

## **OVW Guidance on the Nonsupplanting Prohibition as it applies to Nonprofit Organizations**

### **General Definition**

The Violence Against Women Act provides that, "Any Federal funds received [under an OVW grant] shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for [OVW grant] activities." 42 USC 13925(b)(4). This means that a grantee may not reduce State, local, or other non-Federal funds that have been allocated for an OVW permissible activity because Federal funds are available (or expected to be available) to fund that same activity. Rather, Federal funds must be used to supplement existing State, local or other funds for OVW program activities. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

### **Example 1**

In FY 2009, State A awards \$300,000 to a domestic violence shelter and advocacy organization to fund four (4) advocate positions to work with underserved populations and provide specialized domestic violence services in courts where a significant number of protection orders are granted. The shelter used non-federal funds to cover the costs of a fifth court advocate. In July 2009, the shelter received Recovery Act funding, which it used to pay for the fifth court advocate position and shifted the non-federal funds previously used to pay for that position to cover the costs of a staff divorce attorney to represent survivors.

Under these circumstances, supplanting **would** have occurred. Even though the shelter maintained the same level of VAWA grant activity, that is, it did not eliminate the 5<sup>th</sup> advocate position, but rather used the new federal funds to pay for it, the new federal funds did not increase or "supplement" the VAWA grant activity the shelter had previously paid for with nonfederal funds because those nonfederal funds were diverted to an activity that could not be paid for with VAWA grant funds (the divorce attorney position). (see 42 U.S.C.A. § 3796gg(b)). As a result, the new federal funding replaced or "supplanted" the nonfederal funding the shelter had previously used for VAWA grant activity.

### **Example 2**

In FY 2009, State A awarded \$300,000 to a domestic violence shelter and advocacy organization to fund four (4) advocate positions to work with underserved populations and provide specialized domestic violence services in courts where a significant number of protection orders are granted. The shelter also used non-federal funds to cover the costs of a fifth court advocate. In July 2009, The shelter received Recovery Act funding, which it used to pay for the fifth advocate position, and transferred the non-federal funds to pay for a position to report and reduce attrition rates for cases involving violent crimes against women.

Under these circumstances, supplanting **would not** have occurred. The shelter transferred non-federal funds to fund a VAWA statutorily permissible position, and used Recovery Funds to fund a statutorily permissible position. In this instance, the use of VAWA Recovery Act funds supplemented the nonfederal funds being used by the shelter for VAWA grant activities.