109TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
109–233

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

R E P O R T

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

TO ACCOMPANY

H.R. 3402

SEPTEMBER 22, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 3402]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2006.
Sec. 102. Authorization of appropriations for fiscal year 2007.
Sec. 103. Authorization of appropriations for fiscal year 2008.
Sec. 104. Authorization of appropriations for fiscal year 2009.
Sec. 105. Organized retail theft.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
Sec. 203. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
Sec. 204. Clarification of uses for regional information sharing system grants.
Sec. 205. Integrity and enhancement of national criminal record databases.
Sec. 206. Extension of matching grant program for law enforcement armor vests.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.
Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.
Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
Sec. 225. Change of certain reports from annual to biennial.

Subtitle D—Preventing Crime

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.
Sec. 232. Changes to distribution and allocation of grants for drug courts.
Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

Subtitle E—Other Matters

Sec. 241. Changes to certain financial authorities.
Sec. 242. Coordination duties of Assistant Attorney General.
Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.
Sec. 244. Repeal of certain programs.
Sec. 245. Elimination of certain notice and hearing requirements.
Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
Sec. 248. Office of Audit, Assessment, and Management.
Sec. 249. Community Capacity Development Office.
Sec. 250. Office of Applied Law Enforcement Technology.
Sec. 251. Availability of funds for grants.
Sec. 252. Consolidation of financial management systems of Office of Justice Programs.
Sec. 253. Authorization and change of COPS program to single grant program.
Sec. 254. Clarification of persons eligible for benefits under Public Safety Officers' Death Benefits programs.
Sec. 255. Pre-release and post-release programs for juvenile offenders.
Sec. 256. Reauthorization of juvenile accountability block grants.
Sec. 257. Sex offender management.
Sec. 258. Evidence-based approaches.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments relating to Public Law 107–56.
Sec. 302. Miscellaneous technical amendments.
Sec. 303. Use of Federal training facilities.
Sec. 304. Privacy officer.
Sec. 305. Bankruptcy crimes.
Sec. 306. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
Sec. 307. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
Sec. 308. Expanded jurisdiction for contraband offenses in correctional facilities.
Sec. 309. Magistrate judge's authority to continue preliminary hearing.
Sec. 310. Technical corrections relating to steroids.
Sec. 311. Prison Rape Commission extension.
Sec. 312. Longer statute of limitation for human trafficking-related offenses.
Sec. 313. Use of Center for Criminal Justice Technology.
Sec. 314. SEARCH grants.
Sec. 315. Reauthorization of Law Enforcement Tribute Act.
Sec. 316. Amendment regarding bullying and gangs.
Sec. 317. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.
Sec. 318. Reauthorize the gang resistance education and training projects program.
Sec. 319. National training center.
Sec. 320. Sense of Congress relating to "good time" release.
Sec. 321. Police badges.
Sec. 322. Officially approved postage.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

Sec. 401. Short title.
Sec. 402. Definitions and requirements for programs relating to violence against women.

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

Sec. 501. STOP grants improvements.
Sec. 502. Grants to encourage arrest and enforce protection orders improvements.
Sec. 503. Legal assistance for victims improvements.
Sec. 504. Court training and improvements.
Sec. 505. Full faith and credit improvements.
Sec. 506. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
Sec. 507. Stalker database.
Sec. 508. Victim assistants for District of Columbia.
Sec. 509. Preventing cyberstalking.
Sec. 510. Repeat offender provision.
Sec. 511. Prohibiting dating violence.
Sec. 512. GAO study and report.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 601. Technical amendment to Violence Against Women Act.
Sec. 602. Sexual assault services program.
Sec. 603. Amendments to the rural domestic violence and child abuse enforcement assistance program.
Sec. 604. Assistance for victims of abuse.
Sec. 605. GAO study of National Domestic Violence Hotline.
Sec. 606. Grants for outreach to underserved populations.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 701. Services and justice for young victims of violence.
Sec. 702. Grants to combat violent crimes on campuses.
Sec. 703. Safe havens.
Sec. 704. Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

Sec. 801. Preventing violence in the home.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

Sec. 900. Short title; references to VAWA–2000; regulations.

Subtitle A—Victims of Crime

Sec. 901. Conditions applicable to U and T visas.
Sec. 902. Clarification of basis for relief under hardship waivers for conditional permanent residence.
Sec. 903. Adjustment of status for victims of trafficking.

Subtitle B—VAWA Petitioners

Sec. 911. Definition of VAWA petitioner.
Sec. 912. Self-petitioning for children.
Sec. 913. Self-petitioning parents.
Sec. 914. Promoting consistency in VAWA adjudications.
Sec. 915. Relief for certain victims pending actions on petitions and applications for relief.
Sec. 916. Access to VAWA protection regardless of manner of entry.
Sec. 917. Eliminating abusers' control over applications for adjustments of status.
Sec. 918. Parole for VAWA petitioners and for derivatives of trafficking victims.
Sec. 919. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to depart voluntarily.
Sec. 920. Clarification of access to naturalization for victims of domestic violence.
Sec. 921. Prohibition of adverse determinations of admissibility or deportability based on protected information.
Sec. 922. Information for K nonimmigrants about legal rights and resources for immigrant victims of domestic violence.
Sec. 923. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 931. Removing 2 year custody and residency requirement for battered adopted children.
Sec. 932. Waiver of certain grounds of inadmissibility for VAWA petitioners.
Sec. 933. Employment authorization for battered spouses of certain nonimmigrants.
Sec. 934. Grounds for hardship waiver for conditional permanent residence for intended spouses.
Sec. 935. Cancellation of removal.
Sec. 936. Motions to reopen.
Sec. 937. Removal proceedings.
Sec. 938. Conforming relief in suspension of deportation parallel to the relief available in VAWA–2000 cancellation for bigamy.
Sec. 939. Correction of cross-reference to credible evidence provisions.
Sec. 940. Technical corrections.

TITLE X—SAFETY ON TRIBAL LANDS

Sec. 1001. Purposes.
Sec. 1002. Consultation.
Sec. 1003. Analysis and research on violence on tribal lands.
Sec. 1004. Tracking of violence on tribal lands.
Sec. 1005. Tribal Division of the Office on Violence Against Women.
Sec. 1006. GAO report to Congress on status of prosecution of sexual assault and domestic violence on tribal lands.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.— For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code; and

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character.

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, "organized retail theft" means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

"(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

"(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a)."; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

"(A) Law enforcement programs.

"(B) Prosecution and court programs.

"(C) Prevention and education programs.

"(D) Corrections and community corrections programs.

"(E) Drug treatment and enforcement programs.

"(F) Planning, evaluation, and technology improvement programs.

"(G) Crime victim and witness programs (other than compensation).

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

"(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

"(1) neighborhood or community-based organizations that are private and nonprofit;

"(2) units of local government; or

"(3) tribal governments.

"(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

"(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

"(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

"(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

"(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

"(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

"(A) vehicles, vessels, or aircraft;

"(B) luxury items;

"(C) real estate;

"(D) construction projects (other than penal or correctional institutions); or

"(E) any similar matters.

"(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

"(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

"(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

"SEC. 502. APPLICATIONS.

"To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

"(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

"(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

"(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

"(A) the application (or amendment) was made public; and

"(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

"(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

"(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

"(A) the programs to be funded by the grant meet all the requirements of this subpart;

"(B) all the information contained in the application is correct;

"(C) there has been appropriate coordination with affected agencies; and

"(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

"SEC. 503. REVIEW OF APPLICATIONS.

"The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

"SEC. 504. RULES.

"The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

"SEC. 505. FORMULA.

"(a) ALLOCATION AMONG STATES.—

"(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

"(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the total population of a State to—

"(ii) the total population of the United States; and

"(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

"(ii) the average annual number of such crimes reported by all States for such years.

"(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

"(A) allocate 0.25 percent of the total amount to each State; and

"(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

"(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

"(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

"(2) 40 percent shall be for grants to be allocated under subsection (d).

"(c) ALLOCATION FOR STATE GOVERNMENTS.—

"(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

"(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

"(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

"(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

"(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

"(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

"(2) ALLOCATION.—

"(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

"(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

"(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

"(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

"(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

"(ii) but for this paragraph, the amount of funds allocated under this section to—

"(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

"(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall

submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

"(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

"(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

"(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

"(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

"(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

"(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

"(g) SPECIAL RULES FOR PUERTO RICO.—

"(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

"(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

"(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

"SEC. 506. RESERVED FUNDS.

"Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

"(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

"(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

"SEC. 507. INTEREST-BEARING TRUST FUNDS.

"(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

"(b) EXPENDITURES.—

"(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

"(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph

(1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

"(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

"(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.".

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking "such as" and all that follows through "the M.O.R.E. program" and inserting "such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program".

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking "pursuant to section 511 or 515" and inserting "pursuant to section 515";

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking "the program evaluations as required by section 501(c) of this part" and inserting "program evaluations";

(ii) in subsection (a)(2), by striking "evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part" and inserting "evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part"; and

(iii) in subsection (b)(2), by striking "programs funded under section 506 (formula grants) and section 511 (discretionary grants)" and inserting "programs funded under section 505 (formula grants)";

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "section 506" and inserting "section 505"; and

(ii) in subsection (a)(1), by striking "an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503" and inserting "an assessment of the impact of such activities on meeting the purposes of subpart 1";

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking "the purposes of section 501 of this title" and inserting "the purposes of such subpart 1"; and

(ii) by striking "the application submitted pursuant to section 503 of this title" and inserting "the application submitted pursuant to section 502 of this title";

(E) in section 808 (42 U.S.C. 3789), by striking "the State office described in section 507 or 1408" and inserting "the State office responsible for the trust fund required by section 507, or the State office described in section 1408,";

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking "for the purposes of section 506(a)" and inserting "for the purposes of section 505(a)";

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking "section 506(a)" and inserting "section 505(a)";

(ii) in paragraph (2)—

(I) by striking "section 503(a)" and inserting "section 502"; and

(II) by striking "section 506" and inserting "section 505";

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking "The office designated under section 507 of title I" and inserting "The office responsible for the trust fund required by section 507";

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking "and reflects consideration of the statewide strategy under section 503(a)(1)"; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking "The Office designated under section 507" and inserting "The office responsible for the trust fund required by section 507".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking "more than 5 recipients" and inserting "more than 5 individuals, or groups of individuals, as recipients".

SEC. 203. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking "the Director of the Office of Justice Assistance" and inserting "the Assistant Attorney General for the Office of Justice Programs".

SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting "regional" before "information sharing systems";

(2) by amending paragraph (3) to read as follows:

"(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;"; and

(3) by striking "(5)" at the end of paragraph (4).

SEC. 205. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: "The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.";

(2) by amending paragraph (19) of subsection (c) to read as follows:

"(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;"; and

(3) in subsection (d)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following:

"(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.".

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking "particular individual" and inserting "private person or public agency".

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking "Except as provided by Federal law other than this title, no" and inserting "No".

SEC. 206. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2007" and inserting "2009".

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

"SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

"(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

"(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

"SEC. 104. WEED AND SEED STRATEGIES.

"(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

"(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

"(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

"(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

"(B) community revitalization efforts, including enforcement of building codes and development of the economy.

"(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

"(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

"(A) in a voting capacity, representatives of—

"(i) appropriate law enforcement agencies; and

"(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

"(B) in a voting capacity, both—

"(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

"(ii) the United States Attorney for the District encompassing the community;

"(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

"(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

"(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

"(1) the United States Attorney for the District encompassing the community must certify to the Director that—

"(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

"(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

"(C) the steering committee is capable of implementing the strategy appropriately; and

"(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

"(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

"(1) a sustainable Weed and Seed strategy that includes—

"(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

"(B) a significant community-oriented policing component; and

"(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

"(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

"(e) GRANTS.—

"(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

"(2) USES.—For each grant under this subsection, the community receiving that grant—

"(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

"(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

"(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

"(A) for a period of more than 10 fiscal years;

"(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

"(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

"(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

"(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.".

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after "Director";

(B) in subparagraph (A), by striking "and" at the end;

(C) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(C)";

(ii) by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).".

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: ", which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.".

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking "expended" and inserting "obligated".

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking ", acting through the Director,";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.".

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after "may be used for" the following: "training purposes and".

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after "violent crimes against women" the following: "to develop and strengthen victim services in cases involving violent crimes against women".

(b) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (a), by striking "to States" and all that follows through "tribal governments";

(2) in subsection (c)(3)(A), by striking "police" and inserting "law enforcement"; and

(3) in subsection (d)—

(A) in the second sentence, by inserting after "each application" the following: "submitted by a State"; and

(B) in the third sentence, by striking "An application" and inserting "In addition, each application submitted by a State or tribal government".

(c) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking "Not later than" and all that follows through "the Attorney General shall submit" and inserting the following: "Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit".

SEC. 225. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking "The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides" and inserting "Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides".

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking "Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter," and inserting "Not later than one month after the end of each even-numbered fiscal year,".

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking "an offense that" and inserting "a felony-level offense that".

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

"(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.".

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking "offenders with substance abuse problems" and inserting "offenders, and other individuals under the jurisdiction of the court, with substance abuse problems".

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

"(d) DEFINITION.—In this section, the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

"(1) directed at the substance abuse problems of the prisoners; and

"(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.".

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking "section 6503(d)" and inserting "sections 3335(b) or 6503(d)"; and

(2) by striking "section 6503" and inserting "sections 3335(b) or 6503".

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking "pursuant to section 501(a)" and inserting "pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)".

(c) FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.—Section 530C(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.".

(d) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after "the Bureau of Justice Statistics," the following: "the Office for Victims of Crime,".

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting ", including placing special conditions on all grants, and determining priority purposes for formula grants" before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking "unless such requirement is terminated under" and inserting "for the time period specified in".

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769–3769d).

(2) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a–3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking "(a)" before "Whenever,".

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking ", after reasonable notice and opportunity for a hearing,"; and

(B) by striking ", except as otherwise provided herein".

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking "(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))".

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking "program or project" and inserting "program, plan, or project".

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking "which" and inserting ", including faith-based, that".

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking "and" at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).".

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after "The Attorney General" the following: "or the Secretary of Homeland Security, as applicable,"; and

(2) in subsection (b)(1)—

(A) by striking "the Immigration and Naturalization Service" and inserting "the Department of Homeland Security";

(B) by striking "shall not exceed the lesser of the amount" and inserting "shall be the amount billed, not to exceed the amount";

(C) by striking "items and services" and all that follows through "the Medicare program" and inserting "items and services under the Medicare program"; and

(D) by striking "; or" and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

"SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

"(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

"(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

"(1) The program under part Q of this title.

"(2) Any grant program carried out by the Office of Justice Programs.

"(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

"(c) PERFORMANCE AUDITS REQUIRED.—

"(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

"(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

"(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

"(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

"(B) at the end of each year of the grant period, if the grant period is more than 1 year.

"(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

"(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

"(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

"SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

"(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

"(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

"(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

"(2) Providing information, training, and technical assistance.

"(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

"(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

"(5) Any other similar means.

"(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

"(d) BEST PRACTICES.—The Director shall—

"(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

"(2) incorporate those characteristics into the training provided under this section.

"(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

"SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

"(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney

General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

"(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

"(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

"(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

"SEC. 108. AVAILABILITY OF FUNDS.

"(a) PERIOD FOR AWARDING GRANT FUNDS.—

"(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

"(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

"(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

"(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

"(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

"(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).";

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking "ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—" and inserting "USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—";

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

"(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

"(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

"(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

"(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

"(B) security assessments;

"(C) security training of personnel and students;

"(D) coordination with local law enforcement; and

"(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

"(5) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;"; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

"(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;";

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking "subsection (i)" and inserting "subsection (g)"; and

(6) by adding at the end the following new subsection:

"(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

"(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

"(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

"(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.".

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking "section 1701(d)" and inserting "section 1701(b)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking "expended—" and all that follows through "2000" and inserting "expended $1,047,119,000 for each of fiscal years 2006 through 2009"; and

(2) in subparagraph (B)—

(A) by striking "section 1701(f)" and inserting "section 1701(d)"; and

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

"(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;"; and

(3) in paragraph (4) by striking "and" and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting "with respect" before "to any individual".

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

"(m) In any case in which the Bureau paid, before the date of the enactment of Public Law 107–196, any benefit under this part to an individual who—

"(1) before the enactment of that law was entitled to receive that benefit; and

"(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.".

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

"(4) if there is no surviving spouse or surviving child—

"(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

"(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or".

SEC. 255. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking "or" at the end;

(2) in paragraph (16) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.".

SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking "2002 through 2005" and inserting "2006 through 2009".

SEC. 257. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 258. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting ", including the extent to which evidence-based approaches are utilized" after "part"; and

(2) in subsection (b)(1)(A)(ii) by inserting ", including the extent to which evidence-based approaches are utilized" after "part".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking "or" at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking "to be used to be used" and inserting "to be used".

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking "sections" and inserting "section".

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking "title 18" and inserting "title 28".

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking "CONTENTS OF WIRE OR ELECTRONIC" and inserting "CONTENTS OF WIRE OR ELECTRONIC".

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

"3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.".

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

SEC. 303. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 304. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentially, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 305. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 306. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 307. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting "or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General," after "in a Federal prison,":

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking "one year" and inserting "five years".

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking "six months" and inserting "two years" in each of subsections (a)(4) and (b).

SEC. 308. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(a) of title 18, United States Code, is amended in each of paragraphs (1) and (2) by inserting "or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General" after "an inmate of a prison".

SEC. 309. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: "In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.".

SEC. 310. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

"(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;"; and

(2) striking clause (xliv) and inserting the following:

"(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);".

SEC. 311. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking "2 years" and inserting "3 years".

SEC. 312. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3298. Trafficking-related offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3298. Trafficking-related offenses.".

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting ", or for ten years after the offense, whichever is longer" after "of the child".

SEC. 313. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit "center of excellence" that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 314. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $2,000,000 for each of fiscal years 2006 through 2009.

SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking "2006" and inserting "2009".

SEC. 316. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include reseach-based bullying and gang prevention programs;".

SEC. 317. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

"Sec.
"599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.
"599B. Personnel management demonstration project.".

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

"§ 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives"

; and

(B) in subsection (b)(2), by inserting "of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)" after "subsection (c)",

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

"§ 599B. Personnel management demonstration project",

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

"40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives ..... 599A".

SEC. 318. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) $20,000,000 for fiscal year 2006;
"(2) $20,000,000 for fiscal year 2007;
"(3) $20,000,000 for fiscal year 2008;
"(4) $20,000,000 for fiscal year 2009; and
"(5) $20,000,000 for fiscal year 2010.".

SEC. 319. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.

(2) $3,000,000 for fiscal year 2007.
(3) $3,000,000 for fiscal year 2008.
(4) $3,000,000 for fiscal year 2009.

SEC. 320. SENSE OF CONGRESS RELATING TO "GOOD TIME" RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a "good time" release program for non-violent criminals in the Federal prison system.

SEC. 321. POLICE BADGES.

Section 716 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "is a genuine police badge and" after "that the badge"; and

(2) by adding at the end the following:

"(d) It is a defense to a prosecution under this section that the badge is a counterfeit police badge and is used or is intended to be used exclusively—

"(1) for a dramatic presentation, such as a theatrical, film, or television production; or

"(2) for legitimate law enforcement purposes.".

SEC. 322. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: "Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.".

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

Titles IV through X of this Act may be cited as the "Violence Against Women Reauthorization Act of 2005".

SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796gg) the following new sections:

"SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

"In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a provision authorizing or requiring the Department of Justice to make grants, or to carry out other activities, for assistance to victims of domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, shall be construed to cover grants that provide assistance to female victims, male victims, or both.

"SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

"(a) IN GENERAL.—In this part, and in any violence against women provision, unless the context unequivocally requires otherwise, the following definitions apply:

"(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

"(2) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

"(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

"(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

"(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

"(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

"(4) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

"(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

"(B) court security personnel;

"(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

"(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

"(5) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or minor victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

"(6) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in an ongoing social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

"(A) the length of the relationship;

"(B) the type of relationship; and

"(C) the frequency of interaction between the persons involved in the relationship.

"(7) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

"(A) who is or has been in an ongoing social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) The length of the relationship.

"(ii) The type of relationship.

"(iii) The frequency of interaction between the persons involved in the relationship.

"(8) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 60 years of age or older that constitutes the willful—

"(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

"(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

"(9) INDIAN.—The term 'Indian' means a member of an Indian tribe.

"(10) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).

"(11) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(12) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

"(13) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

"(14) LEGAL ASSISTANCE.—The term 'legal assistance'—

"(A) includes assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

"(i) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

"(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy, subject to subparagraph (B); and

"(B) does not include representation of a defendant in a criminal or juvenile proceeding.

"(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

"(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(A) a first and last name;

"(B) a home or other physical address;

"(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(D) a social security number; and

"(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

"(17) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

"(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

"(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

"(19) RURAL AREA AND RURAL COMMUNITY.—The terms 'rural area' and 'rural community' mean—

"(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

"(B) any area or community, respectively, that is—

"(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

"(ii) located in a rural census tract.

"(20) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

"(21) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

"(22) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

"(A) fear for his or her safety or the safety of others; or

"(B) suffer substantial emotional distress.

