

(Pub. L. 102-490, § 6, Oct. 24, 1992, 106 Stat. 3143.)

CHAPTER 110—FAMILY VIOLENCE PREVENTION AND SERVICES

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§ 10401. Declaration of purpose

It is the purpose of this chapter to—

- (1) assist States in efforts to increase public awareness about and prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents; and
- (2) provide for technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies, courts, legal, social service, and health care professionals), nonprofit private organizations, and other persons seeking such assistance.

(As amended Pub. L. 102-295, title III, § 302, May 28, 1992, 106 Stat. 201.)

AMENDMENTS

1992—Par. (1). Pub. L. 102-295, § 302(1)(A), which directed the substitution of "assist" for "demonstration the effectiveness of assisting", was executed by making the substitution for "demonstrate the effectiveness of assisting" to reflect the probable intent of Congress.

Pub. L. 102-295, § 302(1)(B), substituted "to increase public awareness about and prevent" for "to prevent".

Par. (2). Pub. L. 102-295, § 302(2), inserted ", courts, legal, social service, and health care professionals" after "enforcement agencies".

EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE

Section 322 of Pub. L. 102-295 provided that:

"(a) **GENERAL PURPOSE.**—For purposes of this section, the Secretary of Education, hereinafter referred to as the 'Secretary' shall develop model programs for education of young people about domestic violence and violence among intimate partners.

"(b) **NATURE OF PROGRAM.**—The Secretary, in consultation with the Secretary of Health and Human Services, shall through grants or contracts develop three separate programs, one each for primary and middle schools, secondary schools, and institutions of higher education. Such model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each such group or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

"(c) **REVIEW AND DISSEMINATION.**—Not later than 9 months after the date of enactment of this Act [May 28, 1992], the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) **AUTHORIZATION.**—There are authorized to be appropriated under this section for fiscal year 1992, \$200,000 to carry out the purposes of this section."

§ 10402. State grants authorized

(a) **Authority of Secretary; application; requirements; approval**

(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents, the Secretary is authorized, in accordance with the provisions of this title, to make grants to States.

(2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in grants to local public agencies and nonprofit private organizations (including religious and charitable organizations, and voluntary associations) for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents in order to prevent future violent incidents;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

[See main edition for text of (i)]

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by nonprofit private organizations, the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children.¹

¹ So in original. The period probably should be a semicolon.

(C) set forth procedures designed to involve State domestic violence coalitions² knowledgeable individuals² and interested organizations and assure an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

[See main edition for text of (D)]

(E) provide documentation that procedures have been developed, and implemented including copies of the policies and procedure, to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under this chapter and provide assurances that the address or location of any shelter-facility assisted under this chapter will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public;

(F) provide documentation to the Secretary that the State has a law or procedure that has been implemented for the eviction of an abusing spouse from a share household;

[See main edition for text of (G)]

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and after a 6-month period providing an opportunity for correction of any deficiencies. The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 10410 of this title shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph.

(b) Indian tribes and tribal organizations; application

(1) The Secretary, from amounts appropriated to carry out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations² and nonprofit private organizations approved by an Indian Tribe³ for the operation of

a family violence shelter on a Reservation³ for projects designed to prevent family violence and to provide immediate shelter and related assistance for victims of family violence and their dependents.

(2) No grant may be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this chapter. Such application shall comply, as applicable, with the provisions of clauses (C) (with respect only to involving knowledgeable individuals and organizations), (D), (E) and (F) of subsection (a)(2) of this section. No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section.

(3) In the case of a project for which the initial application for a demonstration grant under this subsection is made on or after May 28, 1992, the terms "Indian tribe" and "tribal organization", for purposes of this subsection, have the meaning given such terms in section 450b of title 25.

(c) Direct payments to victims or dependents

No funds provided through demonstration grants made under this section may be used as direct payment to any victim of family violence or to any dependent of such victim.

(d) 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.

(e) Grants to entities other than States; local share

No grant may be made under this section to any entity other than a State or an Indian Tribe³ unless the entity provides for the following local share as a proportion of the total amount of funds provided under this chapter to the project involved: 20 percent in the first year such project receives a grant under this chapter, 35 percent in the second such year, and 50 percent in the third such year and in any such year thereafter. Except in the case of a public entity, not less than 25 percent of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this chapter.

