

**§ 10369. Research agreement authority**

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

(Pub. L. 111–11, title IX, §9509, Mar. 30, 2009, 123 Stat. 1346.)

**§ 10370. Effect****(a) In general**

Nothing in this chapter supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

**(b) Effect on State water law****(1) In general**

Nothing in this chapter preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

**(2) Compliance required**

The Secretary shall comply with applicable State water laws in carrying out this chapter.

(Pub. L. 111–11, title IX, §9510, Mar. 30, 2009, 123 Stat. 1346.)

## CHAPTER 110—FAMILY VIOLENCE PREVENTION AND SERVICES

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### CODIFICATION

The Family Violence Prevention and Services Act, comprising this chapter, was originally enacted by Pub. L. 98–457, title III, Oct. 9, 1984, 98 Stat. 1757, and amended by Pub. L. 100–294, title III, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102–295, title III, §§302–309(a), 310–321, May 28, 1992, 106 Stat. 201–210; Pub. L. 103–322, title IV, §§40211, 40241, 40251, 40261, 40271, 40272, Sept. 13, 1994, 108 Stat. 1925, 1934–1937; Pub. L. 104–208, div. A, title I, §101(e) [title II, §213], Sept. 30, 1996, 110 Stat. 3009–233, 3009–254; Pub. L. 104–235, title II, §§201–203, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 105–392, title IV, §407(a), Nov. 13, 1998, 112 Stat. 3589; Pub. L. 106–386, div. B, title II, §§1202–1204, title IV, §1403, Oct. 28, 2000, 114 Stat. 1505–1507, 1514; Pub. L. 108–36, title IV, §§401–415, June 25, 2003, 117 Stat. 825–830; Pub. L. 109–162, title II, §206, Jan. 5, 2006, 119 Stat. 3002. Such Act is shown herein, however, as having been added by Pub. L. 111–320, title II, §201, Dec. 20, 2010, 124 Stat. 3484, without reference to such intervening amendments because of the extensive revision of the Act’s provisions by Pub. L. 111–320.

**§ 10401. Short title; purpose****(a) Short title**

This chapter may be cited as the “Family Violence Prevention and Services Act”.

**(b) Purpose**

It is the purpose of this chapter to—

(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

(3) provide for a national domestic violence hotline;

(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

(Pub. L. 98–457, title III, §301, as added Pub. L. 111–320, title II, §201, Dec. 20, 2010, 124 Stat. 3484.)

### PRIOR PROVISIONS

A prior section 10401, Pub. L. 98–457, title III, §302, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 102–295, title III, §302, May 28, 1992, 106 Stat. 201; Pub. L. 108–36, title IV, §415(1), June 25, 2003, 117 Stat. 830, related to declaration of purpose, prior to the general amendment of this chapter by Pub. L. 111–320. See subsec. (b) of this section.

A prior section 301 of Pub. L. 98–457, title III, Oct. 9, 1984, 98 Stat. 1757, provided a short title for title III of Pub. L. 98–457 and was set out as a note under former section 10401 of this title, prior to the general amendment of this chapter by Pub. L. 111–320.

### STUDY OF TRAINING NEEDS OF HEALTH PROFESSIONALS

Pub. L. 105–392, title IV, §407(b), Nov. 13, 1998, 112 Stat. 3589, related to study by the Institute of Medicine concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence and required the Institute to submit a report to Congress concerning such study not later than 2 years after Nov. 13, 1998.

**§ 10402. Definitions**

In this chapter:

**(1) Alaska Native**

The term “Alaska Native” has the meaning given the term “Native” in section 1602 of title 43.

**(2) Dating violence**

The term “dating violence” has the meaning given such term in section 13925(a) of this title.

**(3) Domestic violence**

The term “domestic violence” has the meaning given such term in section 13925(a) of this title.

**(4) Family violence**

The term “family violence” means any act or threatened act of violence, including any forceful detention of an individual, that—

- (A) results or threatens to result in physical injury; and
- (B) is committed by a person against another individual (including an elderly individual) to or with whom such person—
  - (i) is related by blood;
  - (ii) is or was related by marriage or is or was otherwise legally related; or
  - (iii) is or was lawfully residing.

**(5) Indian; Indian tribe; tribal organization**

The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in section 450b of title 25.

**(6) Native Hawaiian**

The term “Native Hawaiian” has the meaning given the term in section 7517 of title 20.

**(7) Personally identifying information**

The term “personally identifying information” has the meaning given the term in section 13925(a) of this title.

**(8) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

**(9) Shelter**

The term “shelter” means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

**(10) State**

The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**(11) State Domestic Violence Coalition**

The term “State Domestic Violence Coalition” means a statewide nongovernmental nonprofit private domestic violence organization that—

- (A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;
- (B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;
- (C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and
- (D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the

State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

**(12) Supportive services**

The term “supportive services” means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

- (A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and
- (B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

**(13) Tribally designated official**

The term “tribally designated official” means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 10409 of this title.