"(23) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

"(24) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

"(25) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

"(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic violence that is—

"(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

"(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

"(27) TRIBAL COALITION.—The term 'tribal coalition' means—

"(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

"(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

"(28) TRIBAL GOVERNMENT.—The term 'tribal government' means—

"(A) the governing body of an Indian tribe; or

"(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(29) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

"(A) the governing body of any Indian tribe;

"(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

"(C) any tribal nonprofit organization.

"(30) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

"(31) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

"(32) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

"(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work, or a demonstrated capacity to work effectively in collaboration with an organization with a documented history of effective work, concerning domestic violence, dating violence, sexual assault, or stalking.

"(34) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

"(b) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term 'violence against women provision' means any provision required by law to be carried out by or through the Violence Against Women Office.

"SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

"(a) IN GENERAL.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

"(1) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

"(A) IN GENERAL.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking, and their families, each grantee and subgrantee shall reasonably protect the confidentiality and privacy of persons receiving services.

"(B) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—

"(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

"(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

"(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate or is requested by a Member of Congress—

"(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

"(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"(D) INFORMATION SHARING.—Grantees and subgrantees may share—

"(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; and

"(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for investigation, prosecution, and enforcement purposes.

"(2) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

"(3) NON-SUPPLANTATION.—Any Federal funds received under the grant program shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities carried out under the grant.

"(4) USE OF FUNDS.—Funds authorized and appropriated under the grant program may be used only for the specific purposes described in the grant program and shall remain available until expended.

"(5) EVALUATION.—Grantees must collect data for use to evaluate the effectiveness of the program (or for use to carry out related research), pursuant to the requirements described in paragraph (1)(D).

"(6) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

"(7) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph shall not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

"(b) VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term 'violence against women grant program' means any grant program required by law to be carried out by or through the Violence Against Women Office.".

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

SEC. 501. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(8)) is amended by striking "$185,000,000 for each of fiscal years 2001 through 2005" and inserting "$215,000,000 for each of fiscal years 2006 through 2010".

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) by striking ", and specifically, for the purposes of—" and inserting ", including collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking, and specifically only for the purposes of—";

(2) in paragraph (5), by inserting after "protection orders are granted," the following: "supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking,";

(3) in paragraph (10), by striking "and" after the semicolon; and

(4) by adding at the end the following:

"(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families; and

"(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

"(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

"(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

"(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

"(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.".

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: "and describe how the State will address the needs of racial and ethnic minorities and other underserved populations"; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

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

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by subsection (c), is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "5 percent" and inserting "10 percent";

(B) in paragraph (2), by striking "1/54" and inserting "1/56";

(C) in paragraph (3), by striking "and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54" and inserting "Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56";

(D) in paragraph (4), by striking "1/54" and inserting "1/56";

(E) in paragraph (5), by striking "and" after the semicolon;

(F) in paragraph (6), by striking the period and inserting "; and"; and

(G) by adding at the end:

"(7) such funds shall remain available until expended.";

(2) in subsection (c)(3)(B), by inserting after "victim services" the following: ", of which at least 10 percent shall be distributed to culturally specific community-based organizations"; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) a memorandum of understanding showing that tribal, territorial, State, or local prosecution, law enforcement, and court and victim service provider subgrantees have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.".

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by this section, is further amended by adding at the end the following:

"(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

"(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence, sexual assault, stalking, and dating violence.

"(2) INDIAN TRAINING.—The Director of the Violence Against Women Office shall ensure that training, technical assistance, and data collection regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.

"(j) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—As a condition of receiving grant amounts under this part, the recipient shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal, or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.".

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

"(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.".

(g) POLYGRAPH TESTING PROHIBITION.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following new section:

"SEC. 2012. POLYGRAPH TESTING PROHIBITION.

"In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's

refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case.".

(h) NO MATCHING REQUIREMENT.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is further amended by adding at the end the following new section:

"SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEES.

"No matching funds shall be required for a grant or subgrant made under this part, if made—

"(1) to a law enforcement agency having fewer than 20 officers;

"(2) to a victim service provider having an annual operating budget of less than $5,000,000; or

"(3) to any entity that the Attorney General determines has adequately demonstrated financial need.".

SEC. 502. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking "$65,000,000 for each of fiscal years 2001 through 2005." and inserting "$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.".

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking "to treat domestic violence as a serious violation" and inserting "to treat domestic violence, dating violence, sexual assault, and stalking as serious violations";

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after "State" the following: ", tribal, territorial,";

(B) in paragraph (1), by striking "mandatory arrest or";

(C) in paragraph (2), by—

(i) inserting after "educational programs," the following: "protection order registries,";

(ii) striking "domestic violence and dating violence." and inserting "domestic violence, dating violence, sexual assault, and stalking. Such policies, educational programs, registries, and training shall incorporate confidentiality and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.";

(D) in paragraph (3), by—

(i) striking "domestic violence cases" and inserting "domestic violence, dating violence, sexual assault, and stalking cases"; and

(ii) striking "groups" and inserting "teams";

(E) in paragraph (5), by striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, sexual assault, and stalking";

(F) in paragraph (6), by—

(i) striking "other" and inserting "civil"; and

(ii) inserting after "domestic violence" the following: ", dating violence, sexual assault, and stalking"; and

(G) by adding at the end the following:

"(9) To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protection order enforcement and to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

"(10) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

"(11) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order

to improve safety, access to services, and confidentiality for victims and families.

"(12) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.";

(3) in subsection (c)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that—

"(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging or prosecution of such an offense; and

"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense."; and

(4) by striking subsections (d) and (e) and inserting the following:

"(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

(d) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence and dating violence.".

SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before "legal assistance" the following: "civil and criminal";

(B) inserting after "effective aid to" the following: "adult, youth, and minor"; and

(C) striking "domestic violence, dating violence, stalking, or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking";

(2) in subsection (c), by striking "private nonprofit entities, Indian tribal governments," and inserting "nonprofit, nongovernmental organizations, Indian tribal governments and tribal organizations, territorial organizations,";

(3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking "victims of domestic violence, stalking, and sexual assault" and inserting "victims of domestic violence, dating violence, sexual assault, and stalking";

(4) in subsection (d)—

(A) in paragraph (1), by striking "domestic violence, dating violence, or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking"; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

"(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform tribal, State, territorial, or local domestic violence, dating violence, sexual assault

or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and"; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $55,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy."; and

(B) in paragraph (2)—

(i) in subparagraph (A), by—

(I) striking "5 percent" and inserting "10 percent";

(II) striking "programs" and inserting "tribal governments or tribal organizations";

(III) inserting "adult, youth, and minor" after "that assist"; and

(IV) striking "domestic violence, dating violence, stalking, and sexual assault" and inserting "domestic violence, dating violence, sexual assault, and stalking"; and

(ii) in subparagraph (B), by striking "technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault" and inserting "technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault".

SEC. 504. COURT TRAINING AND IMPROVEMENTS.

The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 14042) the following:

"Subtitle J—Violence Against Women Act Court Training and Improvements

"SEC. 41001. SHORT TITLE.

"This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

"SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

"(a) PURPOSE.—The purpose of this section is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

"(1) improved internal civil and criminal court functions, responses, practices, and procedures;

"(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

"(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law;

"(4) to enable courts or court-based or court-related programs to develop new or enhance current—

"(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases);

"(B) community-based initiatives within the court system (such as court watch programs, victim advocates, or community-based supplementary services);

"(C) offender management, monitoring, and accountability programs;

"(D) safe and confidential information-storage and -sharing databases within and between court systems;

"(E) education and outreach programs (such as interpreters) to improve community access, including enhanced access for racial and ethnic communities and racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968); and

"(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

"(5) to provide training, technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs.

"(6) to provide training for specialized service providers, such as interpreters.

"(b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

"(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

"(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

"(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

"(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

"(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

"(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

"(c) EVALUATION.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

"(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

"(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

"SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

"(a) NATIONAL CURRICULA.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

"(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

"(A) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

"(B) if the primary grantee does not have demonstrated expertise such issues, the curricula shall be developed by the primary grantee in partnership with an organization having such expertise.

"(b) TRIBAL CURRICULA.—

"(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

"(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

"(A) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

"(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 to 2010.

"(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

"(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

"SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

"(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve youth victims of dating violence, domestic violence, sexual assault, and stalking between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault, and stalking.

"(b) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to enable entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

"(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

"(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

"(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as "courts"); and

"(B) a victim service provider that has experience in working on domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

"(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

"(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locality;

"(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, law enforcement agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

"(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

"(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

"(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with law enforcement agencies and religious and community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

"(f) DISTRIBUTION.—In awarding grants under this section—

"(1) not less than 10 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

"(2) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

"(3) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

"(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

"(g) REPORTS.—

"(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) and that receive a grant under this section shall jointly prepare and submit a report to the Attorney General every 18 months detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General may require. Each such report shall contain information on—

"(A) the activities implemented by the recipients of the grants awarded under this section; and

"(B) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

"(i) the staffs of courts;

"(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

"(iii) law enforcement agencies and community organizations.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended—

(1) by striking "State or Indian tribe" each place it appears and inserting "State, Indian tribe, or territory";

(2) by striking "State or tribal" each place it appears and inserting "State, tribal, or territorial"; and

(3) in subsection (a) by striking "State or tribe" and inserting "State, Indian tribe, or territory".

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking "and enforced as if it were" and inserting "and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were".

(c) PROTECTION ORDERS.—Sections 2265 and 2266 of title 18, United States Code, are both amended by striking "protection order" each place it appears and inserting "protection order, restraining order, or injunction".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by striking paragraph (5) and inserting the following:

"(5) PROTECTION ORDER, RESTRAINING ORDER, OR INJUNCTION.—The term 'protection order, restraining order, or injunction' includes—

"(A) any injunction or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or

criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.".

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

"Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

"SEC. 41101. TASK FORCE.

"The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

"SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

"(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.".

SEC. 507. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking "2001" and inserting "2006"; and

(2) by striking "2005" and inserting "2010".

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.

Section 40114 of the Violence Against Women Act of 1994 is amended to read as follows:

"SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

"There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.".

SEC. 509. PREVENTING CYBERSTALKING.

Section 2261A of title 18, United States Code, is amended—

(1) in paragaph (1)—

(A) by inserting after "intimidate" the following: ", or places under surveillance with the intent to kill, injure, haras, or intimidate,"; and

(B) by inserting after "or serious bodily injury to," the following: "or causes substantial emotional harm to,";

(2) in paragraph (2)(A), by striking "to kill or injure" and inserting "to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emtional harm to,"; and

(3) in paragraph (2), in the matter following clause (iii) of subparagraph (B)—

(A) by inserting after "uses the mail" the following: ", any interactive computer service,"; and

(B) by inserting after "course of conduct that" the following: "causes substantial emotional harm to that person or".

SEC. 510. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

"§ 2265A. Repeat offender provision

"The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.".

SEC. 511. PROHIBITING DATING VIOLENCE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "or intimate partner" both places such term appears and inserting ", intimate partner, or dating partner"; and

(2) in paragraph (2), by striking "or intimate partner" both places such term appears and inserting ", intimate partner, or dating partner".

SEC. 512. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

"(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.".

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2013 (as added by section 501 of this Act) the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

"(a) PURPOSE.—The purposes of this section are—

"(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

"(A) adult, youth, and minor victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

"(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

"(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

"(B) professionals working in legal, social service, and health care settings;

"(C) nonprofit organizations;

"(D) faith-based organizations; and

"(E) other individuals and organizations seeking such assistance.

"(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and Indian tribes, tribal organizations, and non-profit tribal organizations within Indian country and Alaskan native villages for the establishment, maintenance and expansion of rape crisis centers or other programs and projects to assist those victimized by sexual assault.

"(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of community-based organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault.

"(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to culturally specific community-based organization that—

"(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

"(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

"(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

"(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

"(2) AWARD BASIS.—The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than 3 fiscal years.

"(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

"(1) 24 hour hotline services providing crisis intervention services and referrals;

"(2) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

"(4) support mechanisms that are culturally relevant to the community;

"(5) information and referral to assist the sexual assault victim and family or household members;

"(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

"(7) Collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault;

"(8) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (A) through (G).

"(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control Office in collaboration with the Violence Against Women Office of the Department of Justice.

"(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection because such entity has not previously applied or received funding under this subsection.

"(f) COALITION ACTIVITIES AUTHORIZED.—Grant Funds received under subsection (e) may be used to—

"(1) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or Indian tribe;

"(2) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

"(3) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

"(4) design and conduct public education campaigns;

"(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

"(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

"(g) APPLICATION.—

"(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(2) Each eligible entity desiring a grant under subsection (b) shall include—

"(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

"(B) a plan for an equitable distribution of grants and grant funds within the State, territory or tribal area and between urban and rural areas within such State or territory;

"(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

"(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

"(h) REPORTING.—

"(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

"(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

"(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring and administrative costs under this section;

"(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and sub- grantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

"(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5% for administrative costs;

"(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

"(E) not less than 10 percent shall be used for making grants to state, territorial and tribal coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

"(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State

and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.".

SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

"SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

"(a) PURPOSES.—The purposes of this section are—

"(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration between—

"(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

"(B) law enforcement agencies;

"(C) prosecutors;

"(D) courts;

"(E) other criminal justice service providers;

"(F) human and community service providers;

"(G) educational institutions; and

"(H) health care providers;

"(2) to establish and expand nonprofit, nongovernmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

"(3) to increase the safety and well-being of women and children in rural communities, by—

"(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

"(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

"(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award 3-year grants, with a possible extension for an additional 3 years, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

"(1) implementing, expanding, and establishing cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

"(2) providing treatment, counseling, and other long- and short-term assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

"(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

"(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

"(d) ALLOTMENTS AND PRIORITIES.—

"(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

"(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

"(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

"(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

"(i) 30 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section;

"(ii) 35 percent, for any fiscal year for which $50,000,000 or more is made available to carry out this section; or

"(iii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

"(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating vio-

lence, sexual assault, or stalking, separately or in combination, in the same application.

"(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

"(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

"(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

"(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.".

SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2014 (as added by section 602 of this Act) the following:

"SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.

"(a) GRANTS AUTHORIZED.—The Attorney General may award grants to appropriate entities—

"(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older;

"(2) to improve the physical accessibility of existing buildings in which services are or will be rendered for victims of domestic violence and sexual assault who are 50 years of age or older;

"(3) to provide training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and to enhance direct services to such individuals;

"(4) for training programs to assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

"(5) for multidisciplinary collaborative community responses to victims.

"(b) USE OF FUNDS.—Grant funds under this section may be used—

"(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

"(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

"(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

"(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

"(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal

access to the services, programs, and activities of victim service organizations for disabled individuals;

"(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including—

"(A) the Americans with Disabilities Act of 1990; and

"(B) section 504 of the Rehabilitation Act of 1973;

"(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

"(8) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault through collaborative partnerships between—

"(A) nonprofit, nongovernmental agencies;

"(B) governmental agencies serving individuals with disabilities; and

"(C) victim service organizations; or

"(9) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

"(c) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

"(A) a State;

"(B) a unit of local government;

"(C) a nonprofit, nongovernmental organization such as a victim services organization, an organization serving individuals with disabilities or a community-based organization; and

"(D) a religious organization.

"(2) LIMITATION.—A grant awarded for the purposes described in subsection (b) (9) shall be awarded only to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f—5)).

"(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

"(e) REPORTING.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.".

SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) STUDY REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline in assisting victims of domestic violence.

(b) ISSUES TO BE STUDIED.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1)—

(A) to determine the trends, gaps in services, and geographical areas of need; and

(B) to assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims

and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal, racial, and ethnic populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal, racial, or ethnic populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various racial, ethnic, and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns;

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

"(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child

welfare agencies, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

"(b) GRANTS AUTHORIZED.—The Attorney General, through the Violence Against Women Office, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

"(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

"(2) set aside not more than 10 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

"(3) set aside up to 8 percent for training and technical assistance, to be provided—

"(A) to organizations that are establishing or have established collaborative responses and services; and

"(B) by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

"(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Attorney General shall consider the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

"(e) GRANT AWARDS.—The Attorney General shall award grants under this section for periods of not more than 3 fiscal years.

"(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

"(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

"(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

"(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

"(B) domestic violence or dating violence in child protection cases; and

"(C) the needs of both the child and nonabusing parent;

"(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers by—

"(A) increasing the safety, autonomy, capacity, and financial security of non-abusing parents or caretakers, including developing service plans and utilizing community-based services that provide resources and support to non-abusing parents;

"(B) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child's safety, taking the necessary steps to provide appropriate and community-based services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

"(C) recognizing the relationship between child maltreatment and domestic violence or dating violence in a family, as well as the impact of and danger posed by the perpetrators' behavior on adult, youth, and minor victims; and

"(D) holding adult, youth, and minor perpetrators of domestic violence or dating violence, not adult, youth, and minor victims of abuse or neglect,

accountable for stopping the perpetrators' abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

"(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

"(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

"(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

"(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

"(h) GRANTEE REQUIREMENTS.—

"(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

"(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

"(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

"(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

"(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

"(A) shall include a State or local child welfare agency or Indian Tribe;

"(B) shall include a domestic violence or dating violence victim service provider;

"(C) may include a court;

"(D) may include a law enforcement agency, or Bureau of Indian Affairs providing tribal law enforcement; and

"(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

"(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General every 18 months, detailing how the funds have been used.

"SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

"(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

"(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

"(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

"(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

"(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

"(2) TYPES OF PROGRAMS.—Such a program—

"(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

"(B) shall include linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations or linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

"(C) may include mental health services;

"(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

"(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

"(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

"(d) AWARDS BASIS.—

"(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

"(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

"(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

"(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

"(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 18 months a report of how grant funds have been used.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2010.".

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) CONFIDENTIALITY.—

(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and sub-grantees under this section shall reasonably—

(i) protect the confidentiality and privacy of persons receiving services under the grants and subgrants; and

(ii) not disclose and personally identifying information, or individual client information, collected in connection with services requested, utilized, or denied through programs provided by such grantees and subgrantees under this section.

(B) CONSENT.—A grantee or subgrantee under this section shall not reveal personally any identifying information or individual client information collected as described in subparagraph (A) without the informed, written, and reasonably time-limited consent of the person (or, in the case of an unemancipated minor, the minor and the parent or guardian of the minor) about whom information is sought, whether for the program carried out under this section or any other Federal, State, tribal, or territorial assistance program.

(C) COMPELLED RELEASE AND NOTICE.—If a grantee or subgrantee under this section is compelled by statutory or court mandate to disclose information described in subparagraph (A), the grantee or subgrantee—

(i) shall make reasonable attempts to provide notice to individuals affected by the disclosure of information; and

(ii) shall take steps necessary to protect the privacy and safety of the individual affected by the disclosure.

(D) PERMISSIVE SHARING.—Grantees and subgrantees under this section may share with each other, in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements—

(i) aggregate data, that is not personally identifying information, regarding services provided to their clients; and

(ii) demographic information that is not personally identifying information.

(E) COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.—Grantees and subgrantees under this section may share with each other—

(i) court-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) DEFINITION.—As used in this paragraph, the term "personally identifying information" means individually identifying information from or about an individual, including—

(i) first and last name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant- messaging user identifier or a screen name that reveals an individual's email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol ("IP") address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number held in a "cookie" or processor serial number, that is combined with other available data that identities an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(I) grade point average;

(II) date of birth;

(III) academic or occupational interests;

(IV) athletic or extracurricular interests;

(V) racial or ethnic background; or

(VI) religious affiliation.

(3) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(4) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1301. SAFE HAVENS FOR CHILDREN.";

(2) in subsection (a)—

(A) by inserting ", through the Director of the Office on Violence Against Women," after "Attorney General";

(B) by inserting "public or nonprofit nongovernmental entities, and to" after "may award grants to";

(C) by inserting "dating violence," after "domestic violence,";

(D) by striking "to provide" and inserting the following:

"(1) to provide";

(E) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

"(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

"(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

"(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges."; and

(3) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

"(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

"(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

"(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

"(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.".

SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "Supporting Teens through Education and Protection Act of 2005" or the "STEP Act".

(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall

protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) GRANT TERM AND ALLOCATION.—

(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

(g) DISTRIBUTION.—

(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent native American.

(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) REPORTING AND DISSEMINATION OF INFORMATION.—

(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

SEC. 801. PREVENTING VIOLENCE IN THE HOME.

The Violence Against Women Act of 1994 is amended by adding after subtitle L (as added by section 701) the following:

"Subtitle M—Strengthening America's Families by Preventing Violence in the Home

"SEC. 41301. PURPOSE.

"The purpose of this subtitle is to—

"(1) prevent crimes involving domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

"(2) increase the resources and services available to prevent domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

"(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

"(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

"(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

"(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence.

"SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

"(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of racial and ethnic and other underserved populations, as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

"(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs from the amounts made available under this section for a fiscal year; and

"(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2006 through 2010.

"(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

"(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

"(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

"(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

"(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children who have been exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

"(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations.

"(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, providing additional information as the Director shall require.

"SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

"(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

"(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring reasonable distribution of funds to programs for boys and programs for girls;

"(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

"(c) USE OF FUNDS.—

"(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

"(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

"(i) to encourage children and youth to pursue only mutually respectful, nonviolent relationships and empower them to reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) that include at a minimum—

"(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

"(II) strategies to help participants be as safe as possible; or

"(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

"(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

"(d) ELIGIBLE ENTITIES.—

"(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

"(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

"(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

"(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

"(D) a program that provides culturally specific services.