(f) Shelter and related assistance

The Secretary shall assure that not less than 70 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims of family violence and their dependents as defined in section 10408(4) of this title. Not less than 25 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed for the purpose of providing related as-

² So in original. Probably should be followed by a comma.

³ So in original. Probably should not be capitalized.

sistance as defined under section 10408(5)(A) of this title.

(As amended Pub. L. 102-295, title III, §§ 303-309(a), 310, 311(a), May 28, 1992, 106 Stat. 201-203.)

CODIFICATION

May 28, 1992, referred to in subsec. (b)(3), was in the original "the date of the enactment of the Child Abuse Programs, Adoption Opportunities, and Family Violence Prevention Amendments Act of 1992", which was translated as meaning the date of enactment of Pub. L. 102-295, known as the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, which enacted subsec. (b)(3), to reflect the probable intent of Congress.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-295, § 303(1), substituted "grants" for "demonstration grants".

Subsec. (a)(2). Pub. L. 102-295, § 303(2)(A), in introductory provisions substituted "grant" for "demonstration grant" after "No".

Subsec. (a)(2)(A). Pub. L. 102-295, § 303(2)(B), which directed the substitution of "grant" for "demonstration grant" was executed by substituting "grants" for "demonstration grants", to reflect the probable intent of Congress.

Subsec. (a)(2)(B)(ii). Pub. L. 102-295, § 303(2)(C), substituted "the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, advocacy, and self-help services to victims and their children." for "particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents, and those which provide counseling, alcohol and drug abuse treatment, and self-help services to abusers and victims;".

Subsec. (a)(2)(C). Pub. L. 102-295, § 304, inserted "State domestic violence coalitions" after "involve".

Subsec. (a)(2)(E). Pub. L. 102-295, § 305, substituted "documentation that procedures have been developed, and implemented including copies of the policies and procedure," for "assurances that procedures will be developed".

Subsec. (a)(2)(F). Pub. L. 102-295, § 306, amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: "provide assurances that, within one year after receipt of funds under this subsection, the State will, provide assurances to the Secretary that the State has or has under consideration a procedure for the eviction of an abusing spouse from a shared residence; and".

Subsec. (a)(3). Pub. L. 102-295, § 307, inserted "a 6-month period providing an" before "opportunity" and inserted at end "The Secretary shall provide such notice within 45 days of the date of the application if any of the provisions of paragraph (2) have not been satisfied in such application. If the State has not corrected the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice of intention to disapprove, the Secretary shall withhold payment of any grant funds to such State until the date that is 30 days prior to the end of the fiscal year for which such grant funds are appropriated or until such time as the State provides documentation that the deficiencies have been corrected, whichever occurs first. State Domestic Violence Coalitions shall be permitted to participate in determining whether a grantee is in compliance with paragraph (2), except that no funds made available to State Domestic Violence Coalitions under section 10410 of this title shall be used to challenge a determination as to whether a grantee is in compliance with, or to seek the enforcement of, the eligibility requirements of such paragraph."

Subsec. (b)(1). Pub. L. 102-295, § 308(1), substituted "The Secretary, from amounts appropriated to carry

out this section, shall make available not less than 10 percent of such amounts to make grants to Indian tribes, tribal organizations and nonprofit private organizations approved by an Indian Tribe for the operation of a family violence shelter on a Reservation" for "The Secretary is authorized to make demonstration grants to Indian tribes and tribal organizations".

Subsec. (b)(2). Pub. L. 102-295, § 308(2), substituted "grant" for "demonstration grant" and "(E) and (F)" for "and (E)" and inserted at end "No entity eligible to submit an application under paragraph (1) shall be prohibited from making an application during any fiscal year for which funds are available because such entity has not previously applied or received funding under this section."

Subsec. (b)(3). Pub. L. 102-295, § 308(3), added par. (3).

Subsec. (c). Pub. L. 102-295, § 309(a), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: "No demonstration grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of \$50,000, and the total amount of such grants to any such single entity may not exceed \$150,000."

