain of command.
- Ensure robust, evidence-based prevention programs, in concert with the Rape Prevention and Education Program at the CDC Injury Center, are implemented throughout the military and military academies.

### **Department of Health and Human Services (HHS)**

- Create a new program at the Family Violence and Prevention and Services Office to invest in culturally specific services that specifically address the needs of survivors of sexual assault in Communities of Color.
- Invest in preventing sexual violence by fully funding the Rape Prevention and Education Program at the CDC Injury Center and prioritize policies and funding that support comprehensive, medically accurate sexuality education in grades K-12 including a focus on consent.
- Convene a roundtable including representatives from the Family Violence Prevention Services, Administration for Children and Families, Office of Women's Health, and the Centers for Disease Control to discuss cross-agency collaboration and response to sexual violence across the lifespan.

- Rescind the Title X “Domestic Gag Rule” that prevents survivors from seeking the full range of reproductive health services they need and adequately fund the program.
- Address the disparity in mental health and substance abuse care and treatment that prevents many survivors from receiving the services and support they need.

#### **Housing and Urban Development (HUD)**

- Create a senior-level position to address the response to sexual violence in public housing and homelessness programs to specifically address the ongoing issue of sexual harassment and coercion by managers and landlords.
- Convene experts in sexual assault, housing and homelessness to discuss ways to integrate the needs of sexual assault survivors into the continuum of care, homelessness, and public housing plans.
- Strengthen the ability of sexual assault survivors to seek and transfer housing.
- Repeal regulations that impede HUD’s Equal Access rule to ensure that transgender individuals can access homelessness programs provided in line with their gender identity.

### **OTHER CRITICAL ISSUES IMPACTING SEXUAL ASSAULT SURVIVORS**

#### **Tribes**

- Prioritize the extension of tribal authority against non-Native abusers for sexual assault, stalking, child violence, and trafficking, as called for in VAWA 2019.
- Ensure tribal access to Victims of Crime Act funds.

#### **Immigration**

- Restore asylum eligibility for survivors of gender based violence. .
- Increase the availability of visas available to survivors of sexual assault.

#### **Technology**

- In addition to confronting online harassment, the Administration must specifically address the lack of accountability which has led to the proliferation of the online sexual abuse of children; the material created and disseminated of sexual abuse; and the role of technology companies in addressing this horrendous problem by creating a National Commission on Online Child Sexual Exploitation to develop best practices.

## LEGISLATION TO SUPPORT

### **Reauthorization of the Violence Against Women Act (H.R. 1585)**

This legislation reauthorizes the Sexual Assault Services Program and Rape Prevention and Education Program; expands tribal criminal jurisdiction to include sexual violence; expands housing protections for survivors; increases the investment in prevention.

### **Preventing Sexual Harassment in Public Housing Act of 2020 (H.R. 5788)**

This bill requires HUD to report to Congress about reported incidents of sexual harassment in public housing.

### **Closing the Law Enforcement Consent Loophole Act of 2019 (S. 855/H.R. 1574)**

This bill makes it unlawful for a federal law enforcement officer to engage in a sexual act while acting under color of law or with an individual who is under arrest, in detention, or in custody. Consent is not a defense to prosecution for unlawful conduct. A violator is subject to criminal penalties—a fine, a prison term of up to 15 years, or both. Additionally, the bill authorizes the Department of Justice to make grants to states that have in effect similar laws. Grants must be used for the same purposes as formula grants under the STOP Violence Against Women Program and the Sexual Assault Services Program.

### **Hold Accountable and Lend Transparency on Campus Sexual Violence Act (H.R. 3381)**

This bill requires campus climate survey, allows for a private right of action, strengthen prevention of sexual violence, creates a Campus Sexual Violence Task Force, and allows the Department of Education to levy fines.

### **Survivors' Access to Supportive Care Act or SASCA (S. 402/H.R. 1082)**

This bill establishes a series of programs and requirements to address the adequacy of access to sexual-assault examinations. The bill establishes (1) a grant program for states to assess the availability of specified providers to perform sexual-assault examinations; (2) a multiagency pilot program to improve training for, and access to, such providers; (3) reporting requirements for hospitals regarding community access to such providers; and (4) a grant program for provider training in rural and tribal settings.

### **Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act or the BE HEARD in the Workplace Act (S. 1082/H.R. 2148)**

This bill sets forth provisions to prevent discrimination and harassment in the workplace and raises the minimum wage for tipped employees.

### **EMPOWER Act (S. 575/H.R. 1521)**

This bill prohibits non-disparagement and non-disclosure clauses that cover workplace harassment as a condition of employment; Establishes a confidential tip-line; requires that public companies disclose the number of settlements, judgments, and aggregate settlement amounts in connection with workplace harassment (as a material disclosure) in their annual SEC filings; and disclose the existence of repeat settlements with respect to a particular individual;

prohibits companies from receiving tax deductions for expenses and attorneys' fees paid in connection with litigation related to workplace harassment; and requires development and dissemination of workplace training programs to educate at all levels about what constitutes prohibited workplace harassment and how to prevent this behavior

**Ending Punitive, Unfair, School-based Harm that is Overt and Unresponsive to Trauma Act of 2019 or the Ending PUSHOUT Act of 2019 (H.R. 5325)**

This bill requires the Department of Education (ED) to award grants to local educational agencies and nonprofit organizations for the purpose of reducing suspension and expulsion of students (i.e., exclusionary disciplinary practices). The bill requires ED to collect data on exclusionary discipline in schools. It also establishes a joint task force to end school pushout.

**Protecting Sensitive Locations Act (S. 2097/H.R. 1011)**

This bill prohibits immigration enforcement actions within 1,000 feet of a sensitive location unless there are exigent circumstances or if written prior approval has been obtained from certain officials.

**Savanna's Act (S.227)**

This bill directs the Department of Justice (DOJ) to review, revise, and develop law enforcement and justice protocols to address missing or murdered Native Americans.

For more information on these priorities, please contact Terri Poore, Policy Director, at [terri@endsexualviolence.org](mailto:terri@endsexualviolence.org).