**(14) Underserved populations**

The term “underserved populations” has the meaning given the term in section 13925(a) of this title. For the purposes of this chapter, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 13925(a)<sup>1</sup> of this title.

(Pub. L. 98-457, title III, §302, as added Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3484.)

**PRIOR PROVISIONS**

A prior section 10402, Pub. L. 98-457, title III, §303, Oct. 9, 1984, 98 Stat. 1757; Pub. L. 100-294, title III, §302, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III, §§303-309(a), 310, 311(a), May 28, 1992, 106 Stat. 201-203; Pub. L. 103-322, title IV, §40271, Sept. 13, 1994, 108 Stat. 1937; Pub. L. 104-235, title II, §201, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 108-36, title IV, §§401, 415(2), (3), June 25, 2003, 117 Stat. 825, 830, related to authorization of State grants, prior to the general amendment of this chapter by Pub. L. 111-320. See section 10406 of this title.

A prior section 302 of Pub. L. 98-457 was classified to section 10401 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10403. Authorization of appropriations****(a) Formula grants to States****(1) In general**

There is authorized to be appropriated to carry out sections 10401 through 10412 of this title, \$175,000,000 for each of fiscal years 2011 through 2015.

**(2) Allocations****(A) Formula grants to States****(i) Reservation of funds**

For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 10412 of this title.

<sup>1</sup> So in original.

**(ii) Formula grants**

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 10406(a) of this title.

**(B) Grants to tribes**

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 10409 of this title.

**(C) Technical assistance and training centers**

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 10410 of this title.

**(D) Grants for State Domestic Violence Coalitions**

Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 10411 of this title.

**(E) Administration, evaluation and monitoring**

Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this chapter.

**(b) National domestic violence hotline**

There is authorized to be appropriated to carry out section 10413 of this title \$3,500,000 for each of fiscal years 2011 through 2015.

**(c) Domestic Violence Prevention Enhancement and Leadership Through Alliances**

There is authorized to be appropriated to carry out section 10414 of this title \$6,000,000 for each of fiscal years 2011 through 2015.

(Pub. L. 98-457, title III, § 303, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3486.)

**PRIOR PROVISIONS**

A prior section 10403, Pub. L. 98-457, title III, § 304, Oct. 9, 1984, 98 Stat. 1759; Pub. L. 102-295, title III, § 312, May 28, 1992, 106 Stat. 204; Pub. L. 104-208, div. A, title I, § 101(e) [title II, § 213], Sept. 30, 1996, 110 Stat. 3009-233, 3009-254; Pub. L. 104-235, title II, § 202, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 106-386, div. B, title II, § 1202(b), Oct. 28, 2000, 114 Stat. 1505, related to allotment of funds, prior to the general amendment of this chapter by Pub. L. 111-320. See section 10405 of this title.

A prior section 303 of Pub. L. 98-457 was classified to section 10402 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10404. Authority of Secretary****(a) Authorities**

In order to carry out the provisions of this chapter, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as are necessary;

(2) procure, to the extent authorized by section 3109 of title 5, such temporary and intermittent services of experts and consultants as are necessary;

(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this chapter, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this chapter by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this chapter; and

(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

**(b) Administration**

The Secretary shall—

(1) assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this chapter, including carrying out evaluation and monitoring under this chapter, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this chapter and by other governmental or nongovernmental sources of funds; and

(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for

adult and youth victims of family violence, domestic violence, or dating violence; and

(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

#### (c) Reports

Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this chapter and the effectiveness of the programs administered pursuant to this chapter, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 10406(d) of this title. The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 10406(d) of this title.

(Pub. L. 98-457, title III, § 304, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3487.)

#### REFERENCES IN TEXT

The CAPTA Reauthorization Act of 2010, referred to in subsec. (a)(4), is Pub. L. 111-320, Dec. 20, 2010, 124 Stat. 3459. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note set out under section 5101 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 10404, Pub. L. 98-457, title III, § 305, Oct. 9, 1984, 98 Stat. 1760; Pub. L. 102-295, title III, § 313, May 28, 1992, 106 Stat. 204; Pub. L. 108-36, title IV, §§ 402, 415(4), June 25, 2003, 117 Stat. 825, 830, related to Secretarial responsibilities, prior to the general amendment of this chapter by Pub. L. 111-320.

A prior section 304 of Pub. L. 98-457 was classified to section 10403 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

### § 10405. Allotment of funds

#### (a) In general

From the sums appropriated under section 10403 of this title and available for grants to States under section 10406(a) of this title for any fiscal year—

(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than  $\frac{1}{8}$  of 1 percent of the amounts available for grants under section 10406(a) of this title for the fiscal year for which the allotment is made; and

(2) each State shall be allotted for a grant under section 10406(a) of this title, \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

#### (b) Population

For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13.

