

## **Supporting Statement for Paperwork Reduction Act Submission**

### **Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended**

#### **A. Justification**

##### **1. Statutorily-Mandated Need for Information**

The primary goal of the STOP (Services\*Training\*Officers\*Prosecutors) Violence Against Women Formula Grant Program (STOP Formula Grant Program) is to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. The STOP Formula Grant Program was authorized through the Violence Against Women Act (VAWA) of 1994 and reauthorized and amended in 2000, 2005, 2013, and 2022. Grant awards are made to state governments and administered through a STOP State Administrator. Each state and territory must allocate OVW grant funds to law enforcement, prosecution, courts, and victim services within the statutory parameters. Eligible applicants for the STOP Formula Grant Program include any state within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Eligible applicants for the STOP Formula Grant Program include any state within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, hereafter referred to as states. To be eligible for funds, applicants **must** certify that they are in compliance with relevant requirements under 28 CFR Part 90 and 34 U.S.C §10441, 10444-10451, and 10454 including that: (1) the funds will be used only for the statutory purposes described in 42 U.S.C. §10441; (2) grantees and subgrantees will develop plans for implementation and will consult and coordinate with the State sexual assault coalition; the State domestic violence coalition; the law enforcement entities within the State; prosecution offices; State and local courts; Tribal governments in those States with State or federally recognized Indian tribes; representatives from underserved populations, including culturally specific populations; victim service providers; population specific organizations; and other entities that the State or the Attorney General identifies as needed for the planning process; (3) grantees will coordinate the State implementation plan with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C.10407) and the programs described in section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) and section 393A of the Public Health Service Act (42 U.S.C. 280b-1b); (4) the amount granted will be allocated, without duplication, as follows: not less than 25 percent for law enforcement, not less than 25 percent for prosecutors, not less than 30 percent for victim services (of which at least 10 percent will be distributed to culturally specific community-based organizations), and not less than 5 percent to state and local courts; (5) not later than 2 years after March 7, 2013, and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or

drug-facilitated rape, and rape within the context of an intimate

partner relationship; and (6) any federal funds received under this subchapter will be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this chapter.

In addition, to be eligible for funding under the STOP Formula Grant Program, applicants must also certify compliance with the requirements in 34 U.S.C. §§ 10446-10451, and the new section 10454 as well as the implementing provisions of 28 C.F.R. Part 90, and the applicable grant conditions at 34 U.S.C. § 12291(b), states must certify that they are in compliance with other requirements addressing forensic medical examination payment requirement for victims of sexual assault, filing costs for criminal charges and protection orders, judicial notification, and polygraph testing prohibition and grant eligibility regarding compelling victim testimony.

OVW is requesting revisions to the currently approved form, Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended, (1122-0001) to reflect changes made by the Violence Against Women Act Reauthorization Act of 2022, (Pub. L. No. 117-103, div. W, 136 Stat. 49, 840-962 (VAWA 2022), enacted on March 15, 2022. VAWA 2022 reauthorized critical grant programs created by the original Violence Against Women Act and subsequent legislation, including adding new certification requirements under the STOP Violence Against Women Formula Grant Program. OVW is seeking revisions to the currently approved OMB form 1122-0001 to reflect changes including: (1) a new requirement that a prosecutor's office seeking a STOP subgrant must certify that the office will, during the three-year period beginning on the date the subgrant is awarded, implement training on victim-centered approaches in domestic violence, dating violence, sexual assault, and stalking cases, victim-centered polices, and a protocol disfavoring the use of material witness petitions and bench warrants to obtain victim-witness testimony; (2) STOP application requirements including proof of compliance with new certification requirement regarding victim-centered prosecution and certification of compliance with VAWA grant conditions in 34 U.S.C. 12291(b), "as applicable" and (3) requirements that State STOP implementation plans include demographic information on sexual orientation and gender identity of population to be served and information on how States will comply with "applicable" provisions of 34 U.S.C. § 12291(b).

## 2. Use of Information

OVW will use the information as a material representation of fact that the applicant to the grant program has complied with the statutory eligibility requirements.

## 3. Use of Information Technology

The collection of information will involve the use of automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Grantees will submit this certification as part of their application which will be sent to the OVW electronically through the Office of Justice Programs Just Grants System.

## 4. Duplication of Information Request

There is no other mechanism by which OVW collects this information.

5. Impact on Small Entities

Because the respondents to the information request are applicants under the STOP Formula Grant Program - states, territories, and the District of Columbia-- there is no impact on small businesses.

6. Consequences to Federal Programs or Policy

The STOP Formula Grant Program supports important programs that provide critical training to address violence against women, provide victims services, and support coordinated community responses to such crimes. The STOP Formula Grant Program promotes a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women and supports partnerships among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and to increase offender accountability. If OVW was not able to collect the information from applicants, OVW would not be able to determine whether states meet certification requirements mandated by statute and regulation.

7. Special Circumstances

There are no special circumstances as identified in the specific instructions for a supporting statement for Paperwork Reduction Act Submissions.

8. Federal Register Publication

OVW has used this form in its grant solicitation packages. No applicant has complained that the data to be collected is not available, the annual collection of such data is burdensome, or the form is unclear. OVW has solicited public comment on this form in accordance with the requirements of the Paperwork Reduction Act. A 60 day notice was published in the Federal Register on April 21, 2022 (Federal Register, Volume 87, page 23887) and a 30-day notice was published in the Federal Register on June 27, 2022 (Federal Register, Volume 87, page 38186). OVW did not receive any comments.

9. Payment or Gift to Respondents

There will no payment or gift to respondents.

10. Confidentiality

This form will not include any personal information about victims that could identify them as specific individuals. It is strictly a certification of compliance with certain statutory requirements.

11. Specific Questions

The form will not contain any questions of a personal, sensitive nature such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

## 12.Hour Burden of the Collection of Information

This certification form is not overly burdensome. It will be distributed to all prospective applicants in the solicitation package. It will be completed once during the application process.

OVW is seeking certification that potential grantees are complying with the statutory requirements concerning grant purpose areas, implementation plans, grant fund distribution percentages, supplanting, forensic medical examination payment for victims of sexual assault, filing costs for criminal charges, judicial notification, polygraph testing prohibition and grant eligibility regarding compelling victim testimony. OVW estimates that it will take approximately 30 minutes for prospective STOP state administrators to determine that they are in compliance with the relevant statutory requirements and then complete the certification. Because OVW anticipates approximately 56 potential applicants, (potential STOP state administrators who will be completing the certification form) and it will take each applicant approximately 30 minutes to determine that they are in compliance and sign the certification, the total annual hours requested for the annual reporting and recordkeeping hour burden is approximately 28 hours.

13. Cost Burden of the Collection of Information

OVW does not believe that there is any annual cost burden on respondents or recordkeepers resulting from the collection of this information.

14. Annualized Costs to the Federal Government

The annualized costs to the Federal Government resulting from the OVW staff review of the certifications submitted by applicants are estimated to be \$3136.

15. Program Changes or Adjustments

There are no program changes or adjustments for the estimates identified in Section 13 and in Section 14.

16. Published Results of Information Collections

There will be no complex analytical techniques used in connection with the publication of information collected under the request. The information will not be published. It will be used to determine whether an applicant is eligible for the STOP Formula Grant Program.

17. Display of the Expiration Date of OMB Approval

OVW will display the Expiration Date of OMB Approval in the upper right hand corner of Certification form.

18. Exception to the Certification Statement

OVW is not seeking any exception to the certification statement identified in Item 19, Certification for Paperwork Reduction Act Submissions, of OMB Form 83-I.

