

## CODIFICATION

Section was formerly classified to section 3796gg-0b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## PRIOR PROVISIONS

A prior section 2004 of Pub. L. 90-351 was renumbered section 2009 and is classified to section 10448 of this title.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective 90 days after Nov. 2, 2002, see section 403 of Pub. L. 107-273, set out as a note under section 10442 of this title.

**§ 10445. Staff of Violence Against Women Office**

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this subchapter.

(Pub. L. 90-351, title I, §2005, as added Pub. L. 107-273, div. A, title IV, §402(3), Nov. 2, 2002, 116 Stat. 1791.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 3796gg-0c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## PRIOR PROVISIONS

A prior section 2005 of Pub. L. 90-351 was renumbered section 2010 and is classified to section 10449 of this title.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective 90 days after Nov. 2, 2002, see section 403 of Pub. L. 107-273, set out as a note under section 10442 of this title.

**§ 10446. State grants****(a) General grants**

The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, victim service providers, and Indian tribal governments for the purposes described in section 10441(b) of this title.

**(b) Amounts**

Of the amounts appropriated for the purposes of this subchapter—

(1) 10 percent shall be available for grants under the program authorized by section 10452 of this title, which shall not otherwise be subject to the requirements of this subchapter (other than section 10447 of this title);

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 10441(c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands,<sup>1</sup> each receiving an

amount equal to  $\frac{1}{56}$  of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 10441(c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to  $\frac{1}{56}$  of the total amount made available under this paragraph for each fiscal year;

(4)  $\frac{1}{56}$  shall be available for grants under section 10441(d) of this title;

(5) \$600,000 shall be available for grants to applicants in each State; and

(6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

**(c) Qualification**

Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this subchapter upon certification that—

(1) the funds shall be used for any of the purposes described in section 10441(b) of this title;

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with—

(A) the State sexual assault coalition;

(B) the State domestic violence coalition;

(C) the law enforcement entities within the State;

(D) prosecution offices;

(E) State and local courts;

(F) Tribal governments in those States with State or federally recognized Indian tribes;

(G) representatives from underserved populations, including culturally specific populations;

(H) victim service providers;

(I) population specific organizations; and

(J) other entities that the State or the Attorney General identifies as needed for the planning process;

(3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 10407 of title 42 and the programs described in section 20103 of this title and section 280b-1b of title 42.<sup>2</sup>

(4)<sup>3</sup> of the amount granted—

(A) not less than 25 percent shall be allocated for law enforcement;

(B) not less than 25 percent shall be allocated for prosecutors;

(C) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and

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

<sup>2</sup> So in original. The period should probably be a semicolon.

<sup>3</sup> So in original. There are two pars. designated "(4)".

(D) not less than 5 percent shall be allocated to State and local courts (including juvenile courts); and<sup>4</sup>

(4)<sup>3</sup> any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.<sup>2, 5</sup>

(5) not later than 2 years after the date of enactment of this Act,<sup>5</sup> and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter<sup>5</sup> shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

**(d) Application requirements**

An application for a grant under this section shall include—

(1) the certifications of qualification required under subsection (c);

(2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in section 10449 of this title;

(3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases, described in section 10450 of this title;

(4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in section 10451 of this title;

(5) an implementation plan required under subsection (i); and

(6) any other documentation that the Attorney General may require.

**(e) Disbursement**

**(1) In general**

Not later than 60 days after the receipt of an application under this subchapter, the Attorney General shall—

(A) disburse the appropriate sums provided for under this subchapter; or

(B) inform the applicant why the application does not conform to the terms of section 10181<sup>5</sup> of this title or to the requirements of this section.

**(2) Regulations**

In disbursing monies under this subchapter, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, dating violence, sexual assault, and stalking programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund culturally specific services and activities for underserved populations are distributed equitably among those populations.

**(3) Conditions**

In disbursing grants under this subchapter, the Attorney General may impose reasonable conditions on grant awards to ensure that the States meet statutory, regulatory, and other program requirements.