#### (c) Ratable reduction

If the sums appropriated under section 10403 of this title for any fiscal year and available for grants to States under section 10406(a) of this title are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

#### (d) Reallotment

If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 10403 of this title, the amount allotted to a State has not been made available to such State in a grant under section 10406(a) of this title because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallot such amount to States that meet such requirements.

#### (e) Continued availability of funds

All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 10406(a) of this title, shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 10414 of this title. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 10414 of this title, for not more than 1 year from the date on which the funds are made available to the Secretary.

#### (f) Definition

In subsection (a)(2), the term “State” does not include any jurisdiction specified in subsection (a)(1).

(Pub. L. 98-457, title III, § 305, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3488.)

#### PRIOR PROVISIONS

A prior section 10405, Pub. L. 98-457, title III, § 306, Oct. 9, 1984, 98 Stat. 1760; Pub. L. 102-295, title III, § 314, May 28, 1992, 106 Stat. 204; Pub. L. 108-36, title IV, § 403, June 25, 2003, 117 Stat. 825, related to evaluation of the effectiveness of the programs administered and operated pursuant to this chapter, prior to the general amendment of this chapter by Pub. L. 111-320. See section 10404(c) of this title.

A prior section 305 of Pub. L. 98-457 was classified to section 10404 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10406. Formula grants to States****(a) Formula grants to States**

The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

(1) to prevent incidents of family violence, domestic violence, and dating violence;

(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

**(b) Administrative expenses****(1) Administrative costs**

Each State may use not more than 5 percent of the grant funds for State administrative costs.

**(2) Subgrants to eligible entities**

The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 10408 of this title.

**(c) Grant conditions****(1) Approved activities**

In carrying out the activities under this chapter, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

**(2) Discrimination prohibited****(A) Application of civil rights provisions**

For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this chapter are considered to be programs and activities receiving Federal financial assistance.

**(B) Prohibition on discrimination on basis of sex, religion****(i) In general**

No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with

funds made available under this chapter. Nothing in this chapter shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

**(ii) Enforcement**

The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such clause.

**(iii) Construction**

This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

**(C) Enforcement authorities of Secretary**

Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this chapter has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 [29 U.S.C. 794, 794a], or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

(iii) take such other action as may be provided by law.

**(D) Enforcement authority of Attorney General**

When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

**(3) Income eligibility standards**

No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this chapter. No fees may be levied for assistance or services provided with funds appropriated to carry out this chapter.

**(4) Match**

No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

**(5) Nondisclosure of confidential or private information****(A) In general**

In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this chapter shall protect the confidentiality and privacy of such victims and their families.

**(B) Nondisclosure**

Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

(I) shall be given by—

(aa) the person, except as provided in item (bb) or (cc);

(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

(cc) in the case of an individual with a guardian, the individual's guardian; and

(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

**(C) Release**

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

**(D) Information sharing**

Grantees and subgrantees may share—

(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

**(E) Oversight**

Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this chapter to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

**(F) Statutorily permitted reports of abuse or neglect**

Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

**(G) Preemption**

Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

**(H) Confidentiality of location**

The address or location of any shelter facility assisted under this chapter that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

**(6) Supplement not supplant**

Federal funds made available to a State or Indian tribe under this chapter shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this chapter.

**(d) Reports and evaluation**

Each grantee shall submit an annual performance report to the Secretary at such time as

shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 10409 of this title, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

(Pub. L. 98-457, title III, §306, as added Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3489.)

#### REFERENCES IN TEXT

The Age Discrimination Act of 1975, referred to in subsec. (c)(2)(A), (C)(ii), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Education Amendments of 1972, referred to in subsec. (c)(2)(A), (C)(ii), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of Title 20 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (c)(2)(A), (C)(ii), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

#### PRIOR PROVISIONS

A prior section 10406, Pub. L. 98-457, title III, §307, Oct. 9, 1984, 98 Stat. 1761, related to prohibition of discrimination, prior to the general amendment of this chapter by Pub. L. 111-320. See subsec. (c)(2) of this section.

A prior section 306 of Pub. L. 98-457 was classified to section 10405 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

### § 10407. State application

#### (a) Application

##### (1) In general

The chief executive officer of a State seeking funds under section 10406(a) of this title or a tribally designated official seeking funds under section 10409(a) of this title shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

##### (2) Contents

Each such application shall—

(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 10406(c) and 10408(d) of this title;

(B) provide, with respect to funds described in paragraph (1), assurances that—

(i) not more than 5 percent of such funds will be used for administrative costs;

(ii) the remaining funds will be distributed to eligible entities as described in section 10408(a) of this title for approved activities as described in section 10408(b) of this title; and

(iii) in the distribution of funds by a State under section 10408(a) of this title,

the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 10408(a) of this title and the administration of the grant programs and projects;

(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 10408(b) of this title;

(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this chapter, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

(H) provide an assurance that the State or Indian tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures, where appropriate; and

(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this chapter.