Subsec. (d). Pub. L. 102-295, § 309(a)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 102-295, §§ 309(a)(2), 310, redesignated subsec. (f) as (e) and substituted "No grant" for "No demonstration grant", "State or an Indian Tribe" for "State", "20 percent" for "35 percent", "35 percent" for "55 percent", "and 50 percent in the third such year and in any such year thereafter" for "and 65 percent in the third such year", and "25 percent" for "50 percent". Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 102-295, §§ 309(a)(2), 311(a), redesignated subsec. (g) as (f), substituted "70 percent" for "60 percent", and inserted before period "as defined in section 10408(4) of this title. Not less than 25 percent of the funds distributed under subsection (a) or (b) of this section shall be distributed for the purpose of providing related assistance as defined under section 10408(5)(A) of this title". Former subsec. (f) redesignated (e).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 309(b) of Pub. L. 102-295 provided that: "The amendments made by subsection (a) [amending this section] are effective in the case of amounts appropriated for fiscal year 1992 and subsequent fiscal years."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10403, 10405, 10409, 10410, 10412 of this title.

§ 10403. Allotment of funds

(a) Proportionality of allotment; minimum allotment

From the sums appropriated under section 10409 of this title for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 10402(a) of this title an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than 1 percent of the amounts available for grants under section 10402(a) of this title for the fiscal year for which the allotment is made, or \$200,000, whichever is the lesser¹ amount; and

¹ So in original. Probably should be "lessor".

[See main edition for text of (2)]

For the purpose of the exception contained in clause (1) of the preceding sentence only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 102-295, title III, § 312, May 28, 1992, 106 Stat. 204.)

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-295 struck out "whichever is the greater of the following amounts: one-half of" before "1 percent" and substituted "\$200,000, whichever is the lesser amount" for "\$50,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10409 of this title.

§ 10404. Secretarial responsibilities

[See main edition for text of (a)]

(b) The Secretary shall—

[See main edition for text of (1)]

(2)(A) provide for research, and into the most effective prevention, identification, and treatment thereof (such as research into (i) the effectiveness of reducing repeated incidents of family violence through a variety of sentencing alternatives, such as incarceration, fines, and counseling programs, individually or in combination, and through the use of civil protection orders removing the abuser from the family household, (ii) the necessity and impact of a mandatory reporting requirement relating to incidents of family violence, particularly abuse of elderly persons), (iii) the effectiveness of providing safety and support to maternal and child victims of family violence as a way to eliminate the abuse experienced by children in such situations, (iv) identification of intervention approaches to child abuse prevention services which appear to be successful in preventing child abuse where both mother and child are abused, (v) effective and appropriate treatment services for children where both mother and child are abused, and (vi) the individual and situational factors leading to the end of violent and abusive behavior by persons who commit acts of family violence, including such factors as history of previous violence and the legal and service interventions received, and (B) make a complete study and investigation (in consultation with the National Institute on Aging) of the national incidence of abuse, neglect, and exploitation of elderly persons, including a determination of the extent to which incidents of such abuse, neglect, and exploitation are increasing in number or severity; and

[See main edition for text of (3)]

(As amended Pub. L. 102-295, title III, § 313, May 28, 1992, 106 Stat. 204.)

AMENDMENTS

1992—Subsec. (b)(2)(A). Pub. L. 102-295 struck out "into the causes of family violence" after "provide for research", inserted "most effective" before "prevention", and added cls. (iii) to (vi).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10409 of this title.

§ 10405. Evaluation

Not later than two years after the date on which funds are obligated under section 10402(a) of this title for the first time after October 9, 1984, and every two years thereafter, the Secretary shall review, evaluate, and report to the appropriate Committees of the Congress, as to the effectiveness of the programs administered and operated pursuant to this chapter, particularly in relation to repeated incidents of family violence. Such report shall also include a summary of the documentation provided to the Secretary under section 10402(a)(2)(B) through 10402(a)(2)(F) of this title.

(As amended Pub. L. 102-295, title III, § 314, May 28, 1992, 106 Stat. 204.)

AMENDMENTS

1992—Pub. L. 102-295 inserted "and every two years thereafter," and substituted "documentation" for "assurances" and "10402(a)(2)(B) through 10402(a)(2)(F)" for "10402(a)(2)(F)".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10409 of this title.

§ 10406. Discrimination prohibited

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10409 of this title.

§ 10407. Information and technical assistance centers

(a) Purpose and grants

(1) Purpose

It is the purpose of this section to provide resource information, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to local domestic violence programs and to other professionals who provide services to victims of domestic violence.

(2) Grants

From the amounts appropriated under this chapter, the Secretary shall award grants to private nonprofit organizations for the establishment and maintenance of one national resource center (as provided for in subsection (b) of this section) and not to exceed six special issue resource centers (as provided for in subsection (c) of this section) focusing on one or more issues of concern to domestic violence victims.