"(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

"(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

"(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

"(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

"(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

"(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

"(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

"(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall—

"(A) consider the needs of underserved populations;

"(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

"(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

"(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

"(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

"(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

"(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

"(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

"(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

"(iii) link new parents with existing community resources in communities where resources exist; and

"(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.".

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

SEC. 900. SHORT TITLE OF TITLE; REFERENCES TO VAWA–2000; REGULATIONS.

(a) SHORT TITLE OF TITLE.—This title may be cited as "Immigrant Victims of Violence Protection Act of 2005".

(b) REFERENCES TO VAWA–2000.—In this title, the term "VAWA–2000" means the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) REGULATIONS.— Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary

of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA–2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions, applications, or certifications filed on or before the effective date of publication of such regulations for relief covered by such regulations, there shall be no requirement to submit an additional petition, application, or certification and any priority or similar date with respect to such a petition or application shall relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

"(ii) if accompanying, or following to join, the alien described in clause (i)—

"(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;".

(b) DURATION OF U AND T VISAS.—

(1) U VISAS.—Section 214(p) of such Act (8 U.S.C. 1184(p)) is amended by adding at the end the following new paragraph:

"(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but—

"(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

"(B) shall be extended if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.".

(2) T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), is amended by adding at the end the following:

"(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but—

"(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

"(B) shall be extended if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.".

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO U AND T NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking "The Attorney General" and inserting "(a) The Secretary of Homeland Security";

(B) by inserting "(subject to subsection (b))" after "except"; and

(C) by adding at the end the following new subsection:

"(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), other than from such classification under subparagraph (C) or (D) of such section.".

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking "248(2)" and inserting "248(a)(2)".

(d) CERTIFICATION PROCESS FOR VICTIMS OF TRAFFICKING.—

(1) VICTIM ASSISTANCE IN INVESTIGATION OR PROSECUTION.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is amended—

(A) in clause (i)(I), by striking "investigation and prosecution" and inserting "investigation or prosecution, by the United States or a State or local government"; and

(B) in clause (iii)—

(i) by striking "INVESTIGATION AND PROSECUTION" and "investigation and prosecution" and inserting "INVESTIGATION OR PROSECUTION" and "investigation or prosecution", respectively;

(ii) in subclause (II), by striking "and" at the end;

(iii) in subclause (III), by striking the period and inserting "; or"; and

(iv) by adding at the end the following new subclause:

"(IV) responding to and cooperating with requests for evidence and information.".

(2) CLARIFYING ROLES OF ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY.—

(A) Section 107 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105) is amended—

(i) in subsections (b)(1)(E)(i)(II)(bb), (b)(1)(E)(ii), (e)(5), and (g), by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears; and

(ii) in subsection (c), by inserting ", Secretary of Homeland Security," after "Attorney General".

(B) Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security" each place it appears.

(C) Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(i) in subparagraph (A), by striking "Attorney General" and inserting "Secretary of Homeland Security";

(ii) in subparagraph (B), by striking "Attorney General" the first place it appears and inserting "Secretary of Homeland Security"; and

(iii) in subparagraph (B), by striking "Attorney General, in the Attorney General's discretion" and inserting "Secretary, in the Secretary's discretion".

(D) Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(i) in paragraph (1), by striking "Attorney General" and inserting "Secretary of Homeland Security, the Attorney General,"; and

(ii) in paragraph (2), by striking "Attorney General" and inserting "Secretary of Homeland Security".

(E) Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(i) by striking "Attorney General" and inserting "Secretary of Homeland Security" the first place it appears in paragraphs (1) and (2) and in paragraph (5);

(ii) by striking "Attorney General" and inserting "Secretary" the second place it appears in paragraphs (1) and (2); and

(iii) in paragraph (2), by striking "Attorney General's" and inserting "Secretary's".

(3) REQUEST BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is amended by adding at the end the following: "State or local law enforcement officials may request that such Federal law enforcement officials permit the continued presence of trafficking victims. If such a request contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (c), and (d)(3) shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR DURATION OF T VISAS.—In the case of an alien who is classified as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) before the the date of implementation of the amendment made by subsection (b)(2) and whose period of authorized stay was less than 4 years, the authorized period of status of the alien as such a nonimmigrant shall be extended to be 4 years and shall be further extended on a year-by-year basis as provided in section 214(o)(7) of such Act, as added by such amendment.

(3) CERTIFICATION PROCESS.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA–2000.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107–296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by adding at the end the following: "An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for such relief without the application being resubmitted.".

(b) APPEALS.—Such section is further amended by adding at the end the following: "Such an application may not be considered if there is a final removal order in effect with respect to the alien.".

(c) CONFORMING AMENDMENT.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by inserting before the period at the end the following: "or qualifies for a waiver under section 216(c)(4)".

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendment made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(a) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraph (1)(A), by inserting "subject to paragraph (6)," after "(A)";

(B) in paragraph (1)(A), by inserting after "since" the following: "the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)"; and

(C) by adding at the end the following new paragraph:

"(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien's adjustment of status under this subsection if a Federal, State, or local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling certifies that the official has no objection to such waiver or reduction.".

(2) CONFORMING AMENDMENT.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)) is amended by adding at the end the following new paragraph:

"(5) CERTIFICATION OF NO OBJECTION FOR WAIVER OR REDUCTION OF PERIOD OF REQUIRED PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—In order for an alien to have the required period of physical presence under paragraph (1)(A) of section 245(l) of the Immigration and Nationality Act waived or reduced under paragraph (6) of such section, a Federal, State, and local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling may provide for a certification of having no objection to such waiver or reduction.".

(b) TREATMENT OF GOOD MORAL CHARACTER .—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)), as amended by subsection (a)(1), is amended—

(1) in paragraph (1)(B), by inserting "subject to paragraph (7)," after "(B)"; and

(2) by adding at the end the following new paragraph:

"(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).".

(c) ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(g)) is amended by adding at the end the following: "Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the

identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with the report for fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 911. DEFINITION OF VAWA PETITIONER.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(51) The term 'VAWA petitioner' means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

"(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

"(B) Clause (ii) or (iii) of section 204(a)(1)(B).

"(C) Subparagraph (C) or (D) of section 216(c)(4).

"(D) The first section of Public Law 89–732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

"(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277).

"(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100).

"(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note).".

(b) CONFORMING AMENDMENTS.—

(1) Section 212(a)(6)(A)(ii)(I) of such Act (8 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking "qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)" and inserting "is a VAWA petitioner".

(2) Section 212(a)(9)(C)(ii) of such Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking "to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)" and inserting "is a VAWA petitioner".

(3) Subsections (h)(1)(C) and (g)(1)(C) of section 212 (8 U.S.C. 1182) is amended by striking "qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "is a VAWA petitioner".

(4) Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by striking "an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "a VAWA petitioner".

(5) Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking "is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "is a VAWA petitioner".

(6) Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking "they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii)" and inserting "the applicants were VAWA petitioners".

(7) Section 245(a) of such Act (8 U.S.C. 1255(a)) is amended by striking "under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" and inserting "as a VAWA petitioner".

(8) Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking "under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)" and inserting "as a VAWA petitioner".

(9) For additional conforming amendments to sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act, see sections 832(b)(2) and 817(a) of this Act.

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(A) by striking "or who" and inserting "who"; and

(B) by inserting after "domestic violence," the following: "or who was a child of a United States citizen parent who within the past 2 years (or, if

later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),".

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) IN GENERAL.—Section 204(a)(1)(B)(iii) of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended—

(i) by striking "or who" and inserting "who"; and

(ii) by inserting after "domestic violence," the following: "or who was a child of a lawful permanent resident resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),".

(B) CONFORMING TREATMENT OF DECEASED SPOUSES.—Section 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is amended—

(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subitem (bbb), as so redesignated, the following:

"(aaa) whose spouse died within the past 2 years;".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen parent or lawful permanent resident parent died or whose parent-child relationship with such parent terminated during the period beginning on October 28, 1998, and ending on the date of the enactment of this Act, the following rules apply:

(i) The reference to "within the past 2 years" in section 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii), respectively, of the Immigration and Nationality Act in the matter inserted by such paragraph is deemed to be a reference to such period.

(ii) The petition must be filed under such section within 2 years after the date of the enactment of this Act (or, if later, 2 years after the alien's 18th birthday).

(iii) The determination of eligibility for benefits as a child under such section (including under section 204(a)(1)(D) of the Immigration and Nationality Act by reason of a petition authorized under such section) shall be determined as of the date of the death of the citizen parent or lawful permanent resident parent or the termination of the parent-child relationship.

(b) PROTECTING VICTIMS OF CHILD ABUSE FROM AGING OUT.—

(1) CLARIFICATION REGARDING CONTINUATION OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(i)(I)) is amended—

(A) by striking "clause (iv) of section 204(a)(1)(A)" and inserting "subparagraph (A)(iv)" each place it appears; and

(B) by striking "a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable" and inserting "to continue to be treated as an immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married".

(2) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(A) in clause (i)(I)—

(i) by inserting after the first sentence the following new sentence: "Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph."; and

(ii) in the last sentence, by inserting "in either such case" after "shall be required to be filed";

(B) in clause (i)(III), by striking "paragraph (1), (2), or (3) of section 203(a)" and inserting "section 203(a)(2)(A)"; and

(C) in clause (ii), by striking "(A)(iii), (A)(iv),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(c) CLARIFICATION OF NO SEPARATE ADJUSTMENT APPLICATION FOR DERIVATIVE CHILDREN.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended by adding at the end the following: "In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), is amended by adding at the end the following new clause:

"(iv) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) IN GENERAL.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

"(vii) An alien who—

"(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

"(II) is a person of good moral character;

"(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) by virtue of the alien's relationship to the son or daughter referred to in subclause (I); and

"(IV) resides, or has resided in the past, with the citizen daughter or son; may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen son or daughter.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking "an incident of domestic violence" and inserting "battering or extreme cruelty by the United States citizen spouse";

(2) in subparagraph (A)(iv), by striking "an incident of domestic violence" and inserting "battering or extreme cruelty by such parent";

(3) in subparagraph (B)(ii)(II)(aa)(CC)(bbb), as redesignated by section 912(a)(2)(B)(i), by striking "due to an incident of domestic violence" and inserting "related to battering or extreme cruelty by the lawful permanent resident spouse"; and

(4) in subparagraph (B)(iii), by striking "due to an incident of domestic violence" and inserting "related to battering or extreme cruelty by such parent".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

"(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

"(2) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

"(3) During a period in which an alien is provided deferred action under this subsection, the alien shall not be removed or deported. ".

(2) LIMITATION ON DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

"(f) LIMITATION ON DETENTION OF CERTAIN VICTIMS OF VIOLENCE.—(1) An alien for whom a petition as a VAWA petitioner has been approved or for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been approved, subject to paragraph (2), the alien shall not be detained if the only basis for detention is a ground for which—

"(A) a waiver is provided under section 212(h), 212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V); or

"(B) there is an exception under section 204(a)(1)(C).

"(2) Paragraph (1) shall not apply in the case of detention that is required under subsection (c) or section 236A.".

(3) EMPLOYMENT AUTHORIZATION.—

(A) FOR VAWA PETITIONERS.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

"(K)(i) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.".

(B) FOR ALIENS WITH APPROVED T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as amended by section 901(b)(2), is amended by adding at the end the following new paragraph:

"(8) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.".

(4) PROCESSING OF APPLICATIONS.—Section 204(a)(1)(K) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(K)), as added by paragraph (3)(A), is amended by adding at the end the following:

"(ii) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended by adding at the end the following new subparagraph:

"(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

"(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all opportunities for appeal of the denial have been exhausted; and

"(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCEES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in subclause (I)(bb), by inserting after "during the marriage" the following: "or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage";

(B) in subclause (II)(aa)—

(i) by striking "or" at the end of subitem (BB);

(ii) by inserting "or" at the end of subitem (CC); and

(iii) by adding at the end the following new subitem:

"(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;";

(C) in subclause (II)(cc), by striking "or who" and inserting ", who" and by inserting before the semicolon at the end the following: ", or who is described in subitem (aa)(DD)"; and

(D) in subclause (II)(dd), by inserting "or who is described in subitem (aa)(DD)" before the period at the end.

(2) EXCEPTION FROM REQUIREMENT TO DEPART.—Section 214(d) of such Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: "unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) SPOUSES WHO ARE CONDITIONAL PERMANENT RESIDENTS.—

(1) IN GENERAL.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.".

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) of such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking "or" at the end of subclause (II);

(B) by adding "or" at the end of subclause (III); and

(C) by adding at the end the following new subclause:

"(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;".

(3) EXCEPTION TO RESTRICTION ON ADJUSTMENT OF STATUS.—The second sentence of section 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as designated by paragraph (1)(A), is amended by inserting "who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)" after "alien described in section 101(a)(15)(K)".

(4) APPLICATION UNDER SUSPENSION OF DEPORTATION.—Section 244(a)(3) of such Act (as in effect on March 31, 1997) shall be applied (as if in effect on such date) as if the phrase "is described in section 240A(b)(2)(A)(i)(IV) or" were inserted before "has been battered" the first place it appears.

(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(c) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking "(d)" and inserting "(d)(1)";

(2) by inserting after the second sentence the following: "Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse."; and

(3) by adding at the end the following:

"(2)(A) Subject to subparagraph (B), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

"(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to more than 2 applying aliens; and

"(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

"(B) The Secretary of Homeland Security may, in the discretion of the Secretary, waive the limitation in subparagraph (A), if justification exists for such a waiver.

"(3) For purposes of this subsection—

"(A) the term 'child abuse' means a felony or misdemeanor crime, as defined by Federal or State law, committed by an offender who is a stranger to the victim, or committed by an offender who is known by, or related by blood or marriage to, the victim, against a victim who has not attained the lesser of—

"(i) 18 years of age; or

"(ii) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

"(B) the terms 'domestic violence' and 'sexual assault' have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).".

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

"(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee,".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act, as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act, as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) of such Act (8 U.S.C. 1187(b)(2)) is amended by inserting after "asylum," the following: "as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997),".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration and Nationality Act before, on, or after such date as if it had been included in such waivers.

(f) EXCEPTION FROM FOREIGN RESIDENCE REQUIREMENT FOR EDUCATIONAL VISITORS.—

(1) IN GENERAL.—Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by inserting "unless the alien is a VAWA petitioner or an applicant for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15)" after "for an aggregate of a least two years following departure from the United States".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status

under section 101(a)(15)(J) of such Act before, on, or after the date of the enactment of this Act.

SEC. 917. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended —

(1) in subclause (I), by striking "under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "as a VAWA petitioner"; and

(2) in subclause (II), by inserting "or adjustment of status" after "cancellation of removal".

(b) APPLICATION OF VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and"; and

(B) in clause (ii), by inserting "or adjustment of status" after "suspension of deportation"; and

(2) in subparagraph (B)(ii), by striking "for relief" and all that follows through "1101 note))" and inserting "for relief described in subparagraph (A)(i)".

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting ", or was eligible for adjustment," after "whose status is adjusted"; and

(2) in subparagraph (E), by inserting after "April 1, 2000" the following: ", or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005" .

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended by adding at the end the following: "An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.".

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as amended by section 1511(a) of VAWA–2000, is amended—

(1) in clause (i), by striking "whose status is adjusted to that of an alien lawfully admitted for permanent residence" and inserting "who is or was eligible for classification"; and

(2) in clause (ii), by striking "whose status is adjusted to that of an alien lawfully admitted for permanent residence" and inserting "who is or was eligible for classification".

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as amended by section 1510(b) of VAWA–2000—

(A) by striking "or" at the end of subitem (BB);

(B) by striking "and" at the end of subitem (CC) and inserting "or"; and

(C) by adding at the end the following new subitem:

"(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and"; and

(2) in subsection (g)—

(A) by inserting "(1)" before "Notwithstanding";

(B) by inserting "subject to paragraph (2)," after "section 101(a) of the Immigration and Nationality Act)),"; and

(C) by adding at the end the following new paragraph:

"(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.".

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is amended by adding at the end the following new subparagraph:

"(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child's) eligibility as a VAWA petitioner or for such nonimmigrant status.".

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DERIVATIVES OF TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 240A(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(4)) is amended—

(1) in the heading, by striking "CHILDREN OF BATTERED ALIENS" inserting "BATTERED ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIVATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS,";

(2) in subparagraph (A)—

(A) by striking "or" at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

(C) by adding at the end the following new clauses:

"(iii) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter and who is admissible and eligible for an immigrant visa;

"(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner's priority date; or

"(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).."; and

(3) in subparagraph (B)—

(A) in the first sentence, by striking "The grant of parole" and inserting "(i) The grant of parole under subparagraph (A)(i) or (A)(ii)";

(B) in the second sentence, by striking "covered under this paragraph" and inserting "covered under such subparagraphs";

(C) in the last sentence, by inserting "of subparagraph (A)" after "clause (i) or (ii)"; and

(D) by adding at the end the following new clauses:

"(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

"(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to ex-

ercise due diligence in filing a visa petition on the alien's behalf may result in revocation of parole.".

(b) CONFORMING REFERENCE.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

"(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended—

(1) by striking "If" and inserting "(1) Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) and shall apply to failures to depart voluntarily occurring before, on, or after the date of the enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting after "extreme cruelty by a United States citizen spouse or parent" the following: ", regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty".

(b) USE OF CREDIBLE EVIDENCE.—Such section is further amended by adding at the end the following: "The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) APPLICATION OF RESTRICTIONS ON ADDITIONAL DEPARTMENTS.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367) is amended—

(1) in subsection (a), as amended by section 1513(d) of VAWA–2000—

(A) in the matter before paragraph (1), by striking "(including any bureau or agency of such Department)" and inserting ", or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)"; and

(B) in paragraph (2), by striking "of the Department," and inserting "of any such Department,"; and

(2) in subsection (b)—

(A) in paragraphs (1), by striking "The Attorney General may provide, in the Attorney General's discretion" and inserting "The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each's discretion";

(B) in paragraph (2), by striking "The Attorney General may provide in the discretion of the Attorney General" and inserting "The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each's discretion"; and

(C) in paragraph (5), by striking "is authorized to disclose" and inserting ", Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose".

(b) INCREASING SCOPE OF ALIENS AND INFORMATION PROTECTED.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by striking "furnished solely by" and inserting "furnished by or derived from information provided solely by";

(B) by striking "or" at the end of subparagraph (D);

(C) by adding "or" at the end of subparagraph (E); and

(D) by inserting after subparagraph (E) the following new subparagraph:

"(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration and Nationality Act, the trafficker or perpetrator,"; and

(2) in paragraph (2)—

(A) by striking "under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under"; and

(B) by striking "or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty." and inserting the following: ", section 101(a)(15)(T), section 214(c)(15), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien;".

(c) PROVIDING FOR CONGRESSIONAL REVIEW.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).".

(d) APPLICATION TO JUVENILE SPECIAL IMMIGRANTS.—Subsection (a) of such section, as amended by subsection (b)(2)(B), is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by adding "or" at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.".

(e) IMPROVED ENFORCEMENT.—Subsection (c) of such section is amended by adding at the end the following: "The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.".

(f) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

"(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

"(1) No enforcement action was taken leading to such proceedings against the alien—

"(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

"(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

"(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.".

(2) COMPLIANCE.—Section 384(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367(c)) is amended by inserting "or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act" after "in violation of this section".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations or disclosures made on or after such date.

SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop consistent and accurate materials, including an information pamphlet described in subsection (b), on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K nonimmigrant visas. In preparing such materials, the Secretary shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault and other crimes.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(3) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(4) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(5) The obligations of parents to provide child support for children.

(6) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(7) A warning concerning the potential use of K nonimmigrant visas by individuals who have a history of committing domestic violence, sexual assault, or child abuse.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under subsection (a) that shall be used by consular officers when reviewing the pamphlet in interviews under section (e)(2).

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet under subsection (b) shall, subject to paragraph (2), be translated by the Secretary of State into the following languages: Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, and Hindi.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine the specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(e) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be made available and distributed as follows:

(1) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(A) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no translation into the applicant's primary language is available.

(B) In addition, in the case of an applicant for a nonimmigrant visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) the Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under subparagraph (A), a copy of the petition submitted by the petitioner for such applicant under section 214(d) of such Act (8 U.S.C. 1184(d)).

(C) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under such section 214(d). The Secretary of State, in turn, shall share any such criminal background information that is in the public record with the nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this subparagraph shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(2) CONSULAR INTERVIEWS.— The pamphlet shall be distributed directly to K nonimmigrant visa applicants at all consular interviews for such visas. The consular officer conducting the visa interview shall review the pamphlet and summary with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

(3) CONSULAR ACCESS.—The pamphlet shall be made available to the public at all consular posts. Summaries of the pamphlets under subsection (c) shall be made available to foreign service officers at all consular posts.

(4) POSTING ON STATE DEPARTMENT WEBSITE.—The pamphlet shall be posted on the website of the Department of State as well as on the websites of all consular posts processing K nonimmigrant visa applications.

(f) K NONIMMIGRANT DEFINED.—For purposes of this section, the term "K nonimmigrant visa" means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for adjudication of petitions and adjustment applications of VAWA petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act, as added by section 911(a)) and of aliens seeking status as nonimmigrants under subparagraph (T) or (U) of section 101(a)(15) of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting after "at least two years" the following: "or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household".

