

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 Common-

wealth 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,

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

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.

##### (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;