#### (b) Approval of application

##### (1) In general

The Secretary shall approve any application that meets the requirements of subsection (a) and section 10406 of this title. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's

intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

**(2) Correction of deficiencies**

The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 10406 of this title have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 10406 of this title to such State or under section 10409 of this title to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

**(3) State or tribal Domestic Violence Coalition participation in determinations of compliance**

State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 10406(c) of this title, except that no funds made available under section 10411 of this title shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this chapter.

**(4) Failure to report; nonconforming expenditures**

The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 10406(d) of this title, or if funds are expended for purposes other than those set forth in section 10406(b) of this title, after following the procedures set forth in paragraphs (1), (2), and (3).

(Pub. L. 98-457, title III, § 307, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3493.)

**PRIOR PROVISIONS**

A prior section 10407, Pub. L. 98-457, title III, § 308, Oct. 9, 1984, 98 Stat. 1761; Pub. L. 102-295, title III, § 315, May 28, 1992, 106 Stat. 204; Pub. L. 103-322, title IV, § 40272(b), Sept. 13, 1994, 108 Stat. 1937; Pub. L. 108-36, title IV, § 404, June 25, 2003, 117 Stat. 826, related to information and technical assistance centers, prior to the general amendment of this chapter by Pub. L. 111-320. See section 10410 of this title.

A prior section 307 of Pub. L. 98-457 was classified to section 10406 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10408. Subgrants and uses of funds**

**(a) Subgrants**

A State that receives a grant under section 10406(a) of this title shall use grant funds described in section 10406(b)(2) of this title to provide subgrants to eligible entities for programs and projects within such State, that is<sup>1</sup> designed

to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

**(b) Use of funds**

**(1) In general**

Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

(E) provision of culturally and linguistically appropriate services;

(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;

(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

(i) assistance in accessing related Federal and State financial assistance programs;

(ii) legal advocacy to assist victims and their dependents;

(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

<sup>1</sup> So in original. Probably should be "are".



(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

(vi) parenting and other educational services for victims and their dependents; and

(H) prevention services, including outreach to underserved populations.

**(2) Shelter and supportive services**

Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

**(c) Eligible entities**

To be eligible to receive a subgrant from a State under this section, an entity shall be—

(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

(2) a partnership of 2 or more agencies or organizations that includes—

(A) an agency or organization described in paragraph (1); and

(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

**(d) Conditions**

**(1) Direct payments to victims or dependants**

No funds provided under this chapter may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

**(2) Voluntarily accepted services**

Receipt of supportive services under this chapter shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

(Pub. L. 98-457, title III, § 308, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3494.)

**PRIOR PROVISIONS**

A prior section 10408, Pub. L. 98-457, title III, § 309, Oct. 9, 1984, 98 Stat. 1762; Pub. L. 102-295, title III, § 311(b), May 28, 1992, 106 Stat. 203; Pub. L. 103-322, title IV, § 40272(a), Sept. 13, 1994, 108 Stat. 1937; Pub. L. 108-36, title IV, § 405, June 25, 2003, 117 Stat. 826, which related to definitions, was renumbered section 320 of Pub. L. 98-457 by Pub. L. 108-36, title IV, § 415(5), June 25, 2003,

117 Stat. 830, and transferred to section 10421 of this title, prior to the general amendment of this chapter by Pub. L. 111-320.

A prior section 308 of Pub. L. 98-457 was classified to section 10407 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10409. Grants for Indian tribes**

**(a) Grants authorized**

The Secretary, in consultation with tribal governments pursuant to Executive Order No. 13175 (25 U.S.C. 450 note) and in accordance with section 10405d of this title, shall continue to award grants for Indian tribes from amounts appropriated under section 10403(a)(2)(B) of this title to carry out this section.

**(b) Eligible entities**

To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

**(c) Conditions**

Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 10406 of this title.

**(d) Grantee application**

To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 10407 of this title at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this chapter. The Secretary shall approve any application that meets requirements consistent with the requirements of section 10406(c) of this title and section 10407(a) of this title.

**(e) Use of funds**

An amount provided under a grant to an eligible entity shall be used for the services described in section 10408(b) of this title.

(Pub. L. 98-457, title III, § 309, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3496.)

