

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 popu-

lation 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