

118TH CONGRESS
2D SESSION

H. R. 8189

To encourage States to voluntarily pass laws to authorize civil damages and equitable relief for nonconsensual sexual protection barrier removal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2024

Mrs. TORRES of California (for herself, Ms. BONAMICI, Ms. NORTON, Ms. LEE of California, Ms. TLAIB, Ms. BARRAGÁN, Mr. CARTER of Louisiana, Ms. MENG, and Mr. TRONE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage States to voluntarily pass laws to authorize civil damages and equitable relief for nonconsensual sexual protection barrier removal, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consent is Key Act”.

5 **SEC. 2. INCREASED FUNDING FOR FORMULA GRANTS AU-**
6 **THORIZED.**

7 The Attorney General shall increase the amount pro-
8 vided to a State under the covered formula grant if the

1 State has in effect a law that authorizes a civil action,
2 for damages and such equitable relief as may be appro-
3 priate, against a person who engages in nonconsensual
4 sexual protection barrier removal.

5 **SEC. 3. APPLICATION.**

6 A State seeking an increase in the amount provided
7 to the State under the covered formula grant shall include
8 in the application of the State for each covered formula
9 grant such information as the Attorney General may rea-
10 sonably require, including information about the law de-
11 scribed in section 2.

12 **SEC. 4. GRANT INCREASE.**

13 The amount of the increase provided to a State under
14 the covered formula grant shall be equal to not more than
15 20 percent of the average of the total amount of funding
16 provided to the State under the covered formula grant
17 under the 3 most recent awards to the State.

18 **SEC. 5. PERIOD OF INCREASE.**

19 (a) IN GENERAL.—The Attorney General shall pro-
20 vide an increase in the amount provided to a State under
21 the covered formula grant for a 4-year period.

22 (b) LIMIT.—The Attorney General may not provide
23 an increase in the amount provided to a State under the
24 covered formula grant more than 4 times.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$5,000,000 for each of fiscal years 2025 through
4 2029.

5 **SEC. 7. DEFINITIONS.**

6 In this Act:

7 (1) COVERED FORMULA GRANT.—The term
8 “covered formula grant” means a grant under sec-
9 tion 41601 of the Violence Against Women Act of
10 1994 (34 U.S.C. 12511 et seq.) (commonly referred
11 to as the “Sexual Assault Services Program”).

12 (2) NONCONSENSUAL SEXUAL PROTECTION
13 BARRIER REMOVAL.—The term “nonconsensual sex-
14 ual protection barrier removal” means removal of a
15 sexual protection barrier from a body part, including
16 the genitals, or an object being used by a person for
17 sexual contact with another person without the con-
18 sent of each person involved in such sexual contact,
19 causing sexual contact between the body parts, in-
20 cluding the genitals, or objects being used for sexual
21 contact, and the body of any person engaged in such
22 sexual contact.

23 (3) SEXUAL PROTECTION BARRIER.—The term
24 “sexual protection barrier” may include a condom,
25 including an internal condom, a dental dam, or any

- 1 other barrier against sexual fluids during sexual con-
- 2 tact.