**PRIOR PROVISIONS**

A prior section 10409, Pub. L. 98-457, title III, § 310, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, § 301, Apr. 25, 1988, 102 Stat. 124; Pub. L. 102-295, title III, § 316, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, § 40241, Sept. 13, 1994, 108 Stat. 1934; Pub. L. 104-235, title II, § 203, Oct. 3, 1996, 110 Stat. 3089; Pub. L. 106-386, div. B, title II, § 1202(a), Oct. 28, 2000, 114 Stat. 1505; Pub. L. 108-36, title IV, § 406(a), (b), June 25, 2003, 117 Stat. 827, related to authorization of appropriations, prior to the general amendment of this chapter by Pub. L. 111-320. See section 10403 of this title.

A prior section 309 of Pub. L. 98-457 was renumbered section 320 and transferred to section 10421 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10410. National resource centers and training and technical assistance centers**

**(a) Purpose and grants authorized**

**(1) Purpose**

The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this chapter to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

**(2) Grants authorized**

From the amounts appropriated under this chapter and reserved under section 10403(a)(2)(C) of this title, the Secretary—

(A) shall award grants to eligible entities for the establishment and maintenance of—

(i) 2 national resource centers (as provided for in subsection (b)(1)); and

(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

(B) may award grants, to—

(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

**(b) Domestic violence resource centers**

**(1) National resource centers**

In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

(A) a National Resource Center on Domestic Violence, which shall—

(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

(I) the incidence and prevention of family violence and domestic violence; and

(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 [42 U.S.C. 3796gg-10 note]; and

(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

**(2) Special issue resource centers**

In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

**(3) State resource centers to reduce tribal disparities**

**(A) In general**

In accordance with subsection (a)(2), the Secretary may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

**(B) Requirements**

An eligible entity shall use a grant provided under this paragraph—

(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

**(c) Eligibility**

**(1) In general**

To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

**(2) National Indian Resource Center**

To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal or-

ganization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

**(3) Special issue resource centers concerned with racial and ethnic minority groups**

To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

**(4) State resource centers to reduce tribal disparities**

To be eligible to receive a grant under subsection (b)(3), an entity shall—

(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that fo-

causes primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

**(d) Reports and evaluation**

Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

(Pub. L. 98-457, title III, § 310, as added Pub. L. 111-320, title II, § 201, Dec. 20, 2010, 124 Stat. 3497.)

REFERENCES IN TEXT

Sections 901 and 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, referred to in subsecs. (b)(1)(B)(i), (ii) and (c)(2)(A), (B), are sections 901 and 902, respectively, of Pub. L. 109-162, which are set out as a note under section 3796gg-10 of this title.

PRIOR PROVISIONS

A prior section 10410, Pub. L. 98-457, title III, § 311, Oct. 9, 1984, 98 Stat. 1763; Pub. L. 100-294, title III, § 303(b), Apr. 25, 1988, 102 Stat. 125; Pub. L. 102-295, title III, § 317, May 28, 1992, 106 Stat. 206; Pub. L. 103-322, title IV, § 40272(c), Sept. 13, 1994, 108 Stat. 1938; Pub. L. 108-36, title IV, §§ 406(c), 407, 415(6), June 25, 2003, 117 Stat. 827, 830, related to grants for State domestic violence coalitions, prior to the general amendment of this chapter by Pub. L. 111-320. See section 10411 of this title.

A prior section 310 of Pub. L. 98-457 was classified to section 10409 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10411. Grants to State Domestic Violence Coalitions**

**(a) Grants**

The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

**(b) Allotment of funds**

**(1) In general**

From the amount appropriated under section 10403(a)(2)(D) of this title for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to  $\frac{1}{56}$  of the amount so appropriated for such fiscal year.

**(2) Definition**

For purposes of this subsection, the term “covered territories” means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**(c) Application**

Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information

as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition’s work, satisfactory to the Secretary, demonstrating that the coalition—

(1) meets all of the applicable requirements set forth in this chapter; and

(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

**(d) Use of funds**

A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 10408(a) of this title;

(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

(6) working with family law judges, criminal court judges, child protective service agencies, and children’s advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

(A) family violence, domestic violence, or dating violence is present; and

(B) child abuse is present;

(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

**(e) Limitation on use of funds**

A coalition that receives a grant under this section shall not be required to use funds received under this chapter for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

- (1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and
- (2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

**(f) Prohibition on lobbying**

No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

- (1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or
- (2) in connection with legislation or appropriations directly affecting the activities of the entity.

**(g) Reports and evaluation**

Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

**(h) Indian representatives**

For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

(Pub. L. 98-457, title III, §311, as added Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3501.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (e)(2), 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.

PRIOR PROVISIONS

A prior section 10411, Pub. L. 98-457, title III, §312, Oct. 9, 1984, 98 Stat. 1763, related to authority of Secretary to carry out provisions of this chapter, competitive awarding of grants and contracts, and delegation of authority and transfer of funds to Attorney General, prior to repeal by Pub. L. 100-294, title III, §303(a), Apr. 25, 1988, 102 Stat. 124.