(b) CONFORMING NATURALIZATION AMENDMENT.—Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is amended by inserting before the period at the end the following: "or the child is residing in the United States pursuant to a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household "

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications pending or filed on or after such date.

SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY FOR VAWA PETITIONERS.

(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—

(1) IN GENERAL.—Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by inserting "(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))" after "clause (i)".

(2) CONFORMING REFERENCE.—Section 212(a)(6)(C)(iii) of such Act (8 U.S.C. 1182(a)(6)(C)(iii)) is amended by striking "clause (i)"and inserting "clauses (i) and (ii)".

(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

(2) CONFORMING AMENDMENT.—Section 212(a)(4)(C)(i) of such Act (8 U.S.C. 1182(a)(4)(C)(i)) is amended to read as follows:

"(i) the alien is described in subparagraph (E); or".

(c) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or disqualifying event occurred before, on, or after such date.

SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NON-IMMIGRANTS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by sections 403(a) and 404(a) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended by adding at the end the following new paragraph:

"(15) In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H)(i) of such section, respectively, the Secretary of Homeland Security shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject to extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ", or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting "subject to paragraph (5)," after "(C)"; and

(ii) by striking "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)";

(B) in paragraph (2)(A), by amending clause (iv) to read as follows:

"(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and "; and

(C) by adding at the end the following new paragraph:

"(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs

and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 1504(a) of VAWA–2000.

(b) CLARIFYING NONAPPLICATION OF CANCELLATION CAP.—

(1) IN GENERAL.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) Aliens with respect to their cancellation of removal under subsection (b)(2).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cancellations of removal occurring on or after October 1, 2004.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(A) in subparagraph (A), by inserting ", except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)" before the period at the end; and

(B) in subparagraph (C)—

(i) in the heading of clause (iv), by striking "SPOUSES AND CHILDREN" and inserting "SPOUSES, CHILDREN, AND PARENTS";

(ii) in the matter before subclause (I) of clause (iv), by striking "The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply" and inserting "Any limitation under this section on the deadlines for filing such motions shall not apply";

(iii) in clause (iv)(I), by inserting "or section 244(a)(3) (as in effect on March 31, 1997)" after "section 240A(b)(2)";

(iv) by striking "and" at the end of clause (iv)(II);

(v) by striking the period at the end of clause (iv)(III) and inserting "; and"; and

(vi) by adding at the end the following:

"(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—

(1) IN GENERAL.—Section 1506(c)(2) of VAWA–2000 is amended—

(A) in the matter before clause (i) of subparagraph (A), by striking "Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation" inserting "Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III–A effective date), to reopen or rescind deportation or exclusion";

(B) in the matter before clause (i) of subparagraph (A), by striking "there is no time limit on the filing of a motion" and all that follows through "does not apply" and inserting "such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings";

(C) by adding at the end of subparagraph (A) the following:

"The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for. ";

(D) in subparagraph (B), by inserting "who are physically present in the United States and" after "filed by aliens"; and

(E) in subparagraph (B)(i), by inserting "or exclusion" after "deportation".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended by inserting "battery or extreme cruelty of the alien or any child or parent of the alien or" after "exceptional circumstances (such as".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPORTATION PARALLEL TO THE RELIEF AVAILABLE IN VAWA–2000 CANCELLATION FOR BIGAMY.

Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall be applied as if "or by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or permanent resident's bigamy" were inserted after "by a spouse or parent who is a United States citizen or lawful permanent resident".

SEC. 939. CORRECTION OF CROSS-REFERENCE TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA–2000, is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), as amended by section 1510(a)(2) of VAWA–2000, is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(c) IIARAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA–2000, is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(d) HRIFA.—Section 902(d)(1)(B)(iii) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538), as amended by section 1511(a) of VAWA–2000, is amended by striking "204(a)(1)(H)" and inserting "204(a)(1)(J)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of VAWA–2000.

SEC. 940. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(A) in the first sentence, by striking "(A)(i)(II)" and inserting "(A)(ii)"; and

(B) in the fourth sentence, by striking "section 240A(b)(2)(B)" and inserting "this subparagraph, subparagraph (A)(ii),".

(2) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking "(A)(i)(III)" and inserting "(A)(iii)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(b) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking "(9)(A)" and inserting "(10)(A)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 5(c)(2) of VAWA–2000, section 237(a)(1)(H)(ii) of Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking the period at the end and inserting "; or".

(d) CORRECTION OF DESIGNATION AND INDENTATION.—The last sentence of section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA–2000, is amended—

(1) by striking "section 212(a)(9)(C)(i)" and inserting "clause (i)";

(2) by redesignating paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (aa) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such paragraphs and subparagraphs 6 ems to the right.

(e) ADDITIONAL TECHNICAL CORRECTIONS.—(1) Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking "is self-defense" and inserting "in self-defense".

(2) Section 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking "(10(E))" and inserting "(10)(E))".

TITLE X—SAFETY ON TRIBAL LANDS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of domestic violence, dating violence, sexual assault, and stalking on Tribal lands;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to domestic violence, dating violence, sexual assault, and stalking on Tribal lands under their jurisdiction; and

(3) to ensure that perpetrators of domestic violence, dating violence, sexual assault, and stalking on Tribal lands are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall each conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including consultation concerning—

(1) the timeliness of the Federal grant application and award processes;

(2) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(3) determinations not to award grant funds;

(4) grant awards made in violation of the eligibility guidelines to a non-tribal entity; and

(5) training, technical assistance, and data collection grants for tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women.

(b) SCOPE.—

(1) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(A) domestic violence;

(B) dating violence;

(C) sexual assault;

(D) stalking; and

(E) murder.

(2) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in paragraph (1) committed against Indian women.

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under subsection (a).

(2) MEMBERS.—The Director shall appoint to the task force representatives from—

(A) national tribal domestic violence and sexual assault nonprofit organizations;

(B) tribal governments; and

(C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f); and

(2) by inserting after subsection (c) the following:

"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

"(1) identification records;

"(2) criminal history records;

"(3) protection orders; and

"(4) wanted person records.".

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 2015 (as added by section 604 of this Act) the following:

"SEC. 2016. TRIBAL DIVISION.

"(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

"(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

"(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

"(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

"(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

"(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

"(6) providing assistance to the Department of Justice to develop policy and to enforce Federal law relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

"(7) maintaining a liaison with the judicial branches of Federal, State and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

"(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

"(b) AUTHORITY.—

"(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

"(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

"(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

"(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are based upon the unique circumstances of the members of Indian tribes to be served;

"(C) development of tribal educational awareness programs and materials;

"(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against memberes of Indian tribes; and

"(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

"SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the "Director"), shall take such setasides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

"(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

"(A) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

"(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

"(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6), Legal Assistance for Vicitms.

"(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

"(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

"(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

"(G) Section 2014(b) Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

"(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

"(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

"(b) PURPOSE OF PROGRAM AND GRANTS.—

"(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the

safety of members of Indian tribes consistent with tribal law and custom, specifically the following:

"(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

"(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

"(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

"(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

"(1) disburse the appropriate sums provided for under this section; or

"(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

"(d) REQUIRED PROCEDURES.—

"(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

"(A) publish in the Federal Register notification of—

"(i) the availability of those funds to Indian tribes;

"(ii) the total amount of funds available; and

"(iii) the process by which tribes may participate in the program; and

"(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

"(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

"(3) FORMULA.—The Director shall distribute those funds according to the following formula: —

"(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds,

"(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

"(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more tribal organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary pratices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

"(e) RECIPIENT REQUIREMENTS.—

"(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

"(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

"(3) SET ASIDE.—Participating tribes must set aside no less than 50 percent of their total allocation under this section for tribally specific domestic violence, dating violence, sexual assault, or stalking victim services and advocacy for members of Indian tribes. The services supported with funds under the program must be designed to address the unique circumstances of the individuals to be served, including the customary practices and linguistic needs of the individuals within the tribal community to be served. Tribes shall give preference to tribal organizations or tribal nonprofit organizations providing advocacy services to members of Indian tribes within the community to be served such as a safety center or shelter program for members of Indian tribes. In the case where the above organizations do not exist within the participating tribe, the participation and support from members of Indian tribes in the community to be served is sufficient to meet this requirement.

"(f) ADMINISTRATION REQUIREMENTS.—

"(1) APPLICATION.—To reduce the administrative burden for Indian tribes, the Director shall prepare an expedited application process for Indian tribes participating in the program required by this section. The expedited process shall facilitate participating tribes' submission of information—

"(A) outlining project activities;

"(B) describing how the project activities will enhance the Indian tribe's response to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

"(C) identifying the tribal partner providing advocacy and related services for members of Indian tribes who are victims of crimes of domestic violence, dating violence, sexual assault, and stalking.

"(2) REPORTING AND EVALUATION.—The Director shall alleviate administrative burdens upon participating Indian tribes by—

"(A) developing a reporting and evaluation process relevant to the distinct governance of Indian tribes;

"(B) requiring only essential data to be collected; and

"(C) limiting reporting to an annual basis.

"(3) GRANT PERIOD.—The Director shall award grants for a two-year period, with a possible extension of another two years to implement projects under the grant.

"(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

"(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

"(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

"(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

"(1) the development and delivery of services to members of Indian tribes who are victimized;

"(2) the development and implementation of tribal governmental responses to such crimes; and

"(3) the traditional and customary practices of Indian tribes to such crimes.".

SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal criminal jurisdiction and charged according to the following provisions of title 18, United States Code: Sections 1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2), 2261(a)(1)(2), and 922(g)(8).

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(3) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(4) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) YEARS COVERED.—The report required by this section shall cover the years 2000 through 2005.

PURPOSE AND SUMMARY

H.R. 3402, the "Department of Justice Appropriations Authorization Act, Fiscal Years 2006 Through 2009" establishes spending levels of programs within the Department of Justice ("DOJ" or "Department"). Titles I through III establish spending levels for fiscal years 2006 through 2009. Titles IV through X authorize programs for fiscal years 2006 through 2010. Title I provides the authorizations for appropriations for the various activities of the Department. Title II reforms various Department of Justice grant programs. Title III modifies various Department authorizing statutes. Title IV through title X of the bill reauthorize, improve and establish programs within the Violence Against Women Act ("VAWA") within the DOJ, many of which are set to expire on September 30, 2005.

Titles I-III of H.R. 3402 contain many of the provisions contained in H.R. 3036 (108th Congress) with modified authorization levels. A small number of the provisions contained in that legislation were excluded from H.R. 3402 because those provisions were enacted elsewhere or are no longer timely. A small number of additional provisions are contained in H.R. 3402 to address programs which are set to expire such as the Juvenile Accountability Block Grants program and the Sex Offender Management program.

Titles IV-X of H.R. 3402 contain grant programs to States and local governments to combat domestic violence, dating violence, sexual assault and stalking that are within the jurisdiction of the Committee on the Judiciary. These sections reauthorize core DOJ programs to combat domestic violence and make improvements to those grant programs to further enhance programs to combat domestic violence, dating violence, sexual assault and stalking. The bill reauthorizes the Services Training Officers Prosecutors ("STOP") program, which provides State formula grants that help fund collaboration efforts among police, prosecutors and victim services providers. The legislation also reauthorizes grants to encourage arrest programs that provide funds to communities to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Additionally, the bill authorizes several new programs that include grants to improve training for court officials and law enforcement personnel, and to encourage community based solutions to domestic violence.

BACKGROUND AND NEED FOR THE LEGISLATION

A. STATUTORY AUTHORIZATION AUTHORITY

"Authorization" is the process by which Congress creates, amends, and extends programs in executive agencies. The authorization process is an important oversight tool that Congress and committees of jurisdiction can employ. Through authorization legislation, authorizing committees establish programs, their objectives, and the upper limits for spending on them. Once a Federal program has been authorized, the actual budget authority for the program is set out in appropriations bills.

The Department of Justice, established in 1870 by an act of Congress, is an executive department of the Federal Government under the direction and control of the Attorney General. (12 Stat. 162 (1870)); (28 U.S.C. §§ 501, 503). Except as otherwise authorized by law, the Justice Department has "[p]rimary responsibility for representing the United States, its agencies, and officers in the courts of the United States" and, if necessary or appropriate, in State and local courts. (U.S. Dep't of Justice, Revised Edition of Compendium on Agency Litigation Authority 1–1 (Sept. 2000)); (28 U.S.C. §§ 516–19, 547); (5 U.S.C. § 3106). In addition, Congress has authorized executive departments, independent agencies, and government corporations to appear in court through their own counsel under certain circumstances. *(Id.)*

Congressional authorization of appropriations for the Justice Department is required by law. (Pub. L. No. 94–503, Title II, § 204, 90 Stat. 2427 (1976)). The Crime Control Act of 1976 provided that:

> No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year.

(Id.) Notwithstanding this statutory authority, until recently the Justice Department had not been formally authorized by Congress since 1980. (Pub. L. No. 96–397, 94 Stat. 1563 (1980)). However, in 2001, Chairman Sensenbrenner introduced H.R. 2215, the "21st Century Department of Justice Appropriations Authorization Act." This authorizing legislation was enacted into law on November 2, 2002. Pub. L. No. 107–273. This legislation fully authorized the appropriations requested by the President for fiscal years 2002 and 2003, strengthened legislative oversight of the Department of Justice by bolstering the authority of the Department's Inspector General, required disclosure of additional information on the operation of the Office of Justice Programs, created additional Federal judgeships, and contained several legislative initiatives that had passed the House but received no floor vote in the Senate.

In the 108th Congress, this Committee and the House of Representatives passed legislation, H.R. 3036, on a bipartisan basis and under suspension of the rules, to reauthorize, improve and establish programs at the Department of Justice for fiscal years 2004 through 2006. This legislation was never acted upon by the Senate, and therefore, never became law. Titles I-III of H.R. 3402 contain many of these provisions. In addition to these programs, the legislation adds reauthorization of grant programs to combat domestic

violence, dating violence, sexual assault and stalking that are within the jurisdiction of the Committee and are set to expire this fiscal year.

The Committee on the Judiciary has authorizing jurisdiction over the Department of Justice. The Justice Department is presently comprised of over 50 separate components, including the Federal Bureau of Investigation, the U.S. Attorneys, the U.S. Marshals Service, the Drug Enforcement Administration, the Bureau of Prisons, the Office of Solicitor General, the Office of Justice Programs, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the various litigating divisions, and others.

H.R. 3402 reflect's the Committee on the Judiciary's continuing commitment to the authorization process. The highlights of H.R. 3402 are set forth below.

B. TITLE I—AUTHORIZATION OF APPROPRIATIONS

Title I contains authorizations of appropriations for the Department's various programs for fiscal years 2006 through 2009. These authorization levels are based on the FY 2006 authorized amounts in H.R. 3036 (108th Congress) and the President's budget request. For each fiscal year, the authorizations are increased for inflation.

The Committee went beyond the Administration's request for FY 2006 for the Office of the Inspector General, fees and expenses for witnesses, and the administration of the grant program offices including COPS, OJP and VAWA.

C. TITLE II—REFORM OF THE DEPARTMENT'S GRANT PROGRAMS

Title II generally reforms the Justice Department's grant programs, most of which are run through the Office of Justice Programs ("OJP") or the Community Oriented Policing Services ("COPS") Office. The Committee believes that many of the programs that these two offices administer are worthwhile and should be continued. The Committee also believes that the Justice Department has made many administrative reforms in the last several years that have greatly increased the efficiency of these programs. The reforms in H.R. 3402 are intended to build on that progress and should not be interpreted to indicate any lack of support for that work. In fact, most of the measures included in title II originated from a proposal formally submitted to the Congress by the Administration on June 4, 2003.

Title II makes numerous changes to DOJ's various grant programs many of which are relatively minor. Each of these is discussed in the section by section analysis below. The discussion in this section will focus on the most significant of the changes.

1. Merger of Byrne and LLEBG Programs

Section 201 merges the current Byrne Grant Program (both the formula and discretionary aspects) and the Local Law Enforcement Block Grant Programs (LLEBG) into one new Edward Byrne Memorial Justice Assistance Grant Program. This will allow States and local governments to make one application for this money annually for a 4-year term.

The formula for distributing these grants combines elements of the current Byrne and LLEBG formulas. For allocating money to the States, each State automatically receives 0.25 percent of the

total. Of the remaining amount, 50 percent is divided up among the States according to population (the method currently used under Byrne) and 50 percent is divided up based on the violent crime rate (the method currently used under LLEBG).

Each State's allocation is then divided among State and locals in the following manner. Sixty percent of the allocation goes to the State. Then, that 60 percent is divided between State and locals based on their relative percentages of overall criminal justice spending within the State. The State keeps its portion of the 60% and gives out the local portion in the State's discretion. This follows how Byrne formula grants are now administered.

The remaining 40 percent of the State's allocation goes directly to the local governments from OJP. Each class of local governments (*e.g.,* cities, counties, townships, etc.) gets a share based on its relative percentage of local criminal justice spending within the State. Within each class, the class's share is divided up between the local governments in that class based on their crime rate. This is similar to how LLEBG grants are now done. The Committee believes it has devised a formula that gives all the recipients an amount that is as close as possible to the amount they would receive under current law.

The bill authorizes $1.095 billion for the combined grant program which represents a 2 percent increase over the amount appropriated for both programs in Fiscal Year 2006 and such sums as may be necessary for 2007–2009. A new feature of the program is that States will be allowed to keep grant funds in interest bearing accounts until spent and then keep the interest. However, all money must be spent during the 4-year grant period. In addition, the new program consolidates the current 28 specific purposes for Byrne grants and 9 specific purposes for LLEBG grants into six broad purposes intended to cover the same ground while giving more flexibility to use the grants constructively.

The Committee believes that these reforms will work to give State and local governments more flexibility to spend money for programs that work for them rather than to impose a "one size fits all" solution. In addition, the reforms should lessen the administrative burden of applying for the grants.

2. Authorization of Weed and Seed Program

In 1991, DOJ established the Executive Office of Weed and Seed by administrative action. This program is a community-based multi agency approach to law enforcement, crime prevention, and neighborhood restoration. It has been successful, but it has never been permanently authorized. Section 211 creates a new Office of Weed and Seed Strategies. This office will replace the current Executive Office of Weed and Seed, and for the first time, this program will have a specific authorization.

3. Overall Management of OJP and COPS

Despite the laudable progress that the Department has made in the last several years, the Committee believes that additional measures are needed to instill a culture of accountability at OJP and COPS. Accordingly, the bill establishes three new offices within OJP: an Office of Audit, Assessment, and Management; a Community Capacity Development Office; and an Office of Applied Law

Enforcement Technology. It also contains several other provisions designed to improve the management of OJP and COPS.

Section 248 creates the new Office of Audit, Assessment, and Management within OJP. This office is authorized to audit, exercise corrective actions with respect to, and manage information with respect to, the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. This will include establishing and maintaining an automated information management system to track all grants. The Office of Audit, Assessment, and Management will report directly to the Office of the Assistant Attorney General.

This office will address many of the problems that came to light during the Subcommittee on Crime, Terrorism, and Homeland Security's oversight hearings, particularly the lack of monitoring and outcome-based evaluations of OJP programs. This office will also address findings by the Department's Inspector General regarding failures to adequately review grant applications and undertake more aggressive and timely corrective action on audit findings, especially with grantees who do not comply with grant terms. A strategic objective of the Department of Justice for the Office of Justice Programs is to ensure meaningful outcomes, appropriate fiscal management, and accountability. This new office will help the Department achieve those objectives.

The new office will audit grants representing 10 percent of all funds awarded by the programs that it covers each year. Not to exceed 5 percent of the funding for each program that the new office covers shall be reserved to fund the office.

Section 249 creates a new Community Capacity Development Office within OJP. The Office will report directly to the Assistant Attorney General. This office will provide training on a regional and local basis to actual and prospective participants in the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. The office will also identify best practices for grantees and incorporate such practices into its training. Not to exceed 5 percent of the funding for each program that the new office covers shall be reserved to fund the office.

Section 250 creates an Office of Applied Law Enforcement Technology headed by a Director appointed by the Attorney General. This office will ensure that grant moneys provided to law enforcement for computer systems will be spent for equipment and software that is of good quality and suitable for its intended purposes. The Director and the Office will provide leadership and focus so grants that are made for use or improvement of law enforcement computer systems ensure that recipients of such grants will use such systems to participate in crime reporting programs administered by the Department. This will correct past practices of little or no coordination between Federal grant funds spent by localities on computer systems and the crime reporting programs authorized by Congress and administered by the Department of Justice.

Section 251 provides that unless otherwise specifically provided by an authorizing statute, money appropriated for grants in fiscal year 2006 and any subsequent fiscal year shall remain available to be awarded and distributed to grantees for the year appropriated

and three subsequent fiscal years. If the money is reprogrammed, the time period begins again. It further provides that money distributed to grantees must be spent within the time period provided by the grant. In either case, money not meeting the requirement shall revert to the Treasury. This change will provide an incentive to get grant funds spent for their intended purposes rather than languishing at OJP or at the offices of the grantee.