**(f) Federal share**

The Federal share of a grant made under this subchapter<sup>5</sup> may not exceed 75 percent of the total costs of the projects described in the application submitted, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 12291(b)(1) of this title shall not count toward the total costs of the projects.

**(g) Indian tribes**

Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter.

**(h) Grantee reporting**

**(1) In general**

Upon completion of the grant period under this subchapter, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subchapter.

**(2) Certification by grantee and subgrantees**

A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

**(3) Suspension of funding**

The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this subchapter; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

**(i) Implementation plans**

A State applying for a grant under this subchapter shall—

(1) develop an implementation plan in consultation with the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this subchapter, in-

<sup>4</sup> So in original. The word “and” probably should not appear.

<sup>5</sup> See References in Text note below.

cluding how the State will meet the requirements of subsection (c)(5); and

(2) submit to the Attorney General—

(A) the implementation plan developed under paragraph (1);

(B) documentation from each member of the planning committee as to their participation in the planning process;

(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing—

(i) the need for the grant funds;

(ii) the intended use of the grant funds;

(iii) the expected result of the grant funds; and

(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

(D) a description of how the State will ensure that any subgrantees will consult with victim service providers during the course of developing their grant applications in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;

(E) demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

(F) a description of how the State plans to meet the regulations issued pursuant to subsection (e)(2);

(G) goals and objectives for reducing domestic violence-related homicides within the State; and

(H) any other information requested by the Attorney General.

#### (j) Reallocation of funds

A State may use any returned or remaining funds for any authorized purpose under this subchapter if—

(1) funds from a subgrant awarded under this subchapter are returned to the State; or

(2) the State does not receive sufficient eligible applications to award the full funding within the allocations in subsection (c)(4)<sup>6</sup>

(Pub. L. 90-351, title I, §2007, formerly §2002, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1911; amended Pub. L. 106-386, div. B, title I, §§1102(a)(2), 1103(b)(2), Oct. 28, 2000, 114 Stat. 1494, 1496; renumbered §2007 and amended Pub. L. 107-273, div. A, title IV, §402(1), (2), Nov. 2, 2002, 116 Stat. 1789; Pub. L. 108-405, title III, §310(b), (c), Oct. 30, 2004, 118 Stat. 2276; Pub. L. 109-162, title I, §101(c)-(e), title IX, §906(b), title XI, §1134(a), Jan. 5, 2006, 119 Stat. 2973, 2974, 3081, 3108; Pub. L. 109-271, §§2(d), (f)(1), (g), (l), 7(a)(2), 8(b), Aug. 12, 2006, 120 Stat. 752, 754, 763, 766; Pub. L. 113-4, title I, §101(3), Mar. 7, 2013, 127 Stat. 66.)

<sup>6</sup> So in original. Probably should be followed by a period.

### Editorial Notes

#### REFERENCES IN TEXT

This subchapter, referred to in the second subsec. (c)(4), the second place it appears, and in subsec. (f), was in the original “this subtitle”, and was translated as reading “this part”, meaning part T of title I of Pub. L. 90-351, to reflect the probable intent of Congress. Title I of Pub. L. 90-351 does not contain subtitles.

The date of enactment of this Act, referred to in subsec. (c)(5), probably means the date of enactment of Pub. L. 113-4, which added subsec. (c)(5) and which was approved Mar. 7, 2013.

This subchapter, referred to in subsec. (c)(5), was in the original “this subchapter”, and was translated as reading “this part”, meaning part T of title I of Pub. L. 90-351, to reflect the probable intent of Congress.

Section 10181 of this title, referred to in subsecs. (d) and (e)(1)(B), was in the original “section 513”, and was translated as reading “section 517”, meaning section 517 of title I of Pub. L. 90-351, to reflect the probable intent of Congress. Pub. L. 90-351 does not contain a section 513, but section 10181 of this title was section 517 of Pub. L. 90-351 prior to renumbering as section 517 by Pub. L. 101-647, title XVIII, §1801(a)(6), Nov. 29, 1990, 104 Stat. 4847.