A prior section 311 of Pub. L. 98-457 was classified to section 10410 of this title prior to the general amendment of this chapter by Pub. L. 111-320.

**§ 10412. Specialized services for abused parents and their children**

**(a) In general**

**(1) Program**

The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

**(2) Grants**

The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

**(b) Eligible entities**

To be eligible to receive a grant under this section, an entity shall be a local agency, a non-profit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

**(c) Application**

An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

- (1) a description of how the entity will prioritize the safety of, and confidentiality of information about—

(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

(B) children of victims described in subparagraph (A);

- (2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

- (3) a description of how the entity will ensure that professionals working with the chil-

dren receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

**(d) Use of funds**

An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

(1) shall use the funds made available through the grant—

(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

(B) to provide services for nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

(C) where appropriate, to provide the services described in this subsection while working with such a nonabusing parent and child together; and

(2) may use the funds made available through the grant—

(A) to provide early childhood development and mental health services;

(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

**(e) Reports and evaluation**

Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

(Pub. L. 98-457, title III, §312, as added Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3503.)

**PRIOR PROVISIONS**

A prior section 10412, Pub. L. 98-457, title III, §312, Oct. 9, 1984, 98 Stat. 1764; Pub. L. 102-295, title III, §318, May 28, 1992, 106 Stat. 208; Pub. L. 108-36, title IV, §408, June 25, 2003, 117 Stat. 827, related to authority of Secretary, construction with State and local law, and funding for evaluation, monitoring, and other administrative costs, prior to the general amendment of this chapter by Pub. L. 111-320.

A prior section 312 of Pub. L. 98-457, which was classified to section 10411 of this title, was repealed by section 303(a) of Pub. L. 100-294.

**§ 10413. National domestic violence hotline grant**

**(a) In general**

The Secretary shall award a grant to 1 or more private entities to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

**(b) Term**

The Secretary shall award a grant under this section for a period of not more than 5 years.

**(c) Conditions on payment**

The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

**(d) Application**

To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

(B) the hiring criteria and qualifications for hotline personnel;

(C) the methods for the creation, maintenance, and updating of a resource database;

(D) a plan for publicizing the availability of the hotline;

(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;

(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

(4) demonstrate that the applicant has the capacity and the expertise to maintain a do-

mestic violence hotline and a comprehensive database of service providers;

(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 10406(c)(5) of this title and follows comprehensive quality assurance practices; and

(8) contain such other information as the Secretary may require.

#### **(e) Hotline activities**

##### **(1) In general**

An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

##### **(2) Activities**

In establishing and operating the hotline, the entity—

(A) shall contract with a carrier for the use of a toll-free telephone line;

(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

(D) shall widely publicize the hotline throughout the United States, including to potential users;

(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

#### **(f) Reports and evaluation**

The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

(Pub. L. 98-457, title III, §313, as added Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3504.)

#### **PRIOR PROVISIONS**

A prior section 10413, Pub. L. 98-457, title III, §313, as added Pub. L. 100-294, title III, §303(c), Apr. 25, 1988, 102 Stat. 125; amended Pub. L. 102-295, title III, §319, May 28, 1992, 106 Stat. 209, related to family member abuse information and documentation project, prior to repeal by Pub. L. 108-36, title IV, §409, June 25, 2003, 117 Stat. 827.

### **§ 10414. Domestic Violence Prevention Enhancement and Leadership Through Alliances (DELTA)**

#### **(a) In general**

The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

#### **(b) Term**

The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

#### **(c) Conditions on payment**

The provision of payments under a cooperative agreement under this section shall be subject to—

- (1) annual approval by the Secretary; and
- (2) the availability of appropriations for each fiscal year to make the payments.

#### **(d) Eligibility**

To be eligible to enter into a cooperative agreement under this section, an organization shall—

- (1) be a State Domestic Violence Coalition; and
- (2) include representatives of pertinent sectors of the local community, which may include—

(A) health care providers and State or local health departments;

- (B) the education community;
- (C) the faith-based community;
- (D) the criminal justice system;
- (E) family violence, domestic violence, and dating violence service program advocates;
- (F) human service entities such as State child services divisions;
- (G) business and civic leaders; and
- (H) other pertinent sectors.

**(e) Applications**

An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

(B) the method to be used for identification and selection of project staff and a project evaluator;

(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

(6) contains such other information, agreements, and assurances as the Secretary may require.

**(f) Geographical dispersion**

The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

**(g) Use of funds**

**(1) In general**

An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

**(2) Technical assistance, evaluation and monitoring**

The Secretary may use a portion of the funds provided under this section to—

(A) provide technical assistance;

(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

(C) conduct an independent evaluation of the program carried out under this section.