Section 252 requires the Assistant Attorney General of the Office of Justice Programs to make two significant financial management reforms: (1) consolidate all accounting activities of OJP into a single financial management system under the direct management of the Office of the Comptroller by September 30, 2010, and (2) consolidate all procurement activities of OJP into a single procurement system under the direct management of the Office of Administration by September 30, 2008.

The Assistant Attorney General is required to begin the consolidation of accounting activities under the Office of the Comptroller and the consolidation of procurement activities under the Office of Administration. The Office of Administration is to begin the consolidation of procurement operations and financial management systems into a single financial system.

The Committee believes that these changes in Sections 248–52 form one integrated package of management reforms that will greatly enhance the efficiency of OJP and COPS and help them to achieve their missions.

D. TITLE III—MISCELLANEOUS PROVISIONS

Title III makes a number of miscellaneous technical changes to statutes involving the Department, in addition to several substantive changes.

Section 304 is intended to ensure that the Justice Department uses the most cost-effective training and meeting facilities for its employees. For any predominantly internal training or conference meeting, it requires the Justice Department to use only a facility that does not require a payment to a private entity for the use of such facility, unless specifically authorized in writing by the Attorney General. It further requires the Attorney General to prepare an annual report to the Chairmen and Ranking Members of the House and Senate Judiciary Committees that details each training or conference meeting requiring authorization. The report must include an explanation of why the facility was chosen and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization. The Committee believes that this section will limit the practice of renting private facilities for Department retreats, conferences, meetings, and the like when Federal facilities are available for the same purpose.

Section 305 establishes a statutory privacy officer within the Department. It is intended to ensure that the Department safeguards personally identifiable information and complies with fair information practices pursuant to 5 U.S.C. § 552a. The responsibilities of the privacy officer will include: (1) assuring that the Department's use of technologies does not erode privacy protections relating to the use, collection, and disclosure of personally identifiable information; (2) ensuring that such information is handled in full com-

pliance with fair information practices; (3) evaluating legislative and regulatory proposals concerning the collection, use, and disclosure of such information by the Federal Government; (4) conducting a privacy impact assessment of the Department's proposed rules on the privacy of such information; (5) reporting to Congress on the Department's activities that affect privacy; (6) ensuring that the Department protects such information and its information systems from unauthorized access, use, disclosure, disruption, modification, or destruction; and (7) advising the Attorney General and Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

Section 306 is intended to ensure the United States Trustee Program (a component of the Justice Department) actively identifies matters warranting criminal referrals and undertakes efforts to prevent bankruptcy fraud and abuse. It requires the Director of the Executive Office for United States Trustees to prepare an annual report to the Congress detailing: (1) the number and types of criminal referrals made by the Program; (2) the outcomes of each criminal referral; (3) any decrease in the number of criminal referrals from the previous year; and (4) the Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to a debtor's failure to disclose assets.

Section 307 was added by an amendment offered by Representative Adam Schiff. Section 307 requires the Attorney General to submit an annual report to Congress specifying the number of United States persons or residents detained on suspicion of terrorism and specifying the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

E. COPS CONSOLIDATION

During the Committee on the Judiciary's markup of H.R. 3036, in the 108th Congress, Members of the Committee agreed in principle to consolidate a variety of programs within the COPS office into one single grant program encompassing all of the grant purposes that these programs currently encompass and allowing grants to be used for law enforcement devoted to homeland security and anti-terrorism efforts. As with the Byrne-LLEBG merger, this consolidation will allow State and local governments more flexibility to spend the money for programs that work in their locality while easing the administrative burden of applying to a different program for each different purpose.

F. VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ("VAWA")

The VAWA was first enacted in 1994, and was reauthorized in 2000. The authorization for many of VAWA programs is set to expire on September 30, 2005. Titles IV through title X reauthorize and improve core programs until FY 2010 to address domestic violence, dating violence, sexual assault, and stalking. These titles also establish new programs to address missing elements in the fight against violence such as training for court personnel, training of school personnel, and utilization of community-based approaches.

G. MANAGER'S AMENDMENT

A manager's amendment offered by Chairman Sensenbrenner and Ranking Member Conyers was accepted at markup to include some important priorities of Committee Members, including authorizations for the Department of Justice to focus on individuals who operate organized theft rings or engage in human trafficking. Additional provisions of the manager's amendment authorized grants for gang resistance education and encouraged current juvenile offender grant programs to focus on bullying prevention.

HEARINGS

Following House passage of the "21st Century Department of Justice Authorization of Appropriations Act," the Judiciary Committee has continued to maintain an active role overseeing the Justice Department. While hearings on H.R. 3402, were held before the Committee, the full committee and several subcommittees have conducted oversight hearings over Justice Department components within their respective jurisdictions that have informed consideration of this legislation. Additionally, the legislation is substantially similar to legislation that passed the Committee and the House of Representatives in the 108th Congress. A number of reauthorization hearings were held by Subcommittees on these issues in the 108th Congress.

COMMITTEE CONSIDERATION

On July 27, 2005, the Committee met in open session and ordered favorably reported the bill H.R. 3402 with an amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the committee consideration of H.R. 3402.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3402, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 2005.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 3402—Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

SUMMARY

H.R. 3402 would authorize the appropriation of funds for fiscal years 2006 through 2009 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Attorneys, and the Bureau of Prisons. The bill also would authorize funding for a few programs through 2010. H.R. 3402 would specifically authorize the appropriation of about $95 billion over the 2006–2010 period for almost all agencies and programs described in the bill. For a few programs, CBO estimated the funding levels necessary to implement those programs because the bill would authorize the appropriation of such sums as necessary.

Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing H.R. 3402 would cost about $94 billion over the 2006–2010 period. Spending by the four agencies mentioned above would account for about $59 billion of that total. Enacting the bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant.

H.R. 3402 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would benefit State, local, and tribal governments by authorizing the appropriation of more than $12 billion over fiscal years 2006 through 2010 for a variety of programs to assist law enforcement agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3402 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority [1]	19,422	0	0	0	0	0
Estimated Outlays	20,351	5,807	2,564	1,270	617	142
Proposed Changes						
Specified Authorization Level	0	22,968	22,739	23,721	24,750	592
Estimated Outlays	0	16,411	19,989	22,782	24,475	6,322
Estimated Authorization Level	0	15	1,204	1,233	1,264	21
Estimated Outlays	0	14	631	887	1,218	969
Spending Under H.R. 3402						
Estimated Authorization Level	19,422	22,983	23,943	24,955	26,014	613
Estimated Outlays	20,351	22,231	23,184	24,939	26,310	7,432

NOTE: Numbers may not sum to totals because of rounding.

1. Appropriations for the programs that would be authorized by the bill summed to $19.4 billion in fiscal year 2005.

BASIS OF ESTIMATE

CBO estimates that implementing H.R. 3402 would cost about $94 billion over the next five years, assuming appropriation of the necessary funds. Enacting the bill could affect direct spending and receipts, but we estimate that any such effects would not be significant.

Spending Subject to Appropriation

For this estimate, CBO assumes that the amounts specifically authorized by the bill will be appropriated near the start of each fiscal year and that spending will follow the historical spending rates for the authorized activities. We expect a few programs to spend additional funds more slowly than the historical rates because the bill would authorize substantial increases in funding, relative to the amounts appropriated for 2005.

H.R. 3402 would authorize the appropriation of about $1.1 billion and $60 million in 2006, and such sums as necessary for subsequent years, for the Edward Byrne Memorial Justice Grant Program and for the Office of Weed and Seed Strategies, respectively. For those two law-enforcement grant programs, CBO estimated the necessary funding levels in future years by adjusting 2006 funding for anticipated inflation. In addition, based on information from DOJ, CBO estimated the cost for a new office to coordinate the various grant programs that improve technology. CBO estimates that operations of the bill's proposed Office of Applied Law Enforcement Technology would cost $45 million over the 2006–2010 period.

In addition, based on information from DOJ, CBO estimates that increased protection for immigrant victims of violence authorized by the bill would cost $49 million over the five-year period.

Under current law, the Antitrust Division of DOJ is authorized to collect premerger filing fees and spend such collections without further appropriation action. CBO assumes that the amounts authorized to be appropriated in H.R. 3402 for the Antitrust Division are in addition to this current spending authority.

Direct Spending and Revenues

H.R. 3402 would broaden the coverage of current laws against certain offenses committed in correctional facilities, thus enabling the Government to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 3402 could be subject to criminal fines, the Federal Government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the relatively small number of cases affected.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 3402 contains no intergovernmental mandates as defined in UMRA. The bill would benefit State, local, and tribal governments by authorizing the appropriation of more than $12 billion over fiscal years 2006 through 2010 for a variety of programs to assist law enforcement agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz and Gregory Waring (226–2860)
Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth the following performance goals and objectives.

The Committee expects that OJP and COPS will vigorously implement the various reforms contained in sections 248–52 to bring about greater efficiency and accountability in the programs administered by those offices. The Committee will closely monitor that implementation to determine whether they are being faithfully executed and whether further legislation is necessary to foster a culture of accountability.

The Committee expects that the Department of Justice will continue to make combating domestic violence, dating violence, sexual assault and stalking a priority in light of the reauthorization and improvements to the Violence Against Women Act included in H.R. 3402.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title; Table of Contents

Section 1 provides that the bill may be cited as the "Department of Justice Appropriations Authorization Act," Fiscal Years, 2004 through 2006 and sets forth the table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Section 101. Authorization of Appropriations for Fiscal Year 2006

Section 101 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2006.

Section 102. Authorization of Appropriations for Fiscal Year 2007

Section 102 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2007.

Section 103. Authorization of Appropriations for Fiscal Year 2008

Section 103 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2008.

Section 104. Authorization of Appropriations for Fiscal Year 2009

Section 104 sets forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Year 2009.

Section 105. Organized Retail Theft

This section directs the FBI to establish a task force to provide expertise to the private sector to enhance efforts to combat organized retail theft and establish databases tracking patterns of theft. Additionally, this section allows for grants to state and local law enforcement agencies for costs associated with participating in the database project. The legislation authorizes $5 million for FY 2006 through FY 2009 to carry out this section.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Section 201. Merger of Byrne Grant and Local Law Enforcement Block Grant Program

Section 201 merges the current Byrne Grant Program (both formula and discretionary) and the Local Law Enforcement Block Grant Programs into one new Edward Byrne Memorial Justice Assistance Grant Program. This will allow States and local governments to make one application for this money annually for a 4-year term.

The formula for distributing these grants combines elements of the current Byrne and LLEBG formulas. For allocating money to the States, each State automatically receives 0.25 percent of the total. Of the remaining amount, 50 percent is divided up among the States according to population (the method currently used under Byrne) and 50 percent is divided up based on the violent crime rate (the method currently used under LLEBG).

Each State's allocation is then divided among State and locals in the following manner. Sixty percent of the allocation goes to the State. Then, that 60 percent is divided between State and locals based on their relative percentages of overall criminal justice spending within the State. The State keeps its portion of the 60 percent and gives out the local portion in the State's discretion. This follows how Byrne formula grants are now done.

The remaining 40% of the State's allocation goes directly to the local governments from OJP. Each class of local governments (*e.g.,* cities, counties, townships, etc.) gets a share based on its relative percentage of local criminal justice spending within the State. Within each class, the class's share is divided up between the local governments in that class based on their crime rate. This is similar to how LLEBG grants are now done.

The bill authorizes $1.075 billion for the program. A new feature of the program is that States will be allowed to keep grant funds in interest bearing accounts until spent and then keep the interest. However, all money must be spent during the 4-year grant period. In addition, the new program consolidates the current 28 specific purposes for Byrne grants and 9 specific purposes for LLEBG grants into 6 broad purposes intended to cover the same ground while giving more flexibility to use the grants constructively.

Section 202. Clarification of Number of Recipients who may be Selected in a Given Year to Receive Public Safety Officer Medal of Valor

Section 202 amends the Public Safety Officer Medal of Valor Act of 2001. As enacted, the Act provided that no more than five medals may be awarded per year and that they may only be awarded to individuals. In some instances, the acts of valor are performed by teams of individuals rather than one person. To address this problem, section 202 amends the Act to provide that the medal may be awarded to groups of individuals as well as single individuals.

Section 203. Clarification of Official to be Consulted by Attorney General in Considering Application for Emergency Federal Law Enforcement Assistance

Section 203 amends the Emergency Federal Law Enforcement Assistance program (42 U.S.C. § 10501 et seq.) to clarify that in awarding grants under this program the Attorney General shall consult with the Assistant Attorney General for the Office of Justice Programs rather than the Director of the Office of Justice Assistance. This change simply brings the statute into conformity with the existing chain of command in the Department.

Section 204. Clarification of Uses for Regional Information Sharing System Grants

Section 204 amends the authorization for the Regional Information Sharing System (42 U.S.C. § 3796h) to clarify its regional character and its authority to establish and maintain a secure telecommunications backbone.

Section 205. Integrity and Enhancement of National Criminal Record Databases

Section 205 amends the authorizing statute for the Bureau of Justice Statistics (42 U.S.C. § 3732): (1) to clarify that the Director shall be responsible for the integrity of data and statistics and the prevention of improper or illegal use or disclosure; (2) to provide specific authorization for the already existing National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center and to facilitate State participation in these systems; and (3) to facilitate data-sharing agreements between the Bureau of Justice Statistics and other Federal agencies.

Section. 206. Extension of the Matching Grant Program For Law Enforcement Armor Vests

This section extends the matching program for law enforcement bulletproof vests for FY 2009.

Section 211. Office of Weed and Seed Strategies

Section 211 creates a new Office of Weed and Seed Strategies. This office will replace the current Executive Office of Weed and Seed, and for the first time, this program will have a specific authorization.

Section 221. Grants to Local Nonprofit Organizations to Improve Outreach Services to Victims of Crime

Section 221 amends the crime victim assistance grants program to allow grants of less than $10,000 to be made to smaller neighborhood and community-based victim service organizations. Currently, grants under this program tend to go to larger organizations, and this amendment simply emphasizes that some of the money spent in this program should go to smaller organizations as well.

Section 222. Clarification and Enhancement of Certain Authorities Relating to Crime Victims Fund

Section 222 makes several minor adjustments to the authorities relating to the Crime Victims Fund. Subsection 222(1) clarifies that the fund may only accept gifts, donations, or bequests if they do not attach conditions inconsistent with applicable laws or regulations and if they do not require the expenditure of appropriated funds that are not available to the Office of Victims of Crime. Current law establishes a $50 million antiterrorism reserve within the fund. Each year that reserve may be replenished by using up to 5 percent of the money in the fund that was not otherwise expended during that year. Subsection 222(2) changes the word "expended" to "obligated" so that funds that have already been obligated for

other purposes, but not yet spent will not be counted for this purpose.

Subsection 222(3) allows the Assistant Attorney General to direct the use of the funds available for Indian child abuse program grants under 42 U.S.C. § 10601(g) and to use 5% of those funds for grants to Indian tribes to establish victim assistance programs.

Section 223. Amounts Received under Crime Victim Grants may be Used by State for Training Purposes

Section 223 amends the grant programs for victim compensation and victim assistance to allow the States part of the 5 percent reserved for administrative costs for training purposes.

Section 224. Clarification of Authorities Relating to Violence Against Women Formula and Discretionary Grant Programs

Section 224 makes several clarifications to the program to fund grants to combat violent crimes against women. Subsection 224(a) clarifies that grants may be used for victim services. Subsection 224(b) corrects an incorrect section number reference in last year's DOJ authorization bill. Subsection 224(c) clarifies that grants under the program can be made to Indian tribal domestic violence coalitions and corrects other technical errors and makes conforming changes. Subsection 224(d) changes the reporting requirement on the program from annual to biennial.

Subsection 224(e) clarifies that State and tribal governments may use grant funds under the program to pay for forensic medical exams for sexual assault victims so long as the victims are not required to seek reimbursement from their insurers. It further provides that the victim shall not be required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for such exam, or both. Subsection 224(f) makes a technical amendment to the heading for this part of the Code.

Section 225. Change of Certain Reports from Annual to Biennial

Section 225 amends the reporting provisions under two grant programs to change them from annual to biennial.

Section 231. Clarification of Definition of Violent Offender for Purposes of Juvenile Drug Courts

Section 231 amends the juvenile drug court grant program so that offenders who are convicted of a violent misdemeanor may participate in the program. Currently, misdemeanor offenders may participate only if their offense is non-violent.

Section 232. Changes to Distribution and Allocation of Grants for Drug Courts

Section 232(a) repeals the requirement that all States must receive a minimum allocation under the program regardless of the quality of its application. Section 232(b) provides for training by the newly created Community Capacity Development Office to assist applicants who are not funded in how to successfully pursue grants under the program.

Section 233. Eligibility for Grants under Drug Court Grants Program Extended to Courts that Supervise Non-Offenders with Substance Abuse Problems

Section 233 amends the drug court program to allow continuing supervision over non-violent offenders as well as other related persons who may be before the court. This will allow a drug court to consolidate the cases of related individuals who may be under its jurisdiction at one time and supervise them jointly.

Section 234. Terms of Residential Substance Abuse Treatment Program for Local Facilities

Section 234 amends the Residential Substance Abuse Treatment for State Prisoners program to clarify that the grants should go to local correctional facilities and detention facilities where prisoners are held long enough to carry out a 3-month course of drug treatment.

Section 241. Changes to Certain Financial Authorities

Subsection 241(a) raises from 3 to 6 percent the amount of money collected from civil debt collection activities that can be credited to the Working Capital Fund established under 28 U.S.C. § 527.

Subsection 241(b) exempts the SCAAP program from the requirement that it reimburse the Treasury when it makes untimely payments. Subsection 241(c) exempts the Southwest Border Initiative from that requirement and the requirement that it pay interest to States for untimely payments.

Subsections 241(d) and (e) update certain general law enforcement authorities of the Attorney General to include the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Section 242. Coordination Duties of Assistant Attorney General

Subsection 242(a) amends the authorizing statute for OJP to include the Office of Victims of Crime within the list of OJP bureaus. Subsection 242(b) allows the Assistant Attorney General to place special conditions on all grants and to determine priority purposes for formula grants.

Section 243. Simplification of Compliance Deadlines Under Sex-Offender Registration Laws

Under current law, States are required to establish State registries of offenders who have committed crimes against minors or who have committed sexually violent crimes. They are also required to share this information with the FBI so that it can maintain a national database. States who do not comply by the deadline can lose 10% of their Byrne grant funding. Some States have made good faith efforts to comply with this requirement, but are still struggling to implement it.

Subsection 243(a) gives these States an additional 3 years after the date of enactment to implement this requirement. It further allows the Attorney General to extend this deadline for an additional 2 years if the State is making a good faith effort to comply. Subsection 243(b) corrects a drafting error in the language relating to the provisions relating to the length of registrations required by those who have committed offenses against minors and those who

are sexually violent predators. This correction makes the two periods consistent and removes an erroneous implication that the period for sexually violent offenders could be terminated prematurely.

Section 244. Repeal of Certain Programs

Section 244 repeals seven grant programs that have been authorized, but have largely not been funded in recent years: the Criminal Justice Facility Construction Pilot Program; the Family Support Program; the Matching Grant Program for School Security; the Local Crime Prevention Block Grant Program; the Assistance for Delinquent and At-Risk Youth Program; the Improved Training and Technical Automation Program; and the Other State and Local Aid Program.

Section 245. Elimination of Certain Notice and Hearing Requirements

Section 245 eliminates the requirement that OJP must provide notice and a hearing for grant applicants whose applications are denied. It further eliminates the opportunity for appellate review of the decisions arising from such hearings. These rights are rarely used.

Section 246. Amended Definitions for Purposes of Omnibus Crime Control and Safe Streets Act of 1968

Section 246 broadens the definition of the term "Indian Tribe" to allow more tribes to be treated as units of local government for purposes of OJP grants. It broadens the definition of the term "combination" of State and local governments to include those who jointly plan. It amends the definition of the term "neighborhood or community-based organizations" to clarify that it includes faith-based organizations.

Section 247. Clarification of Authority to Pay Subsistence Payments to Prisoners for Health Care Items and Services

Under current law, the Attorney General is required to pay for health care items and services for certain prisoners in the custody of the United States. In every instance, he must not pay more than the lesser of what the Medicare or Medicaid program would pay. This requires the Attorney General to expend a great deal of effort to determine that in each case. This subsection changes that to simply say that he shall not pay more than the Medicare rate. It also substitutes the Department of Homeland Security for a reference to the now defunct Immigration and Naturalization Service.

Section 248. Office of Audit, Assessment, and Management

Section 248 creates a new Office of Audit, Assessment, and Management within OJP. This office is authorized to audit, exercise corrective actions with respect to, and manage information with respect to, the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. This will include establishing and maintaining an automated information management system to track all grants. The Office of Audit, Assessment, and Management will report directly to the Office of the Assistant Attorney General.

This office will be created to address many of the problems that came to light during the Subcommittee's oversight hearings, particularly the lack of monitoring and outcome-based evaluations of OJP programs. This Office will address findings by the Department's Inspector General regarding failures to adequately review grant applications and conduct more aggressive and timely corrective action on audit findings, especially with grantees who do not comply with grant terms. A strategic objective of the Department of Justice for the Office of Justice Programs is to ensure meaningful outcomes, appropriate fiscal management, and accountability. This new office will help the Department achieve those objectives.

The new office will audit grants representing 10% of all funds awarded by the programs that it covers each year. Not to exceed 5% of the funding for each program that the new office covers shall be reserved to fund the office.