#### CODIFICATION

Section was formerly classified to section 3796gg-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

Another section 2007 of Pub. L. 90-351 was renumbered section 2015 and is classified to section 10452 of this title.

#### AMENDMENTS

2013—Subsec. (a). Pub. L. 113-4, §101(3)(A), which directed substitution of “victim service providers” for “nonprofit nongovernmental victim services programs”, was executed by making the substitution for “nonprofit nongovernmental victim services programs” to reflect the probable intent of Congress.

Subsec. (b)(6). Pub. L. 113-4, §101(3)(B), struck out “(not including populations of Indian tribes)” before period at end.

Subsec. (c)(2). Pub. L. 113-4, §101(3)(C)(i), added par. (2) and struck out former par. (2) which read as follows: “grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs and describe how the State will address the needs of underserved populations;”.

Subsec. (c)(3), (4). Pub. L. 113-4, §101(3)(C)(ii), (iii), added par. (3) and redesignated former par. (3), relating to State allocation of funds granted, as (4).

Subsec. (c)(4)(A). Pub. L. 113-4, §101(3)(C)(iv)(I), struck out “and not less than 25 percent shall be allocated for prosecutors” before semicolon at end.

Subsec. (c)(4)(B), (C). Pub. L. 113-4, §101(3)(C)(iv)(II), (III), added subpar. (B) and redesignated former subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (c)(4)(D). Pub. L. 113-4, §101(3)(C)(iv)(IV), substituted “to” for “for”.

Pub. L. 113-4, §101(3)(C)(iv)(II), redesignated subpar. (C) as (D).

Subsec. (c)(5). Pub. L. 113-4, §101(3)(C)(v), added par. (5).

Subsec. (d). Pub. L. 113-4, §101(3)(D), added subsec. (d) and struck out former subsec. (d) which related to application requirements.

Subsec. (e)(2)(A). Pub. L. 113-4, §101(3)(E)(i)(I), substituted “domestic violence, dating violence, sexual assault, and stalking” for “domestic violence and sexual assault”.

Subsec. (e)(2)(D). Pub. L. 113-4, §101(3)(E)(i)(II), struck out “linguistically and” before “culturally”.

Subsec. (e)(3). Pub. L. 113-4, §101(3)(E)(ii), added par. (3).

Subsec. (f). Pub. L. 113-4, §101(3)(F), substituted “, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 13925(b)(1) of this title shall not count toward the total costs of the projects.” for period at end.

Subsecs. (i), (j). Pub. L. 113-4, §101(3)(G), added subsecs. (i) and (j).

2006—Subsec. (b)(1). Pub. L. 109-271, §7(a)(2), added par. (1) and struck out former par. (1) which read as follows: “Ten percent shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this subchapter shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(b), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “10 percent shall be available for grants to Indian tribal governments;”

Pub. L. 109-162, §101(d)(1)(A), substituted “10 percent” for “5 percent”.

Subsec. (b)(2). Pub. L. 109-271, §2(g), which directed the substitution of “the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.” for “and the coalitions for combined Territories of the United States”, was executed by making the substitution for “and the coalition for the combined Territories of the United States”, to reflect the probable intent of Congress.

Pub. L. 109-162, §101(d)(1)(B), substituted “ $\frac{1}{6}$ ” for “ $\frac{1}{4}$ ”.

Subsec. (b)(3). Pub. L. 109-162, §101(d)(1)(C), substituted “coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to  $\frac{1}{6}$ ” for “and the coalition for the combined Territories of the United States, each receiving an amount equal to  $\frac{1}{4}$ ”.

Subsec. (b)(4). Pub. L. 109-162, §101(d)(1)(D), substituted “ $\frac{1}{6}$ ” for “ $\frac{1}{4}$ ”.