**(3) Requirements**

In establishing and operating a project under this section, an eligible organization shall—

(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

(i) educational workshops and seminars;

(ii) training programs for professionals;

(iii) the preparation of informational material;

(iv) developmentally appropriate education programs;

(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

(vi) the dissemination of information about the results of programs conducted under this subparagraph;

(E) utilize evidence-informed prevention program planning; and

(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

**(h) Reports and evaluation**

Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe



activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(Pub. L. 98-457, title III, §314, as added Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3507.)

#### PRIOR PROVISIONS

A prior section 10414, Pub. L. 98-457, title III, §314, as added Pub. L. 102-295, title III, §320, May 28, 1992, 106 Stat. 209, related to grants for public information campaigns, prior to the general amendment of this chapter by Pub. L. 111-320.

#### § 10415. Repealed. Pub. L. 108-36, title IV, §410, June 25, 2003, 117 Stat. 827

Section, Pub. L. 98-457, title III, §315, as added Pub. L. 102-295, title III, §321, May 28, 1992, 106 Stat. 210, related to model State leadership grants for domestic violence intervention.

#### § 10416. Omitted

#### CODIFICATION

Section, Pub. L. 98-457, title III, §316, as added Pub. L. 103-322, title IV, §40211, Sept. 13, 1994, 108 Stat. 1925; amended Pub. L. 106-386, div. B, title II, §1204, Oct. 28, 2000, 114 Stat. 1507; Pub. L. 108-36, title IV, §411, June 25, 2003, 117 Stat. 827; Pub. L. 109-162, title II, §206, Jan. 5, 2006, 119 Stat. 3002, which provided for national domestic violence hotline and Internet grants, was omitted in the general amendment of this chapter by Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3484. See section 10413 of this title.

#### § 10417. Repealed. Pub. L. 108-36, title IV, §412, June 25, 2003, 117 Stat. 829

Section, Pub. L. 98-457, title III, §317, as added Pub. L. 103-322, title IV, §40251, Sept. 13, 1994, 108 Stat. 1935, related to programs for education of young people about domestic violence and violence among intimate partners.

#### §§ 10418, 10419. Omitted

#### CODIFICATION

Sections 10418 and 10419 were omitted in the general amendment of this chapter by Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3484.

Section 10418, Pub. L. 98-457, title III, §318, as added Pub. L. 103-322, title IV, §40261, Sept. 13, 1994, 108 Stat. 1935; amended Pub. L. 105-392, title IV, §407(a), Nov. 13, 1998, 112 Stat. 3589; Pub. L. 106-386, div. B, title IV, §1403, Oct. 28, 2000, 114 Stat. 1514; Pub. L. 108-36, title IV, §413, June 25, 2003, 117 Stat. 830, related to demonstration grants for community initiatives.

Section 10419, Pub. L. 98-457, title III, §319, as added Pub. L. 106-386, div. B, title II, §1203, Oct. 28, 2000, 114 Stat. 1506; amended Pub. L. 108-36, title IV, §414, June 25, 2003, 117 Stat. 830, related to transitional housing assistance.

#### § 10420. Safe havens for children

##### (a) In general

The Attorney General, through the Director of the Office on Violence Against Women, may

award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities<sup>1</sup>

(1) to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking;

(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.

##### (b) Considerations

In awarding grants under subsection (a) of this section, the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 3796gg-2<sup>2</sup> of this title);

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

##### (c) Applicant requirements

The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

<sup>1</sup> So in original. Probably should be followed by a dash.

<sup>2</sup> See References in Text note below.

**(d) Reporting****(1) In general**

Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

**(2) Guidelines**

The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

**(e) Authorization of appropriations****(1) In general**

There is authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.

**(2) Use of funds**

Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

(A) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

(B) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations

involving domestic violence, dating violence, sexual assault, or stalking.

**(f) Allotment for Indian tribes****(1) In general**

Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg-10 of this title.

**(2) Applicability of part <sup>3</sup>**

The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

(Pub. L. 106-386, div. B, title III, §1301, Oct. 28, 2000, 114 Stat. 1509; Pub. L. 109-162, §3(b)(2), title III, §306, title IX, §906(d), formerly §906(e), title XI, §1135(b), Jan. 5, 2006, 119 Stat. 2971, 3016, 3081, 3109, renumbered §906(d), Pub. L. 109-271, §7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; Pub. L. 109-271, §§2(d), 7(d)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.)

## REFERENCES IN TEXT

Section 3796gg-2 of this title, referred to in subsec. (b)(2), was subsequently repealed and a new section 3796gg-2 enacted which does not define “underserved populations”. However, such term is defined in section 13925 of this title.

## CODIFICATION

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Family Violence Prevention and Services Act which comprises this chapter.

Section 306(1) of Pub. L. 109-162, which directed in part that section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 be amended by striking the section catchline and inserting “10402” as the section number in the amended section catchline, was executed to this section by inserting “1301” as the section number in the original, to reflect the probable intent of Congress. See 2006 Amendment notes below.