Section 249. Community Capacity Development Office

Section 249 creates a new Community Capacity Development Office within OJP. This office is authorized to provide training on a regional and local basis to actual and prospective participants in the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. The Office will also identify best practices for grantees and incorporate such practices into its training. Not to exceed 5% of the funding for each program that the new office covers shall be reserved to fund the office.

Section 250. Office of Applied Law Enforcement Technology

Section 250 creates an Office of Applied Law Enforcement Technology headed by a Director appointed by the Attorney General. This office will ensure that grant moneys provided to law enforcement for computer systems will be spent for equipment and software that is of good quality and suitable to support. The Director and the office will provide leadership and focus so that grants that are made for using or improving law enforcement computer systems and ensuring that recipients of such grants use such systems to participate in crime reporting programs administered by the Department. This will correct past practice where there has been little or no coordination between Federal grant funds spent by localities on computer systems and the crime reporting programs authorized by Congress and administered by the Department of Justice.

Section 251. Availability of Funds for Grants

Section 251 provides that unless otherwise specifically provided by an authorizing statute, money appropriated for grants in fiscal year 2004 and any subsequent fiscal year shall remain available to be awarded and distributed to grantees for the year appropriated and three subsequent fiscal years. If the money is reprogrammed, the time period begins again. It further provides that money distributed to grantees must be spent within the time period provided by the grant. In either case, money not meeting the requirement shall revert to the Treasury. This change will provide an incentive to get grant funds spent for their intended purposes rather than languishing at OJP or at the offices of the grantee.

Section 252. Consolidation of Financial Management Systems of Office of Justice Programs

Section 252 requires the Assistant Attorney General of the Office of Justice Programs to make two significant financial management reforms: (1) consolidate all accounting activities of OJP into a single financial management system under the direct management of the Office of the Comptroller by September 30, 2010, and (2) consolidate all procurement activities of OJP into a single procurement system under the direct management of the Office of Administration by September 30, 2008.

The Assistant Attorney General is required to begin the consolidation of accounting activities under the Office of the Comptroller and the consolidation of procurement activities under the Office of Administration not later than October 1, 2003.

Section 253. Authorization and Change of COPS Program to Single Grant Program

This section reauthorizes the Community Oriented Policing Program but allows the States and local governments to apply for the funds for a number of different purpose areas to allow some flexibility in the use of funds.

Section 254. Clarification of Persons Eligible for Benefits Under Public Safety Officers' Death Benefits programs

This section makes technical amendments to the PSOB program to ensure that it is properly applied and corrects a problem in current law that would allow payments to be made to multiple beneficiaries on behalf of one officer.

Section 255. Pre-Release and Post-Release Programs for Juvenile Offenders

This section amends the Juvenile Accountability Block Grant to allow use of grant funds for juvenile offender reentry programs.

Section 256. Reauthorization of the Juvenile Accountability Block Grants

This section reauthorizes the Juvenile Accountability Block Grants program (JABG), which this Committee established in the 107th Congress to encourage programs to hold juvenile offenders accountable while addressing their special needs.

Section 257. Sex Offender Management

This section reauthorizes a program to track sex offenders and encourage States to effectively monitor them upon release from prison.

Section 258. Evidence-Based Approaches

This section amends the law authorizing Juvenile Accountability Block Grants to include a provision for "the extent to which evidence-based approaches are utilized" to be among the criteria used by States and localities to determine which programs should be funded through JABG. Some good sources of information that States and localities can utilize to determine what approaches are "evidence-based" include:

- Blueprints for Violence Prevention, a project of the Center for the Study and Prevention of Violence, at the University of Colorado at Boulder, which has identified prevention and intervention programs that meet a strict scientific standard of program effectiveness in reducing violence and recidivism;
- Benefits and Costs of Prevention and Early Intervention Programs for Youth, a report of a study by Steve Aos, *et al.,* Washington State Institute for Public Policy, September 2004, which includes a comparative cost-benefit analysis across several approaches;
- Goal 5 (discussing evidence-based practices) of the recent "President's New Freedom Commission on Mental Health" Report; Chapter 3 (Children and Mental Health) of "Mental Health: A Report of the Surgeon General;" and Appendix 5-B (Descriptions of Specific Programs That Meet Standards for Model and Promising Categories) of "Youth Violence: A Report of the Surgeon General."

Such resources provide information on the success of several programs in intervening with youth who have already started down the path to crime.

TITLE III—MISCELLANEOUS AMENDMENTS TO TITLE 18 AND RELATED LAWS

Section 301. Technical Amendments Relating Public Law 107–56

Section 301 makes a series of technical amendments to Public Law No. 107–56, the USA PATRIOT Act.

Section 302. Miscellaneous Technical Amendments

Section 302 makes a series of technical amendments to title 18 and title 28, and it also repeals a duplicative authorization of a sexual abuse prevention program for runaway children which has recently been reauthorized in another statute. § 117(b) of Pub. L. No. 108–96.

Section 303. Use of Federal Training Facilities

Section 303 is intended to ensure that the Justice Department uses the most cost-effective training and meeting facilities for its employees. For any predominantly internal training or conference meeting, subsection (a) requires the Justice Department to use only a facility that does not require a payment to a private entity for the use of such facility, unless specifically authorized in writing by the Attorney General. Subsection (b) requires the Attorney General to prepare an annual report to the Chairmen and Ranking Members of the House and Senate Judiciary Committees that details each training or conference meeting requiring authorization under subsection (a). The report must include an explanation of why the facility was chosen and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

Section 304. Privacy Officer

Section 304 is intended to ensure that the Justice Department safeguards personally identifiable information and complies with fair information practices pursuant to 5 U.S.C. § 552a. Subsection

(a) requires the Attorney General to designate a senior official with primary responsibility for privacy policy. Subsection (b) specifies that the responsibilities of such official include: (1) assuring that the Department's use of technologies does not erode privacy protections relating to the use, collection, and disclosure of personally identifiable information; (2) ensuring that such information is handled in full compliance with fair information practices; (3) evaluating legislative and regulatory proposals concerning the collection, use, and disclosure of such information by the Federal Government; (4) conducting a privacy impact assessment of the Department's proposed rules on the privacy of such information; (5) reporting to Congress on the Department's activities that affect privacy; (6) ensuring that the Department protects such information and its information systems from unauthorized access, use, disclosure, disruption, modification, or destruction; and (7) advising the Attorney General and Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems. Subsection (c) requires the Justice Department to review its policies to assure that it treats personally identifiable information in its databases in a manner that complies with applicable Federal law pertaining to privacy.

Section 305. Bankruptcy Crimes

Section 305 is intended to ensure the United States Trustee Program (a component of the Justice Department) actively identifies matters warranting criminal referrals and undertakes efforts to prevent bankruptcy fraud and abuse. It requires the Director of the Executive Office for United States Trustees to prepare an annual report to the Congress detailing: (1) the number and types of criminal referrals made by the Program; (2) the outcomes of each criminal referral; (3) any decrease in the number of criminal referrals from the previous year; and (4) the Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to a debtor's failure to disclose assets.

Section 306. Report to Congress on Status of United States Persons or Residents Detained on Suspicion of Terrorism

Section 306 was added by an amendment offered by Representative Schiff and adopted by the Committee. Section 306 requires the Attorney General to submit an annual report to Congress specifying the number of United States persons or residents detained on suspicion of terrorism.

Section 307. Increased Penalties and Expanded Jurisdiction for Sexual Abuse Offenses in Correctional Facilities

This section provides for increased penalties under title 18 for any personnel in a correctional facility that sexually abuses an individual in the custody of the Bureau of Prisons.

Section 308. Expanded Jurisdiction for Contraband Offenses in Correctional Facilities

This section expands the prohibition and penalties in title 18 for bringing contraband into a prison to include any detention facility or institution under the direction of the Attorney General.

Section 309. Magistrate Judge's Authority to Continue a Preliminary Hearing

This section amends current law to make it clear that either a district judge or a magistrate judge may extend the time limits for a preliminary hearing. It maintains the requirement that such extension may be only upon a showing of extraordinary circumstances and that justice requires delay.

Section 310. Technical Corrections Relating to Steroids

This section makes technical corrections to the names of two chemicals which were included in the "Anabolic Steroid Control Act of 2004."

Section 311. Prison Rape Commission Extension

This section extends the time period for the Prison Rape Commission to provide a report to Congress on its findings.

Section 312. Longer Statute of Limitations for Human-Trafficking Related Offenses

This section extends the statute of limitations for human trafficking related offenses under title 18.

Section 313. Use of Center for Criminal Justice Technology

This section authorizes the Attorney general to make grants to the Center for Criminal Justice Technology to provide technology assistance and expertise to the criminal justice community.

Section 314. SEARCH Grants

This section authorizes the Attorney General to make grants to the National Consortium for Justice Information and Statistics to carry out the operations of the National Technical Assistance and Training Program.

Section 315. Reauthorization of the Law Enforcement Tribute Act

This section extends the authorization until FY 2009 for the Law Enforcement Tribute Act, which authorizes the Department of Justice to give grants to State and local governments for building memorials to law enforcement.

Section 316. Amendment regarding bullying and gangs

This section would amend the Juvenile Accountability Block Grants program to allow funds to be used to address bullying prevention in schools.

Section 317. Transfer of provisions relating to the Bureau of Alcohol, Tobacco, Firearms and Explosives

This section transfers the authorization of the Bureau of Alcohol, Tobacco, Firearms and Explosives out of title 6 into title 28.

Section 318. Reauthorize the gang resistance education and training projects program

This section reauthorizes the Gang Resistance Education and Training Projects Program from FY 2006 through FY 2010.

Section 319. National Training Center

This section authorizes the Attorney General to use the services of the National Training Center in Sioux City, IA to continue to provide comprehensive training to communities and criminal justice agencies to address the growing threat from methamphetamine production, trafficking and use.

Section 320. Sense of Congress relating to "good time" release

This section states that it is the sense of Congress that we should study "good-time" release programs for nonviolent Federal offenders.

Section 321. Police badges

This section amends the title 18 prohibition on use of a false badge to limit the defenses available to someone for using a counterfeit badge to use in a dramatic production or for a legitimate law enforcement purpose.

Section 322. Officially approved postage

This section amends title 18 to prevent prosecutions of individuals who create postage stamps with the approval of the United States Postal Service.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

Section 401. Short title

This section establishes the short title for titles IV-X of this legislation.

Section 402. Definitions and Requirements for Programs

The Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796gg) the following new sections:

Sec. 2000A. Clarification that Programs Relating to Violence Against Women are Gender Neutral

Specifies that any grants or other activities for assistance to victims of domestic violence, dating violence, stalking, sexual assault or trafficking in persons shall be construed to cover both male and female victims.

Sec. 2000B. Definitions that Apply to Any Provision Carried Out by the Violence Against Women Office

This section provides definitions for programs carried out by the Office of Violence Against Women.

Sec. 2000C. Requirements that Apply to Any Grant Program Carried Out by the Violence Against Women Office

This section specifies privacy protections, approved activities, non-supplantation, use of funds, evaluation, prohibition on lobbying, and prohibition on tort litigation.

Congress recognizes the importance of ensuring that grantees and subgrantees of VAWA programs utilize funding effectively. The past 10 years have shown that both comprehensive technical assistance and targeted technical assistance and training for grantees have been extremely useful. In addition, local grantees and subgrantees have been very helpful in developing best practices in the work of their community partners in social services and the justice

system. Peer to peer cross-training has improved system responses throughout the country. Educating existing grantees and new grantees about the scope and changes in the laws regarding domestic violence, dating violence, sexual assault, and stalking is crucial to ensuring efficient and consistent service delivery. It is important that any technical assistance and training model implemented under VAWA grant programs should anticipate, rather than simply respond to grantees' and subgrantees' questions. Good technical assistance and training for VAWA grantees and subgrantees includes offering proactive solutions, regular training, implementation guidance, and best practices.

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

Section 501. STOP Grants Improvements

This section reauthorizes and makes modifications to the STOP grant program, which provides State formula grants that bring police and prosecutors in close collaboration with victim services for racial and ethnic minorities and ensures victim confidentiality. It also conditions receiving grants on the grantee not making available publicly on the Internet information regarding protection or restraining orders or injunctions. This section mandates that law enforcement officials who wish to receive grants under this program cannot mandate a polygraph test as a requirement for proceeding with an investigation or arrest. This section eliminates the matching requirements for small law enforcement agencies and victim service providers with an annual operating budget under $5 million.

Section 502. Grants to Encourage Arrest and Enforce Protection Orders Improvements

This section reauthorizes this program, which was adopted in the Violence Against Women Act of 1994. States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. This section includes modifications to this program to provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Modifications to this program were made by this section to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

Section 503. Legal Assistance for Victims Improvements

This section reauthorizes the grant program for legal services for protection orders and family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. The program has been expanded to provide services to both adult and youth victims.

Section 504. Court training and improvements

This section authorizes a training program to educate the courts and court-related personnel in the areas of domestic violence, dating violence, sexual abuse and stalking. This section also authorizes one or more grants to create general curricula for State and tribal judiciaries to use when educating in the areas of domestic violence, dating violence, sexual assault and stalking in order to ensure that all States have access to consistent and appropriate information. Finally, it creates a program to improve court access for teens.

Section 505. Full faith and Credit Improvements

This section makes technical amendments to the criminal code to clarify that courts should enforce the protection orders (to both adult and minor victims) issued by civil and criminal courts in other jurisdictions.

Section 506. Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

This section establishes a task force to compose a best practices model on protecting privacy and authorizes the Attorney General to perform a demonstration project to implement the best practices model.

Section 507. Stalker Database

This section reauthorizes the stalker database for each fiscal year 2006 through 2010.

Section 508. Victim Assistants for District of Columbia

This section authorizes $ 1 million for fiscal year 2006 through 2010 for victim advocates for the prosecution of sex crimes and domestic crimes where applicable.

Section 509. Preventing Cyberstalking

This section amends title 18 to prevent stalking over the Internet by allowing Federal prosecutors more discretion in charging stalking cases that occur entirely over the Internet.

Section 510. Repeat Offender Provision

This section amends title 18 to permit doubling the applicable penalty for repeat Federal domestic violence offenders.

Section 511. Prohibiting Dating Violence

This section amends the existing definition of domestic violence to include dating violence.

Section 512. GAO Study and Report

This section directs the General Accounting Office to study the extent to which men, women, youth, and children are victims of violence and the availability of services to address the needs of these individual groups.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Section 601. Technical amendment to Violence Against Women Act

This section specifies that funds appropriated under this part may only be used for programs specified in the part.

Section 602. Sexual Assault Services Program

This section creates a separate and direct funding stream dedicated to sexual assault services for each fiscal year 2006 through 2010.

Section 603. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program

This section reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas.

Section 604. Assistance for Victims of Abuse

This section consolidates programs to provides services for victims of abuse who are elderly or disabled, including programs to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault.

Section 605. GAO Study of National Domestic Violence Hotline.

This section requires the GAO to perform a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline.

Section 606. Grants for Outreach to Underserved Populations.

This section authorizes $2 million for fiscal year 2006 through 2010 to provide grants to carry out public information campaigns focused on addressing adult or minor domestic violence, dating violence, sexual assault, stalking or trafficking within tribal, racial, and ethnic populations and immigrant communities.

TITLE VII. SERVICES, PROTECTION AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Section 701. Services and Justice for Young Victims of Violence

This section establishes two grant programs to assist children and youth (between the ages of 12 and 24) who witness domestic violence in the home or are victims of domestic violence, dating violence, sexual assault or stalking. The first grant program would establish collaboration between law enforcement, the courts and child welfare agencies to enhance community responses to domestic violence and the effects on children. The second program includes grants to assist youth who are victims of domestic violence, dating violence, sexual assault and stalking.

Section 702. Grants to Combat Violent Crimes on Campuses

This section reauthorizes a program administered by the Department of Justice to provide grants to colleges and universities to develop and strengthen effective security and investigation strategies

to combat domestic violence, dating violence, sexual assault and stalking.

Section 703. Safe Havens

This section improves and reauthorizes the Safe Havens program, which currently is authorized to provide a safe place for exchange of children in custody situation where there is domestic violence. This section improves the program by clearly authorizing the program to provide services to ensure the safety of parents and prevent the children from witnessing domestic violence.

Section 704. Grants to Combat Domestic Violence, Dating Violence, Sexual Assault and Stalking in Middle and High Schools

This section authorizes grants to train school personnel to recognize signs of violence in middle school and high school and establish policies for intervention.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

Section 801. Preventing Violence in the Home

This section would authorize programs for mentoring, advocacy and counseling for young victims of domestic violence and training for and coordination for programs that serve children and youth. Grants to communities to establish alliances between men, women and youth to prevent domestic violence, dating, violence, sexual assault and stalking are also included in this section. This section authorizes $5 million to establish a program to train home visitation providers in recognizing signs of domestic violence.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

Section 900. Short Title of Title; References to VAWA-2000; Regulations

This section requires that regulations implementing both this Act (including materials and dissemination under section 922) and the Act reauthorizing the Violence Against Women Act in 2000 ("VAWA 2000"), be issued within 180 days of this Act's enactment. In applying such regulations, in the case of petitions or applications affected by the changes made by the Acts, there shall be no requirement to submit an additional petition, application, or certification from a law enforcement agency with the date of the application for interim relief establishing the priority date of counting time towards adjustment of status. However, the Department of Homeland Security may request additional evidence be submitted when the documentation supporting an outstanding VAWA self-petition or justifying interim relief is now insufficient.

SUBTITLE A—VICTIMS OF CRIME

Section 901. Conditions Applicable to U and T Visas.

U visas are available to victims of certain crimes who cooperate with law enforcement in investigations and/or prosecutions. T visas are available to the victims of trafficking who cooperate with law enforcement in investigations and/or prosecutions. Certain family members of T visa recipients can also receive T visas.

Section 901(a) provides that certain family members and trafficking victims can receive T visas without having to first show that the visas are necessary to avoid "extreme hardship."

Section 901(b) provides that T and U visas shall be issued for 4 years and may be extended under certain conditions. This provides victims who qualify for permanent residence sufficient time to file before their visas expire. An extension shall be granted upon certification from a government official that the victim's presence is required to assist a criminal investigation or prosecution, or to give the Bureau of Citizenship and Immigration Services ("CIS") time to adjudicate the petitions for permanent residence and for adjustment of status to permanent residence.

Section 901(c) provides that aliens in the U.S. on K (fiance or spouse) and S (informant) visas, or pursuant to the visa waiver program, are not prohibited from qualifying for T and U visa status. Aliens who came to the U.S. on J visas to receive graduate medical training, and aliens who are subject to the 2-year foreign residence requirement, may also qualify for T and U status.

Section 901(d) provides that aliens can qualify for T status if they respond to and cooperate with requests for evidence and information from law enforcement officials. It also permits State and local law enforcement officials investigating or prosecuting trafficking-related crimes to file a request (and certification) asking DHS to grant continued presence to trafficking victims.

Section 902. Clarification of Basis for Relief Under Hardship Waivers for Conditional Permanent Residence

The Secretary of Homeland Security can remove the conditional status of an alien who became a permanent resident, as the spouse of a U.S. citizen or permanent resident without the joint filing of a petition with the U.S. citizen or permanent resident spouse, upon the showing of hardship, battery, or certain other factors. This section provides that an application for such relief may be amended to change the ground or grounds for such relief without having to be resubmitted. The ability in current law to file hardship waivers while outside of the United States will not be available to applicants who have a final removal order in effect that was issued after the alien was granted conditional residency.

Section 903. Adjustment of Status for Victims of Trafficking

The Secretary of Homeland Security can adjust the status of a T visa recipient to that of a permanent resident after 3 years of physical presence in the U.S. under a T visa or after being granted "continued presence" by Federal law enforcement officials.

Section 903(a) provides that for aliens who have been granted both a T visa and continued presence, the required 3-year period may be counted by starting from the earlier of either the date on which an alien was granted continued presence by DHS, or the date on which the T visa was granted. In addition, the Secretary may waive or reduce the required 3-year period if the Federal, State, or local law enforcement official investigating or prosecuting the relevant trafficking has no objection. An alien seeking to adjust status must be of good moral character through the 3-year period.

Section 903(b) provides that the Secretary may waive a factor that would otherwise disqualify the alien from being considered to

have good moral character if there is a connection between the disqualifying factor and the trafficking of the alien. The Committee recognizes that DHS has issued policy memoranda defining "connection" in two other VAWA related contexts. See USCIS Interoffice Memorandum HQOPRD 70/8.1/8.2, January 19, 2005, from Paul E. Novak to William R Yates and INS Memorandum HQADN/70/8, January 2, 2002, from Michael A. Pearson to Stuart Anderson. The Committee encourages the Department of Homeland Security to use standards and analysis similar to those described in these memos when defining the term "connection" for the purposes of this section, sections 917, 919, 932, and 935 of this Act, and other VAWA-related provisions of the Immigration and Nationality Act ("INA").

Section 903(c) provides that the Secretary must, as part of an already required annual report, include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and their eligibility for T visas.

SUBTITLE B—VAWA PETITIONERS.