(b) National resource center

The national resource center established under subsection (a)(2) of this section shall offer resource, policy and training assistance to Federal, State, and local government agencies,

to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, and shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.

(c) **Special issue resource centers**

The special issue resource centers established under subsection (a)(2) of this section shall provide information, training and technical assistance to State and local domestic violence service providers, and shall specialize in at least one of the following areas of domestic violence service, prevention, or law:

- (1) Criminal justice response to domestic violence, including court-mandated abuser treatment.
- (2) Improving the response of Child Protective Service agencies to battered mothers of abused children.
- (3) Child custody issues in domestic violence cases.
- (4) The use of the self-defense plea by domestic violence victims.
- (5) Improving interdisciplinary health care responses and access to health care resources for victims of domestic violence.
- (6) Improving access to and the quality of legal representation for victims of domestic violence in civil litigation.

(d) **Eligibility**

To be eligible to receive a grant under this section an entity shall be a private nonprofit organization that—

- (1) focuses primarily on domestic violence;
- (2) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, particularly in the specific subject area for which it is applying;
- (3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and
- (4) demonstrate the strong support of domestic violence advocates from across the country and the region for their designation as the national or a special issue resource center.

(e) **Reporting**

Not later than 6 months after receiving a grant under this section, a grantee shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grant by such grantee and containing such additional information as the Secretary may prescribe.

(f) **"Indian tribal agency" defined**

For purposes of this section, the term "Indian tribal agency" means an Indian tribe or tribal organization, as defined in section 450b of title 25.

(g) **Regulations**

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations

implementing this section. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations.

(As amended Pub. L. 102-295, title III, § 315, May 28, 1992, 106 Stat. 204.)

CODIFICATION

May 28, 1992, referred to in subsec. (g), was in the original "the date of enactment of this section" and "such date of enactment", which were translated as meaning the date of enactment of Pub. L. 102-295, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1992—Pub. L. 102-295 amended section generally, substituting provisions relating to information and technical assistance centers for provisions relating to operation of national information and research clearinghouse on prevention of family violence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10409, 10412 of this title.

§ 10108. Definitions

As used in this chapter:

[See main edition for text of (1) to (4)]

(5) The term "related assistance" means the provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance shall include—

(A) prevention services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

(B) counseling with respect to family violence, counseling by peers individually or in groups, and referral to community social services;

(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health-care services;

(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(E) children's counseling and support services, and child care services for children

who are victims of family violence or the dependents of such victims.

[See main edition for text of (6)]

(As amended Pub. L. 102-295, title III, § 311(b), May 28, 1992, 106 Stat. 203.)

REFERENCES IN TEXT

Section 450b of title 25, referred to in par. (2), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms "Indian tribe" and "tribal organization". However, such terms are defined elsewhere in that section.

AMENDMENTS

1992—Par. (5). Pub. L. 102-295 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "The term 'related assistance'—

"(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

"(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10402, 10409 of this title.

§ 10409. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out the provisions of sections 10402 through 10408 of this title and section 10413 of this title, \$60,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(b) Section 10402(a) and (b)

Of the amounts appropriated under subsection (a) of this section for each fiscal year, not less than 80 percent shall be used for making grants under subsection 10402(a) of this title, and not less than 10 percent shall be used for the purpose of carrying out section 10402(b) of this title.

(c) Section 10407

Of the amounts appropriated under subsection (a) of this section for each fiscal year, 5 percent shall be used by the Secretary for making grants under section 10407 of this title.

(As amended Pub. L. 102-295, title III, § 316, May 28, 1992, 106 Stat. 206.)

AMENDMENTS

1992—Pub. L. 102-295 amended section generally. Prior to amendment, section read as follows:

"(a) There are authorized to be appropriated to carry out the provisions of this chapter \$11,000,000 for fiscal year 1985, \$28,000,000 for each of the fiscal years 1986 and 1987, \$28,000,000 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989, 1990, and 1991.

"(b) Of the sums appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 10402 of this title.

"(c) The Secretary shall ensure that funds appropriated pursuant to authorizations in this chapter shall

remain available until expended for the purposes for which they were appropriated."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10403, 10415 of this title.