Subsec. (c)(2). Pub. L. 109-162, §101(c)(1), inserted “and describe how the State will address the needs of underserved populations” before semicolon at end.

Subsec. (c)(3)(A). Pub. L. 109-271, §2(i), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;”

Pub. L. 109-162, §1134(a)(1), which directed substitution of “law enforcement” for “police”, was repealed by Pub. L. 109-271, §§2(d) and 8(b).

Subsec. (c)(3)(B). Pub. L. 109-271, §2(i), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “not less than 30 percent shall be allocated to victim services, of which at least 10 percent shall be distributed to culturally specific community-based organization; and”.

Pub. L. 109-162, §101(d)(2), inserted “, of which at least 10 percent shall be distributed to culturally specific community-based organization” after “victim services”.

Subsec. (d). Pub. L. 109-162, §1134(a)(2), which directed insertion of “submitted by a State” after “each application” in second sentence and substitution of “In addition, each application submitted by a State or tribal government” for “An application” in third sentence, was repealed by Pub. L. 109-271, §§2(d) and 8(b).

Subsec. (d)(4). Pub. L. 109-162, §101(d)(3), added par. (4).

Subsec. (e)(2)(D). Pub. L. 109-162, §101(c)(2), added subpar. (D) and struck out former subpar. (D) which read as follows: “recognize and address the needs of underserved populations.”

Subsec. (i). Pub. L. 109-271, §2(f)(1), struck out subsec. (i) which related to training, technical assistance, and data collection.

Pub. L. 109-162, §101(e), added subsec. (i).

2004—Pub. L. 108-405, §310(b), made technical amendment to directory language of Pub. L. 107-273, §402(2), which renumbered this section as section 2007 of Pub. L. 90-351.

Subsec. (b)(4). Pub. L. 108-405, §310(c), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “ $\frac{1}{4}$  shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country;”

2002—Subsec. (d)(2). Pub. L. 107-273, §402(1)(A), made technical amendment to reference in original act which appears in text as reference to section 10449 of this title.

Subsec. (d)(3). Pub. L. 107-273, §402(1)(B), made technical amendment to reference in original act which appears in text as reference to section 10450 of this title.

2000—Subsec. (a). Pub. L. 106-386, §1102(a)(2)(A), inserted “State and local courts (including juvenile courts),” after “for use by States,”.

Subsec. (b)(1). Pub. L. 106-386, §1103(b)(2)(B), substituted “5 percent” for “4 percent”.

Subsec. (b)(2) to (4). Pub. L. 106-386, §1103(b)(2)(D), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Subsec. (b)(5). Pub. L. 106-386, §1103(b)(2)(A), (C), redesignated par. (2) as (5) and substituted “\$600,000” for “\$500,000”.

Subsec. (b)(6). Pub. L. 106-386, §1103(b)(2)(A), redesignated par. (3) as (6).

Subsec. (c)(3). Pub. L. 106-386, §1102(a)(2)(B), added par. (3) and struck out former par. (3) which read as follows: “at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and”.

Subsec. (d)(1). Pub. L. 106-386, §1102(a)(2)(C), inserted “court,” after “law enforcement,” in introductory provisions.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

##### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by sections 101(c)-(e) and 906(b) 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 10261 of this title.

##### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-405, title III, §310(b), Oct. 30, 2004, 118 Stat. 2276, provided that amendment by section 310(b) (amending this section and sections 10447 to 10450 of this title) is effective as of Nov. 2, 2002, and as if included in Pub. L. 107-273, as enacted.

##### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 effective 90 days after Nov. 2, 2002, see section 403 of Pub. L. 107-273, set out as an Effective Date note under section 10442 of this title.

#### § 10447. Definitions and grant conditions

In this subchapter the definitions and grant conditions in section 12291 of this title shall apply.

(Pub. L. 90-351, title I, §2008, as added Pub. L. 109-162, §3(c)(1), Jan. 5, 2006, 119 Stat. 2971.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 3796gg-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.