Section 911. Definition of VAWA Petitioner

This section defines a "VAWA petitioner" as an alien who has applied for classification or relief under a number of provisions of the INA, including those who have filed self-petitions for permanent residence as the battered spouses and children of U.S. citizens and permanent residents and, pursuant to this bill, as the battered parents of U.S. citizens. Also included in this definition are applicants for certain benefits under the Cuban Adjustment Act, the Haitian Refugee Immigrant Fairness Act ("HRIFA"), and the Nicaraguan Adjustment and Central American Relief Act ("NACARA").

In 1997, the Immigration and Naturalization Service consolidated adjudication of VAWA self-petitions and VAWA-related cases in one specially trained unit that adjudicates all VAWA immigration cases nationally. The unit was created "to ensure sensitive and expeditious processing of the petitions filed by this class of at-risk applicants . . .", to "[engender] uniformity in the adjudication of all applications of this type" and to "[enhance] the Service's ability to be more responsive to inquiries from applicants, their representatives, and benefit granting agencies." See 62 Fed. Reg. 16607–16608 (1997). T visa and U visa adjudications were also consolidated in the specially trained VAWA unit. See, USCIS Interoffice Memorandum HQINV 50/1, August 30, 2001, from Michael D. Cronin to Michael A. Pearson, 67 Fed. Reg. 4784 (Jan. 31, 2002).

Consistent with these procedures, the Committee recommends that the same specially trained unit that adjudicates VAWA self-petitions, T and U visa applications, process the full range of adjudications, adjustments, and employment authorizations related to VAWA cases (including derivative beneficiaries) filed with DHS: VAWA petitions T and U visas, VAWA Cuban, VAWA NACARA (§§ 202 or 203), and VAWA HRIFA petitions, 214(c)(15)(work authorization under section 933 of this Act), battered spouse waiver adjudications under 216(c)(4)(C) and (D), applications for parole of VAWA petitioners and their children, and applications for children of victims who have received VAWA cancellation.

Section 912. Self-Petitioning for Children

This section ensures that immigrant children who are victims of incest and child abuse get full access to VAWA protections. Additionally, this section extends Child Status Protection Act relief to children who qualify for VAWA immigration relief.

Section 912(a) provides that the minor child of a U.S. citizen or permanent resident may self-petition for permanent residence if the abusive parent has died or otherwise terminated the parent-child relationship within the past 2 years (or, if later, 2 years after the date the child attains the age of 18). Also, the alien spouse of a permanent resident may self-petition for permanent residence if the abusive permanent resident spouse died within the past 2 years.

Section 912(b) provides protections that prevent children from "aging out" of access to VAWA relief. The section guarantees that child self-petitioners, who are abused by citizen parents, will continue to be treated as immediate relatives (or as petitioners for preference status if subsequently married) if they turn 21 during the processing of their petitions. Child self-petitioners who are abused by permanent resident parents will be treated as applicants for "2A" preference status as the minor children of a permanent resident, if they turn 21 during the processing of their petitions.

Section 912(c) provides that the application for adjustment of status to permanent residence of an alien who self-petitioned for permanent residence shall also serve as an adjustment application for any derivative children. Derivative children of self-petitioners will receive lawful permanent residency along with their self-petitioning parents.

Section 912(d) provides that alien child abuse and incest victims who would have qualified to self-petition as the minor children of U.S. citizens or permanent residents can file the petition until the aliens attain the age of 25. This allows child abuse victims time to escape their abusive homes, secure their safety, access services and support that they may need, and address the trauma of their abuse.

Section 913. Self-Petitioning Parents

This section extends the ability to self-petition to the parent of an adult U.S. citizen who resides or has resided with the U.S. citizen son or daughter, if the alien demonstrates that he or she has been battered by, or has been the subject of extreme cruelty perpetrated by, their U.S. citizen son or daughter.

Section 914. Promoting Consistency in VAWA Adjudications

This section promotes consistency in VAWA adjudications by making technical corrections that replace references to "domestic violence" with references to "battery or extreme cruelty," the domestic abuse definition codified in the Violence Against Women Act of 1994 ("VAWA 1994"), the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") and regulations implementing the battered spouse waiver.

Section 915. Relief for Certain Victims Pending Actions on Petitions and Applications for Relief

Section 915(a)(1) provides that the Secretary of Homeland Security may grant deferred action to an alien who has filed a prima facie valid petition as a VAWA petitioner, or for T or U visa status, during the pendency of the application. The current practice of granting deferred action to approved VAWA self petitioners shall continue. Aliens with deferred action status shall not be removed or deported. Prima facie determinations and deferred action grants called for in this section shall be made by the specially trained unit of immigration benefits adjudicators (currently at CIS) responsible for adjudicating VAWA petitions. These immigration benefits adjudicators (CIS) have authority to grant deferred action status in VAWA cases for the Department of Homeland Security. Immigration enforcement officials (currently at the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Immigration Enforcement) are not authorized to revoke deferred action, but may ask the specially trained CIS unit to review a case and determine whether or not to revoke a deferred action grant. Only the Secretary of Homeland Security (or a delegated official but only if that official has management authority over both the immigration services and immigration enforcement functions) may overrule a CIS grant of deferred action to an alien victim. Immigration enforcement officers should refer aliens they encounter who may qualify for relief under this Act to immigration benefits adjudicators handling VAWA cases at CIS.

This Committee encourages the Secretary of DHS to (a) develop a training program for trial attorneys and other DHS staff who regularly encounter alien victims of crimes, and (b) craft and implement policies and protocols on appropriate handling by DHS officers of cases under VAWA 1994, the Acts subsequently reauthorizing VAWA, and IIRIRA.

Section 915(a)(2) aims to discourage detention of aliens whom VAWA offers immigration relief. This section requires that an alien whose application as a VAWA petitioner or for T or U visa status has been approved may not be detained unless detention is required for terrorist activity or certain criminal activity.

Section 915(a)(3) provides that an alien whose petition as a VAWA petitioner or for T status has been approved shall be granted work authorization. U visa applicants are provided work authorization under existing law.

Section 915(b) provides that an alien who has filed a prima facie application for cancellation of removal as a battered alien shall not be removed or deported during the pendency of the application.

Under current law DHS has the discretionary authority to consent to the readmission of a previously removed alien (using the existing I-212 process). The protection VAWA offers immigrant victims of domestic violence, sexual assault and trafficking is undermined when otherwise qualified victims are cut off from VAWA benefits because of a prior removal from the United States. The victims, should they return to the U.S. without authorization, become subject to reinstatement of removal. This Committee encourages DHS to make use of its discretion in granting readmission to appropriately assist aliens with humanitarian cases including but not limited to, victims of domestic violence, sexual assault, victims

of trafficking and crime victims who are cooperating in criminal investigations.

Section 916. Access to VAWA Protection Regardless of Manner of Entry

Section 916 has been designed to address Congress' concerns about U.S. citizen abusers who use the K visa process to petition for aliens outside the United States and abuse them. This section protects these abused aliens by allowing them to self-petition for permanent residence as well as making them eligible for VAWA cancellation of removal and VAWA suspension of deportation. The section also works in conjunction with section 922 to prevent further abuse by instituting measures to distribute information that can help the K visa recipients learn about domestic violence protections available to them in the United States. It also provides them specific information about their U.S. citizen petitioners' criminal conviction history. Additionally, this section limits the ability of abusive U.S. citizens to repeatedly petition for K visas for aliens outside the U.S.

Section 916(a) provides that an alien may self-petition as, or in the same manner as, the spouse of a U.S. citizen if the alien entered the U.S. under a K visa with the intent to enter into a valid marriage and the alien (or the alien's child) was battered or subject to extreme cruelty in the U.S. by the U.S. citizen who filed the K visa petition. Also, such an alien does not have to depart within 3 months if the marriage does not occur.

Section 916(b) provides that a VAWA petitioner and a K visa recipient who seeks adjustment of status to that of permanent residence on the basis of an approved petition as a VAWA petitioner does not have to first go through 2 years of conditional permanent residence. Also, an alien who entered under a K visa with the intent to enter into a valid marriage and the alien (or child) was battered or subject to extreme cruelty in the U.S. by the U.S. citizen who filed the K visa petition is eligible for cancellation of removal as a battered alien if the alien meets the other requirements for cancellation.

The Committee seeks to deter filing of K visa applications by U.S. citizens with histories of domestic violence, sexual assaults, and child abuse, by requiring full disclosure to K visa recipients of information on any criminal convictions for these offenses by their petitioners. Section 916(c) provides that a U.S. citizen filing a petition for an alien for a K visa must include information on any criminal convictions for domestic violence, sexual assault, or child abuse. Following current practice, this information will be provided under penalty of perjury. *See e.g.,* Form I–130 (Rev. 06/05/02) (requiring petitioner to "certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.").

A consular officer may not approve a petition without verifying that the petitioner has not previously petitioned for more than two aliens applying for K visas. If the petitioner has had such a petition previously approved, the consular officer must verify that 2 years have elapsed since the filing of the previous petition. The Secretary of Homeland Security may grant waivers of the 2-year waiting period or the limit on filing more than two petitions. The

waivers included here were designed to give DHS the discretion to waive both the time and number limitations when K visa applications are filed by non-abusive U.S. citizens. Such waivers may be appropriate, for example, for non-abusive U.S. citizens who live abroad and may be more likely to marry foreign spouses, or in cases of unusual circumstances, such as the sudden death of an alien approved for a prior K visa.

Section 916(d) provides that an alien who was the spouse or minor child of an alien granted asylum at the time of the granting of asylum, and who (or whose child) was battered or the subject of extreme cruelty by the asylee, is eligible for adjustment of status although they may have divorced or separated from the asylee.

Under current law, visa waiver entrants who are placed in removal proceedings are precluded from obtaining relief from removal, other than asylum. Section 916(e) guarantees access to VAWA relief for entrants under the visa waiver program by allowing those placed in removal proceedings to seek VAWA adjustment of status, VAWA cancellation of removal, VAWA self-petition, VAWA suspension of deportation and T and U visas.

Section 916(f) provides that an alien who has failed to meet the 2-year return requirement of a J visa may still file a petition as a VAWA petitioner, or for a T or U visa.

Section 917. Eliminating Abusers' Control Over Applications for Adjustments of Status

VAWA 2000 created routes to lawful permanent residence for abused spouses and children of primary applicants under various nationality-based immigration laws. Section 917 assures that a family members' eligibility for status will hinge neither on an abuser's filing status, nor on an ongoing relationship with or marriage to the abuser in order to eliminate an abuser's control over the abused family member. See section 936 for further amendments regarding the motions to reopen removal proceedings for battered aliens under VAWA.

Section 917(a) and (b) provide that the motions to reopen for abused aliens apply to all VAWA petitioners, VAWA cancellation of removal applicants and to those seeking adjustment of status in proceedings.

Section 917(c) allows abused spouses and children eligible for legal immigration status as Nicaraguans or Cubans under NACARA to apply for such status, even if the abuser did not apply for status and even through the deadline for filing has past.

Section 917(d) provides that an alien who was the spouse of a Cuban eligible for adjustment under the Cuban Adjustment Act shall continue to be treated as such a spouse for 2 years after the date on which the Cuban dies, or for 2 years after the date of termination of the marriage, if the alien demonstrates a connection between the termination of the marriage and being battered or subject to extreme cruelty by the Cuban.

Section 917(e) provides that if an alien abuser was eligible for status under HRIFA, but did not apply for status, the alien's abused spouse or children at the time may now apply for legal immigration status on their own.

Section 917(f) allows abused spouses and children to file their own suspension of deportation applications under NACARA if they

were abused by a Guatemalan, Salvadoran or Eastern European abuser who was eligible for suspension of deportation under pre-1996 rules pursuant to NACARA. Abused spouses and children are also allowed to file motions to reopen their prior removal or deportation case using VAWA.

Section 917(g) provides that an individual who was a VAWA petitioner, or had a T or U visa, may not file an immigrant or nonimmigrant petition for the person who committed the battery or extreme cruelty or trafficking against the individual which established the individual's eligibility as a VAWA petitioner, or for T or U status.

Section 918. Parole for VAWA Petitioners and for Derivatives of Trafficking Victims

VAWA 2000 allowed victims of domestic violence abused by U.S. citizen and lawful permanent resident spouses to file VAWA self-petitions from outside of the U.S. if they had been abused in the U.S. or if their abuser was a member of the uniformed services or a government employee. Modeled after the VAWA 2000 protection offered to children on VAWA cancellation of removal grantees, section 918 assures that VAWA petitioners, their derivative children and children of trafficking victims, can enter the U.S. by requiring the Secretary of Homeland Security to grant parole to:

- a VAWA petitioner whose petition was approved based on having been battered or subject to extreme cruelty by a U.S. citizen spouse, parent, or child and who is admissible and eligible for an immigrant visa;
- a VAWA petitioner whose petition was approved based on having been battered or subject to extreme cruelty by a permanent resident spouse or parent, who is admissible and who would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available, if at least 3 years have elapsed since the alien's priority date; and
- an alien who the Secretary of State determines would, but for an application or approval, meet the conditions for approval for a T visa as a family member of the trafficking victim.

When a VAWA petitioner's abuser is a permanent resident spouse or parent, the 3 year waiting period for the petitioner and any derivative children will be calculated based on the priority date assigned to the VAWA petition under 8 C.F.R. § 204.2(h)(2).

Section 919. Exemption of Victims of Domestic Violence, Sexual Assault and Trafficking from Sanctions for Failure to Depart Voluntarily

Section 919 provides that an alien who is a VAWA petitioner, or is seeking a T or U visa, or is seeking cancellation of removal or VAWA suspension as a battered alien is not subject to the penalties for failing to depart after agreeing to a voluntary departure order, if there is a connection between the failure to depart and the battery or extreme cruelty, trafficking, or criminal activity making them eligible to seek such status. As discussed in section 903, the Committee encourages the DHS to define "connection" for purposes

of this section using similar standards and analysis to those described in the two policy memoranda cited in section 903.

Section 920. Clarification of Access to Naturalization for Victims of Domestic Violence

Section 920 provides that any alien who was subject to battery or extreme cruelty by a U.S. citizen spouse or parent may naturalize after 3 years as a permanent resident, regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty. This section prevents alien domestic violence victims from being forced by naturalization laws to remain in abusive marriages or to wait two additional years to file for naturalization. It allows victims the same access to 3-year naturalization they would have if their U.S. citizen spouse did not abuse them.

Section 921. Prohibition of Adverse Determinations of Admissibility or Deportability Based on Protected Information

In 1996, Congress created special protections for victims of domestic violence against disclosure of information to their abusers and the use of information provided by abusers in removal proceedings. In 2000, and in this Act, Congress extended these protections to cover victims of trafficking, certain crimes and others who qualify for VAWA immigration relief. These provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. Examples include abusers using DHS to obtain information about their victims, including the existence of a VAWA immigration petition, interfering with or undermining their victims' immigration cases, and encouraging immigration enforcement officers to pursue removal actions against their victims.

This Committee wants to ensure that immigration enforcement agents and government officials covered by this section do not initiate contact with abusers, call abusers as witnesses or relying on information furnished by or derived from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault and trafficking, as prohibited by section 384 of IIRIRA. In determining whether a person furnishing information is a prohibited source, primary evidence should include, but not be limited to, court records, government databases, affidavits from law enforcement officials, and previous decisions by DHS or Department of Justice personnel. Other credible evidence must also be considered. Government officials are encouraged to consult with the specially trained VAWA unit in making determinations under the special "any credible evidence" standard.

Section 921(a) and (b) provide that the Secretary of Homeland Security and the Attorney General and other Federal officials may not use information furnished by, or derived from information provided solely by, an abuser, crime perpetrator or trafficker to make an adverse determination of admissibility or removal of an alien. However, information in the public record and government data bases can be relied upon, even if government officials first became aware of it through an abuser.

Section 921(c) provides that this provision shall not apply to prevent information from being disclosed, in a manner that protects victim confidentiality and safety, to the chairs and Ranking Mem-

bers of the House and Senate Judiciary Committees, including the Immigration Subcommittees, in the exercise of their oversight authority.

Section 921(d) provides that in the case of an alien applying for relief as a special immigrant juvenile who has been abused, neglected, or abandoned, the government may not contact the alleged abuser.

Section 921(e) provides that investigation and enforcement of these provisions shall be by the Office of Professional Responsibility of the Justice Department.

Section 921(f) establishes a system to verify that removal proceedings are not based on information prohibited by section 384 of IIRIRA. DHS must certify that:

- (1) no enforcement action was taken leading to such proceedings against an alien at certain places including a domestic violence shelter, a rape crisis center, and a courthouse if the alien is appearing in connection with a protection order or child custody case, or that
- (2) such an enforcement action was taken, but that there was no violation of the aforementioned provisions. Persons who knowingly make a false certification shall be subject to penalties.

Removal proceedings filed in violation of section 384 of IIRIRA shall be dismissed. However, further proceedings can be brought if not in violation of section 384.

Section 922. Information for K Nonimmigrants About Legal Rights and Resources for Immigrant Victims of Domestic Violence

Section 922 contains provisions designed to allow K visa applicants to make informed decisions about their marriage to a U.S. citizen and have information about how to gain help if they experience battering or extreme cruelty at the hands of their U.S. citizen spouse or fiance. This section provides that the Secretary of Homeland Security shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims and the Departments of Justice and State to develop consistent and accurate materials, including an information pamphlet, on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K visas. The following materials will be mailed to K visa applicants with an instruction packet regarding the visa process: the information pamphlet; a copy of the K visa application (including information about criminal convictions of the U.S. citizen sponsor for domestic violence, sexual assault and child abuse as provided for in section 916); and any information that DHS possesses about the petitioner who filed the K visa (e.g. from IBIS (the Interagency Border Inspection System), National Crime Information Center, or Federal and State domestic violence databases) regarding convictions for crime(s) of violence as defined in 18 U.S.C. sec. 16, any similar State conviction, or any domestic violence adjudication. Information from the pamphlet and regarding convictions will be orally transmitted by consular officers at the applicant's interview. It is the intent of Congress that this section does not create an actionable ground for lawsuits against DHS or other any government agency. In implementing this section, con-

sistent with and under the requirements of Section 900(c) of this Act, the Secretary of Homeland Security shall develop and put in use the information, materials and distribution mechanism described in section 922(a) through (e) not later than 180 days from enactment.

Section 923. Authorization of Appropriations

This section authorizes appropriations of such sums as may be necessary for the Department of Homeland Security's specially trained unit to adjudicate applications, adjustments, and employment authorizations related to VAWA cases (primary or derivative) filed with DHS.

SUBTITLE C—MISCELLANEOUS PROVISIONS

Section 931. Removing 2 Year Custody and Residence Requirement for Battered Adopted Children

Section 931 provides that an adopted alien qualifies as a child for immigration purposes, despite not having been in the legal custody of, or having resided with, the adopting parent for at least 2 years, if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household. This section, consistent with VAWA's protective purpose, ensures that child abuse victims are not required to suffer abuse or risk losing immigration benefits they would otherwise receive if they had not been subjected to child abuse.

Section 932. Waiver of Certain Grounds of Inadmissibility for VAWA Petitioners

Section 932(a) provides that the Secretary of Homeland Security may waive the ground of inadmissibility for falsely claiming to be a U.S. citizen in the case of a VAWA petitioner who demonstrates a connection between the false claim and the alien's being subjected to battery or extreme cruelty. As discussed in section 903, the Committee encourages the Department of Homeland Security to define "connection" for purposes of this section using the standards and analysis described in the previously cited policy memoranda.

Section 932(b) provides that the public charge ground of inadmissibility shall not apply to a VAWA petitioner or a qualified alien described in the Personal Responsibility and Work Opportunity Reconciliation Act.

Section 933. Employment Authorization for Battered Spouses of Certain Nonimmigrants

Section 933 provides that an alien spouse admitted under the A (foreign diplomats), E-3 (Australian professionals), G (international organizations), or H (temporary worker) visa programs accompanying or following to join a principal alien shall be granted work authorization if the spouse demonstrates that during the marriage he or she (or a child) has been battered or has been subjected to extreme cruelty perpetrated by the principal alien. This section is intended to reduce domestic violence by giving victims tools to protect themselves and hold abusers accountable. Research has found

the financial dependence on an abuser is a primary reason that battered women are reluctant to cooperate in their abuser's prosecution. With employment authorization, many abused spouses protected by this section will be able to attain work providing them the resources that will make them more able to safely act to stop the domestic violence. The specially trained CIS unit shall adjudicate these requests.

Section 934. Grounds for Hardship Waiver for Conditional Permanent Residence for Intended Spouses

Section 934 adds an additional ground for a hardship waiver of the 2-year conditional permanent resident joint petition requirement for an alien spouse of a citizen or permanent resident. Under this section such spouses may qualify for a waiver if, following the marriage ceremony, the alien has been battered or subject to extreme cruelty by their intended U.S. citizen spouse. This section allows battered immigrants who participated in a marriage ceremony and unknowingly married an abusive U.S. citizen or lawful permanent resident bigamist to avail themselves of an intended spouse hardship waiver and attain lawful permanent residency.