## AMENDMENTS

2006—Pub. L. 109-162, §306(1), substituted “Safe havens for children” for “Safe havens for children pilot program” in section catchline. See Codification note above.

Subsec. (a). Pub. L. 109-162, §306(2)(C)–(E), inserted par. (1) designation before “to provide”, substituted semicolon for period at end, and added pars. (2) to (4).

Pub. L. 109-162, §306(2)(A), (B), inserted “, through the Director of the Office on Violence Against Women,” after “Attorney General” and “dating violence,” after “domestic violence.”.

Subsec. (d)(1). Pub. L. 109-162, §1135(b), which directed an amendment identical to that made by Pub. L. 109-162, §3(b)(2), was repealed by Pub. L. 109-271, §§2(d) and 8(b).

Pub. L. 109-162, §3(b)(2), substituted “Not later than 1 month after the end of each even-numbered fiscal year,” for “Not later than 1 year after the last day of the first fiscal year commencing on or after October 28, 2000, and not later than 180 days after the last day of each fiscal year thereafter,” in introductory provisions.

Subsec. (e). Pub. L. 109-162, §306(3), added subsec. (e) and struck out former subsec. (e). Text read as follows: “There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.”

Subsec. (e)(2). Pub. L. 109-271, §7(d)(2)(A), redesignated subpars. (B) and (C) as (A) and (B), respectively,

<sup>3</sup> So in original. Probably should be “section”.

and struck out former subpar. (A) which read as follows: “set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;”.

Subsec. (f). Pub. L. 109-271, §7(d)(2)(B), added subsec. (f) and struck out former subsec. (f) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this subsection shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(d), formerly §906(e), as renumbered by Pub. L. 109-271, §7(b)(2)(B), added subsec. (f) and struck out former subsec. (f). Text read as follows: “Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.”

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by sections 306 and 906(d) of Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

#### DEFINITIONS

For definitions of terms used in this section, see section 1002 of Pub. L. 106-386, as amended, set out as a note under section 3796gg-2 of this title.

### § 10421. Omitted

#### CODIFICATION

Section, Pub. L. 98-457, title III, §320, formerly §309, Oct. 9, 1984, 98 Stat. 1762; Pub. L. 102-295, title III, §311(b), May 28, 1992, 106 Stat. 203; Pub. L. 103-322, title IV, §40272(a), Sept. 13, 1994, 108 Stat. 1937; renumbered §320 and amended Pub. L. 108-36, title IV, §§405, 415(5), June 25, 2003, 117 Stat. 826, 830, which defined terms as used in this chapter, was omitted in the general amendment of this chapter by Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3484. See section 10402 of this title.

## CHAPTER 111—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Sec.	
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### § 10501. Application for assistance

#### (a) State as applicant

In the event that a law enforcement emergency exists throughout a State or a part of a State, a State (on behalf of itself or another appropriate unit of government) may submit an application under this section for Federal law enforcement assistance.

#### (b) Execution of application; period for action of Attorney General on application

An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the

Attorney General. The Attorney General shall, after consultation with the Assistant Attorney General for the Office of Justice Programs and appropriate members of the Federal law enforcement community, approve or disapprove such application not later than 10 days after receiving such application.

#### (c) Criteria

Federal law enforcement assistance may be provided if such assistance is necessary to provide an adequate response to a law enforcement emergency. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider—

- (1) the nature and extent of such emergency throughout a State or in any part of a State,
- (2) the situation or extraordinary circumstances which produced such emergency,
- (3) the availability of State and local criminal justice resources to resolve the problem,
- (4) the cost associated with the increased Federal presence,

(5) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern, and

(6) any assistance which the State or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3701 et seq.].

(Pub. L. 98-473, title II, §609M, Oct. 12, 1984, 98 Stat. 2103; Pub. L. 109-162, title XI, §1113, Jan. 5, 2006, 119 Stat. 3103.)

#### REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c)(6), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, title I of which is classified principally to chapter 46 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

#### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162 substituted “the Assistant Attorney General for the Office of Justice Programs” for “the Director of the Office of Justice Assistance”.

#### EFFECTIVE DATE

Chapter effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98-473, set out as a note under section 3711 of this title.

### § 10502. Definitions

For purposes of this chapter—

(1) the term “Federal law enforcement assistance” means funds, equipment, training, intelligence information, and personnel,

(2) the term “Federal law enforcement community” means the heads of the following departments or agencies:

- (A) the Federal Bureau of Investigation,
- (B) the Drug Enforcement Administration,
- (C) the Criminal Division of the Department of Justice,
- (D) the Internal Revenue Service,
- (E) the Customs Service,
- (F) the Immigration and Naturalization Service,