§ 10410. Grants for State domestic violence coalitions

(a) In general

The Secretary shall award grants for the funding of State domestic violence coalitions. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities, including—

(1) working with judicial and law enforcement agencies to encourage appropriate responses to domestic violence cases and examine issues including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation when domestic violence is involved;

(C) the use of mandatory arrests of accused offenders;

(D) the discouragement of dual arrests;

(E) the adoption of aggressive and vertical prosecution policies and procedures;

(F) the use of mandatory requirements for presentence investigations;

(G) the length of time taken to prosecute cases or reach plea agreements;

(H) the use of plea agreements;

(I) the consistency of sentencing, including comparisons of domestic violence crimes with other violent crimes;

(J) the restitution of victims;

(K) the use of training and technical assistance to law enforcement and court officials and other professionals;

(L) the reporting practices of, and significance to be accorded to, prior convictions (both felony and misdemeanor) and protection orders;

(M) the use of interstate extradition in cases of domestic violence crimes;

(N) the use of statewide and regional planning; and

(O) any other matters as the Secretary and the State domestic violence coalitions believe merit investigations;

(2) work with family law judges, Child Protective Services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in domestic violence cases as well as cases where domestic violence and child abuse are both present, including—

(A) the inappropriateness of mutual protection orders;

(B) the prohibition of mediation where domestic violence is involved;

(C) the inappropriate use of marital or conjoint counseling in domestic violence cases;

(D) the use of training and technical assistance for family law judges and court personnel;

(E) the presumption of custody to domestic violence victims;

(F) the use of comprehensive protection orders to grant fullest protections possible to victims of domestic violence, including temporary support and maintenance;

(G) the development by Child Protective Service of supportive responses that enable victims to protect their children;

(H) the implementation of supervised visitations that do not endanger victims and their children; and

(I) the possibility of permitting domestic violence victims to remove children from the State when the safety of the children or the victim is at risk;

(3) conduct public education campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence; and

(4) participate in planning and monitoring of the distribution of grants and grant funds to their State under section 10402(a) of this title.

(b) Eligibility

To be eligible for a grant under this section, an entity shall be a statewide nonprofit State domestic violence coalition meeting the following conditions:

(1) The membership of the coalition includes representatives from a majority of the programs for victims of domestic violence in the State.

(2) The board membership of the coalition is representative of such programs.

(3) The purpose of the coalition is to provide services, community education, and technical assistance to such programs to establish and maintain shelter and related services for victims of domestic violence and their children.

(4) In the application submitted by the coalition for the grant, the coalition provides assurances satisfactory to the Secretary that the coalition—

(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.

(c) Allotment of funds

From amounts appropriated under this section for each fiscal year, the Secretary shall allot to each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined U.S. Territories an amount equal to $\frac{1}{3}$ of the amount appropriated for such fiscal year. For purposes of this section, the term "combined U.S. Territories" means Guam, American Samoa, the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and shall not receive less than 1.5 percent of the funds appropriated for each fiscal year.

(d) 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 thereof; or

(2) in connection with legislation or appropriations directly affecting the activities of the entity.

(e) Reporting

Each State domestic violence coalition receiving amounts under this section shall submit a report to the Secretary describing the coordination, training and technical assistance and public education services performed with such amounts and evaluating the effectiveness of those services.

(f) Definition

For purposes of this section, a State domestic violence coalition may include representatives of Indian tribes and tribal organizations, as defined in section 450b of title 25.

(g) Authorization of appropriations

There are authorized to be appropriated to be used to award grants under this section \$8,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.

(h) Regulations

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing this section. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing this section.

(As amended Pub. L. 102-295, title III, § 317, May 28, 1992, 106 Stat. 206.)

CODIFICATION

May 28, 1992, referred to in subsec. (h), was in the original "the date of enactment of this section" and "such date of enactment", which were translated as meaning the date of enactment of Pub. L. 102-295, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1992—Pub. L. 102-295 amended section generally, substituting provisions relating to grants for State domestic violence coalitions for provisions relating to law enforcement training and technical assistance grants and contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10402 of this title.

§ 10112. Authority of Secretary; construction with State and local law

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

[See main edition for text of (1) to (4)]

Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing sections 10402, 10407, and 10414 of this title. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing such sections.

[See main edition for text of (b)]

(As amended Pub. L. 102-295, title III, § 318, May 28, 1992, 106 Stat. 208.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-295 inserted at end “Not later than 90 days after May 28, 1992, the Secretary shall publish proposed regulations implementing sections 10402, 10407, and 10414 of this title. Not later than 120 days after May 28, 1992, the Secretary shall publish final regulations implementing such sections.”

