

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.)

Editorial Notes

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.)

Editorial Notes

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