§ 10413. Family member abuse information and documentation project

The Secretary shall, directly or by grant or contract—

(1) develop data on the individual develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced;

[See main edition for text of (2) and (3)]

(As amended Pub. L. 102-295, title III, § 319, May 28, 1992, 106 Stat. 209.)

AMENDMENTS

1992—Par. (1). Pub. L. 102-295 substituted “develop data on the number of victims of family violence and their dependents who are homeless or institutionalized as a result of the violence and abuse they have experienced” for “characteristics relating to family violence”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10409 of this title.

§ 10414. Grants for public information campaigns

(a) In general

The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

(b) Application

No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) of this section has been approved by the Secretary.

(c) Requirements

An application submitted under subsection (b) of this section shall—

(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

(2) include a complete description of the plan of the application for the development of a public information campaign;

(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

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

(d) Use

A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

(e) Criteria

The criteria for awarding grants shall ensure that an applicant—

(1) will conduct activities that educate communities and groups at greatest risk;

(2) has a record of high quality campaigns of a comparable type; and

(3) has a record of high quality campaigns that educate the population groups identified as most at risk.

(f) Inclusion of representatives of Indians

For purposes of this section, the term “public or private nonprofit entity” includes an “Indian tribe” or “tribal organization”, as defined in section 450b of title 25.

(Pub. L. 98-457, title III, § 314, as added Pub. L. 102-295, title III, § 320, May 28, 1992, 106 Stat. 209.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 10412 of this title.

§ 10415. Model State leadership grants for domestic violence intervention

(a) In general

The Secretary, in cooperation with the Attorney General, shall award grants to not more than 10 States to assist such States in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

- (1) increase the number of prosecutions for domestic violence crimes;
- (2) encourage the reporting of incidences of domestic violence; and
- (3) facilitate "arrests and aggressive" prosecution policies.

(b) Designation as model State

To be designated as a model State under subsection (a) of this section, a State shall have in effect—

- (1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;
- (2) a law or policy that discourages "dual" arrests;
- (3) statewide prosecution policies that—

(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

(B) implement model projects that include either—

- (i) a "no-drop" prosecution policy; or
- (ii) a vertical prosecution policy; and

(C) limit diversion to extraordinary cases, and then only after an admission before a judicial officer has been entered;

(4) statewide guidelines for judges that—

(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protective order;

(B) discourage custody or joint custody orders by spouse abusers; and

(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute; and

(5) develop and disseminate methods to improve the criminal justice system's response to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

(c) Authorization of appropriations

- (1) In general

In addition to the funds authorized to be appropriated under section 10409 of this title, there are authorized to be appropriated to make grants under this section \$25,000,000 for fiscal year 1992, and such sums as may be

necessary for each of the fiscal years 1993 through 1995.

(2) Limitation

A grant may not be made under this section in an amount less than \$2,000,000.

(3) Delegation and transfer

The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.

(Pub. L. 98-457, title III, § 315, as added Pub. L. 102-295, title III, § 321, May 28, 1992, 106 Stat. 210.)

CHAPTER 112—VICTIM COMPENSATION AND ASSISTANCE

Sec.

10606. Victims' rights.
- (a) Best efforts to accord rights.
 - (b) Rights of crime victims.
 - (c) No cause of action or defense.
10607. Services to victims.
- (a) Designation of responsible officials.
 - (b) Identification of victims.
 - (c) Description of services.
 - (d) No cause of action or defense.
 - (e) Definitions.

§ 10601. Crime Victims Fund

[See main edition for text of (a) and (b)]

(c) Retention of sums in Fund; availability for expenditure without fiscal year limitation

Sums deposited in the Fund shall remain in the Fund and be available for expenditure under this subsection² for grants under this chapter without fiscal year limitation.

(d) Availability for judicial branch administrative costs; grant program percentages

The Fund shall be available as follows:

(1) The first \$6,200,000 deposited in the Fund in each of the fiscal years 1992 through 1995 and the first \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under sections 3611 and 3612 of title 18.

(2) Of the next \$100,000,000 deposited in the Fund in a particular fiscal year—

(A) 49.5 percent shall be available for grants under section 10602 of this title;

(B) 45 percent shall be available for grants under section 10603(a) of this title;

(C) 1 percent shall be available for grants under section 10603(c) of this title; and

(D) 4.5 percent shall be available for grants as provided in section 10603a of this title.

(3) The next \$5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants under section 10603a of this title.

² So in original. Probably should be "section".