Section 935. Cancellation of Removal

VAWA 2000 created several new waivers and exceptions to deportation and grounds of inadmissibility that might otherwise bar domestic violence victims from gaining immigration status. Due to a drafting error, immigration judges could not utilize many of these waivers and exceptions. Section 935(a) clarifies that immigration judges can utilize these waivers and exceptions to provide relief for VAWA applicants. This subsection shall apply retroactively as if included in VAWA 2000. Judges are expected to continue to exercise discretion, where appropriate, in determining ultimate eligibility for the waivers and exceptions, taking into account the ameliorative intent of these laws. This section also provides that an alien remains eligible for cancellation of removal as a battered alien if removable for failure to register or document fraud or for marriage fraud (if there was a connection between the marriage fraud and the battery or extreme cruelty; this Committee encourages the Department of Homeland Security to define "connection" for purposes of this section using standards and analysis similar to that described in the previously cited policy memoranda).

Section 935(b) provides that the 4,000 annual limit on cancellations of removal does not apply to cancellations of removal of battered aliens.

Section 936. Motions to Reopen

Section 936 contains amendments that clarify the VAWA 2000 motions to reopen for abused aliens, enabling otherwise eligible VAWA applicants to pursue VAWA relief from removal, deportation or exclusion. This section provides that the limitation of one motion to reopen a removal proceeding shall not prevent the filing of one special VAWA motion to reopen. In addition, a VAWA petitioner can file a motion to reopen removal proceedings after the normal 90-day cut-off period, measured from the time of the final administrative order of removal. However, such battered aliens must be physically present in the U.S. at the time of filing the special mo-

tion. The filing of a special VAWA motion to reopen shall stay the removal of the alien pending final disposition of the motion, including exhaustion of all appeals, if the motion establishes a prima facie case for the relief. One VAWA 2005 post-enactment motion to reopen may be filed by a VAWA applicant. Aliens who filed and were denied special VAWA motions under VAWA 2000 may file one new motion under this Act.

Section 937. Removal Proceedings

Some abusers have prevented their victims from attending their removal proceedings. As a result, these battered victims are ordered deported in absentia. Under current law, the in absentia orders may be rescinded if the applicant files a motion to reopen and demonstrates that there were exceptional circumstances for failure to appear at the removal hearing. Section 937 provides that battery or extreme cruelty of the alien (or a child or parent of the alien) shall qualify as exceptional circumstances justifying failure to appear at a removal proceeding.

Section 938. Conforming Relief in Suspension of Deportation Parallel to the Relief Available in VAWA-2000 Cancellation for Bigamy

Section 938 provides that suspension of deportation for battered aliens, as it existed before 1996, shall apply in cases of battery perpetrated by a U.S. citizen or permanent resident whom the alien intended to marry, but whose marriage was not legitimate because of the citizen's or permanent resident's bigamy. VAWA 2000 offered protection to intended immigrant spouses who unknowingly married bigamists for purposes of VAWA self-petitioning and VAWA cancellation of removal. This section adds protection under VAWA suspension of deportation.

Section 939. Correction of Cross-Reference to Credible Evidence Provisions

Technical corrections to conform correct cross-reference for VAWA credible evidence provisions in the Cuban Adjustment Act, NACARA, IIRIRA, and HRIFA.

Section 940. Technical Corrections

Technical corrections.

TITLE X—SAFETY ON TRIBAL LANDS

Section 1001. Purposes

This section establishes the purpose of this Title to reduce domestic violence, dating violence, sexual assault and stalking on tribal lands and hold perpetrators accountable.

Section 1002. Consultation

This section requires the Attorney General to consult with Indian tribes regarding ways to improve the grant funds to Indian tribes to address violent crimes on reservations.

Section 1003. Analysis and Research on Violence on Tribal Lands

This section requires the Attorney General to conduct a study and establish a task force to address domestic violence, dating violence, sexual assault and stalking on Indian reservations.

Section 1004. Tracking of Violence on Tribal Lands

This section allows the tribes and the Attorney General to exchange information with regard to incidents of domestic violence, dating violence, sexual assault and stalking on tribal lands.

Section 1005. Tribal Division of the Office of Violence Against Women

This section establishes a division within the Violence Against Women Office to focus on violence on tribal lands and allows consolidation of all the tribal set asides within the VAWA reauthorization.

Section 1006. GAO Report

This section requires GAO to study the status of prosecution on tribal lands and make recommendations about ways to increase the number of prosecutions.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—JUSTICE SYSTEM IMPROVEMENT

PART A—OFFICE OF JUSTICE PROGRAMS

* * * * * * *

DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL

SEC. 102. (a) The Assistant Attorney General shall—

(1) * * *

* * * * * * *

(5) coordinate and provide staff support to coordinate the activities of the Office and the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, *the Office for Victims of Crime,* and the Office of Juvenile Justice and Delinquency Prevention; and

(6) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General*, including placing*

special conditions on all grants, and determining priority purposes for formula grants.

* * * * * * *

SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

SEC. 104. WEED AND SEED STRATEGIES.

(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

(B) community revitalization efforts, including enforcement of building codes and development of the economy.

(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

(A) in a voting capacity, representatives of—

(i) appropriate law enforcement agencies; and

(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

(B) in a voting capacity, both—

(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

(ii) the United States Attorney for the District encompassing the community;

(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

(1) the United States Attorney for the District encompassing the community must certify to the Director that—

(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

(C) the steering committee is capable of implementing the strategy appropriately; and

(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

(1) a sustainable Weed and Seed strategy that includes—

(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

(B) a significant community-oriented policing component; and

(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

(e) GRANTS.—

(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

(2) USES.—For each grant under this subsection, the community receiving that grant—

(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may au-

thorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

(A) for a period of more than 10 fiscal years;

(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

(B) The requirement of subparagraph (A)—

(i) may be satisfied in cash or in kind; and

(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) The program under part Q of this title.

(2) Any grant program carried out by the Office of Justice Programs.

(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

(c) PERFORMANCE AUDITS REQUIRED.—

(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

(B) at the end of each year of the grant period, if the grant period is more than 1 year.

(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all informa-

tion relating to the grants made under the programs covered by subsection (b).

(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.

SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

(2) Providing information, training, and technical assistance.

(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

(5) Any other similar means.

(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

(d) BEST PRACTICES.—The Director shall—

(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

(2) incorporate those characteristics into the training provided under this section.

(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.

SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.

SEC. 108. AVAILABILITY OF FUNDS.

(a) PERIOD FOR AWARDING GRANT FUNDS.—

(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

(c) DEFINITION.—In this section, the term "DOJ grant funds" means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.

PART C—BUREAU OF JUSTICE STATISTICS

* * * * * * *

ESTABLISHMENT, DUTIES, AND FUNCTIONS

SEC. 302. (a) * * *

(b) The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. *The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.* The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) The Bureau is authorized to—

(1) * * *

* * * * * * *

[(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;**]**

(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;

* * * * * * *

(d) To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) * * *

* * * * * * *

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; **[**and**]**

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data**[**.**]***; and*

(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity

with all laws and regulations applicable to the disclosure and use of data.

* * * * * * *

USE OF DATA

SEC. 304. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a [particular individual] *private person or public agency* other than statistical or research purposes.

* * * * * * *

PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

[NAME OF PROGRAMS

[SEC. 500. The grant programs established under this part shall be known as the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs".

[Subpart 1—Drug Control and System Improvement Grant Program

[DESCRIPTION OF THE DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM

[SEC. 501. (a) It is the purpose of this subpart to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multilevel drug control strategy by developing programs and projects to assist multijurisdictional and multi-State organizations in the drug control problem and to support national drug control priorities.

[(b) The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the "Director") is authorized to make grants to States, for the use by States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Such grants shall provide additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, and detention and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

[(1) demand reduction education programs in which law enforcement officers participate;

[(2) multijurisdictional task force programs that integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination, intelligence, and facilitating multijurisdictional investigations;

[(3) programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine;

[(4) providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;

[(5) disrupting illicit commerce in stolen goods and property;

[(6) improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes, and fraud against the government with priority attention to cases involving drug-related official corruption;

[(7)(A) improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs;

[(B) developing and implementing antiterrorism plans for deep draft ports, international airports, and other important facilities;

[(8) career criminal prosecution programs including the development of proposed model drug control legislation;

[(9) financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information sharing systems;

[(10) improving the operational effectiveness of the court process, by expanding prosecutorial, defender and judicial resources, and implementing court delay reduction programs;

[(11) programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies;

[(12) providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

[(13) providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

[(14) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

[(15)(A) developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug depend-

ent offenders, enhancement of State and local forensic laboratories, and

[(B) criminal and justice information systems to assist law enforcement, prosecution, courts, and corrections organization (including automated fingerprint identification systems);

[(16) innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

[(17) addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.

[(18) improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly;

[(19) drug control evaluation programs which the State and local units of government may utilize to evaluate programs and projects directed at State drug control activities;

[(20) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community;

[(21) programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales;

[(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles;

[(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles in courts with jurisdiction over adults for the crimes of—

[(A) murder in the first degree;

[(B) murder in the second degree;

[(C) attempted murder;

[(D) armed robbery when armed with a firearm;

[(E) aggravated battery or assault when armed with a firearm;

[(F) criminal sexual penetration when armed with a firearm; and

[(G) drive-by shootings as described in section 36 of title 18, United States Code;

[(24) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs;

[(25) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as "DNA") for identification purposes;

[(26) to develop and implement antiterrorism training programs and to procure equipment for use by local law enforcement authorities;

[(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

[(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.

[(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

[(c) Each program funded under this section shall contain an evaluation component, developed pursuant to guidelines established by the National Institute of Justice, in consultation with the Bureau of Justice Assistance. The Director of the Bureau of Justice Assistance may waive this requirement when in the opinion of the Director—

[(1) the program is not of sufficient size to justify a full evaluation report; or

[(2) the program is designed primarily to provide material resources and supplies, such as laboratory equipment, that would not justify a full evaluation report.

[ELIGIBILITY

[SEC. 502. The Bureau is authorized to make financial assistance under this subpart available to a State to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this subpart.

[STATE APPLICATIONS

[SEC. 503. (a) To request a grant under this subpart, the chief executive officer of a State shall submit an application within 60 days after the Bureau has promulgated regulations under this section, and for each subsequent year, within 60 days after the date that appropriations for this part are enacted, in such form as the Director may require. Such application shall include the following:

[(1) A statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The strategy shall be prepared after consultation with State and local officials with emphasis on those whose duty it is to enforce drug and criminal laws and direct the administration of justice and shall contain—

[(A) a definition and analysis of the drug and violent crime problem in the State, and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems;

[(B) an assessment of the criminal justice resources being devoted to crime and drug control programs at the time of the application;

[(C) coordination requirements;

[(D) resource needs;

[(E) the establishment of statewide priorities for crime and drug control activities and programs;

[(F) an analysis of the relationship of the proposed State efforts to the national drug control strategy; and

[(G) a plan for coordinating the programs to be funded under this part with other federally funded programs, including State and local drug abuse education, treatment, and prevention programs.

[(2) A certification that Federal funds made available under the formula grant of this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

[(3) A certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds.

[(4) An assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 30-day period beginning on the date such application or amendment is so submitted).

[(5) An assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

[(6) An assurance that following the first fiscal year covered by an application and for each fiscal year thereafter, a performance evaluation and assessment report concerning the activities carried out pursuant to this section will be submitted to the Bureau.

[(7) A provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records that the Bureau shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds reviewed under this section.

[(8) An assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this subpart.

[(9) A certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this subpart and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Office.

[(10) A certification that the State is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.

[(11) An assurance that the State has established a plan under which the State will provide without fee to the Immigration and Naturalization Service, within 30 days of the date of their conviction, the certified records of conviction of aliens who have been convicted of violating the criminal laws of the State.

[(12) If any part of funds received from a grant made under this part is to be used to develop or improve a DNA

analysis capability in a forensic laboratory, a certification that—

[(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994;

[(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

[(i) to criminal justice agencies for law enforcement identification purposes;

[(ii) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

[(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

[(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

[(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo semiannual external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 210303 of the DNA Identification Act of 1994.

[(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

[(A) forensic science laboratory or forensic science laboratory system, that—

[(i) employs 1 or more full-time scientists—

[(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

[(II) who provide testimony with respect to such physical evidence to the criminal justice system;

[(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

[(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors, the National Association of Medical Examiners, or any other nonprofit, professional organization that may be recognized within the forensic science community as competent to award such accreditation, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

[(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

[(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

[(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.

[(b) Within 30 days after the date of enactment of this part, the Director shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this section.

[GRANT LIMITATIONS

[SEC. 504. (a) A grant made under this subpart may not—

[(1) for fiscal year 1991 appropriations be expended for more than 75 per centum; and

[(2) for any subsequent fiscal year appropriations be expended for more than 75 per centum;

of the cost of the identified uses for which such grant is received to carry out any purpose specified in section 501(b), except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

[(b) Not more than 10 percent of a grant made to an eligible State under section 506 may be used for costs incurred to administer such grant.

[(c) States and units of local government or combinations thereof are authorized to use a grant made under section 506 for the expenses associated with participation in the State and Local Task Force Program established by the Drug Enforcement Administration.

[(d) States and local units of government are authorized to use a grant made under section 506 for the expenses associated with conducting the evaluations required under section 501(c) of this part.

[(e) The non-Federal portion of the cost of such program or project shall be in cash. State and local units of government may use cash received under the equitable sharing program to cover the non-Federal portion of the costs of programs funded under section 506.

[(f) Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces victims assistance programs, or multijurisdictional gang task forces, no funds may be awarded under this subpart to a grant recipient for a program or project for which funds have been awarded under this title for 4 years (in the aggregate), including any period occurring before the effective date of this subsection.

[REVIEW OF STATE APPLICATIONS

[SEC. 505. (a) The Bureau shall provide financial assistance to each State applicant under this subpart to carry out the programs or projects submitted by such applicant upon determining that—

[(1) the application or amendment thereto is consistent with the requirements of this subpart; and

[(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with this subpart.

[(b) Each application or amendment made and submitted for approval to the Bureau pursuant to section 503 shall be deemed approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

[(c) Grant funds awarded under this subpart shall not be used for land acquisition or construction projects, other than penal and correctional institutions.

[(d) The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

[ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

[SEC. 506. (a) Subject to subsection (f), of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

[(1) 0.4 percent shall be allocated to each of the States; and

[(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

[(b)(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 501(b) that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

[(2) In distributing funds received under this part among urban, rural, and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

[(3) Any funds not distributed to units of local government under paragraph (2) shall be available for expenditure by the State involved.

[(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

[(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

[(d) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 502, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

[(e) Any funds allocated under subsection (a) or (f) that are not distributed under this section shall be available for obligation under subpart 2.

[(f)(1) For any fiscal year beginning more than 2 years after the effective date of this subsection—

[(A) 90 percent of the funds allocated under subsection (a) without regard to this subsection to a State described in paragraph (2) shall be distributed by the Director to such State; and

[(B) 10 percent of such funds shall be allocated equally among States that are not affected by the operation of subparagraph (A).

[(2) Paragraph (1)(A) refers to a State that does not have in effect, and does not enforce, in such fiscal year, a law that requires the State at the request of the victim of a sexual act—

[(A) to administer, to the defendant convicted under State law of such sexual act, a test to detect in such defendant the presence of the etiologic agent for acquired immune deficiency syndrome;

[(B) to disclose the results of such test to such defendant and to the victim of such sexual act; and

[(C) to provide to the victim of such sexual act counseling regarding HIV disease, HIV testing, in accordance with applicable law, and referral for appropriate health care and support services.

[(3) For purposes of this subsection—

[(A) the term "convicted" includes adjudicated under juvenile proceedings; and

[(B) the term "sexual act" has the meaning given such term in subparagraph (A) or (B) of section 2245(1) of title 18, United States Code.

[STATE OFFICE

[SEC. 507. (a) The chief executive of each participating State shall designate a State office for purposes of—

[(1) preparing an application to obtain funds under section 503;

[(2) administering funds received under such section from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

[(3) coordinating the distribution of funds provided under this part with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities and programs.

[(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).

[DISTRIBUTION OF GRANTS TO LOCAL GOVERNMENT

[SEC. 508. (a) Each application made by a local unit of government, or a combination of units of local government, to a State for funds under this subchapter shall be deemed approved, in whole or in part, by the State not later than 45 days after first received unless the State informs the applicant in writing of specific reasons for disapproval. The State shall not finally disapprove any application submitted to the State without first affording the applicant reasonable notice and opportunity for reconsideration.

[(b) Each State which receives funds under section 506 in a fiscal year shall make such funds available to local units of government, or combinations thereof, whose application has been submitted to, approved and awarded by the State, within 45 days after the Bureau has approved the State application and has made funds available to such State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State cannot satisfy that requirement consistent with State statutes.

[IMPROVEMENT OF CRIMINAL JUSTICE RECORDS

[SEC. 509. (a) Subject to subsection (d), each State which receives funds under section 506 in a fiscal year shall allocate not less than 5 percent of such funds to the improvement of criminal justice records.

[(b) The improvement referred to in subsection (a) shall include—

[(1) the completion of criminal histories to include the final dispositions of all arrests for felony offenses;

[(2) the full automation of all criminal justice histories and fingerprint records;

[(3) the frequency and quality of criminal history reports to the Federal Bureau of Investigation; and

[(4) the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 103 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.

[(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2),

and (3) and the child abuse crime records required under the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.

[(c) The Director, in consultation with the Director of the Bureau of Justice Statistics, shall establish guidelines for the fulfillment of the requirements specified in subsections (a) and (b) of this section.

[(d) In accordance with such guidelines as the Director shall issue and on the request of a State, the Director may—

[(1) waive compliance with subsection (a) by such State; or

[(2) authorize such State to reduce the minimum amount such State is required to allocate under subsection (a);

if the Director, in the discretion of the Director, finds that the quality of the State's criminal justice records does not warrant expending the amount allocated under subsection (a).

[Subpart 2—Discretionary Grants

[CHAPTER A—GRANTS TO PUBLIC AND PRIVATE ENTITIES

[PURPOSES

[SEC. 510. (a) The purpose of this chapter is to provide additional Federal financial assistance to public or private agencies and private nonprofit organizations for purposes of—

[(1) undertaking educational and training programs for—

[(A) criminal justice personnel; and

[(B) the general public, with respect to the lawful and safe ownership, storage, carriage, or use of firearms, including the provision of secure gun storage or safety devices;

[(2) providing technical assistance to States and local units of government;

[(3) undertaking projects which are national or multijurisdictional in scope and which address the purposes specified in section 501(b); and

[(4) providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction.

[(b) In carrying out this chapter, the Director is authorized to make grants to, or enter into contracts with non-Federal public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in section 501(b) and is authorized to make grants to, or enter into contracts with, those persons and entities to carry out the purposes specified in subsection (a)(1)(B) in accordance with subsection (c). The Director shall have final authority over all funds awarded under this chapter.

[(c)(1) In accordance with this subsection, the Director may make a grant to, or enter into a contract with, any person or entity referred to in subsection (b) to provide for a firearm safety program that, in a manner consistent with subsection (a)(1)(B), provides for general public training and dissemination of information con-

cerning firearm safety, secure gun storage, and the lawful ownership, carriage, or use of firearms, including the provision of secure gun storage or safety devices.

[(2) Funds made available under a grant under paragraph (1) may not be used (either directly or by supplanting non-Federal funds) for advocating or promoting gun control, including making communications that are intended to directly or indirectly affect the passage of Federal, State, or local legislation intended to restrict or control the purchase or use of firearms.

[(3) Except as provided in paragraph (4), each firearm safety program that receives funding under this subsection shall provide for evaluations that shall be developed pursuant to guidelines that the Director of the National Institute of Justice of the Department of Justice, in consultation with the Director of the Bureau of Justice Assistance and recognized private entities that have expertise in firearms safety, education and training, shall establish.

[(4) With respect to a firearm safety program that receives funding under this section, the Director may waive the evaluation requirement described in paragraph (3) if the Director determines that the program—

[(A) is not of a sufficient size to justify an evaluation; or

[(B) is designed primarily to provide material resources and supplies, and that activity would not justify an evaluation.

[(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention.

[ALLOCATION OF FUNDS FOR GRANTS

[SEC. 511. Of the total amount appropriated for this part (other than chapter B of this subpart) in any fiscal year, 20 percent or $50,000,000, whichever is less, shall be reserved and set aside for this section in a special discretionary fund for use by the Director in carrying out the purposes specified in section 501(b). Grants under this section may be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved application.

[LIMITATION ON USE OF DISCRETIONARY GRANT FUNDS

[SEC. 512. Grant funds awarded under section 511 shall not be used for land acquisition or construction projects.]

Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program

SEC. 500. NAME OF PROGRAM.

(a) IN GENERAL.—The grant program established under this subpart shall be known as the "Edward Byrne Memorial Justice Assistance Grant Program".

(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law

Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).

SEC. 501. DESCRIPTION.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

(A) Law enforcement programs.

(B) Prosecution and court programs.

(C) Prevention and education programs.

(D) Corrections and community corrections programs.

(E) Drug treatment and enforcement programs.

(F) Planning, evaluation, and technology improvement programs.

(G) Crime victim and witness programs (other than compensation).

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

(1) neighborhood or community-based organizations that are private and nonprofit;

(2) units of local government; or

(3) tribal governments.

(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

(A) vehicles, vessels, or aircraft;

(B) luxury items;

(C) real estate;

(D) construction projects (other than penal or correctional institutions); or

(E) any similar matters.

(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

SEC. 502. APPLICATIONS.

To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

(A) the application (or amendment) was made public; and

(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

(A) the programs to be funded by the grant meet all the requirements of this subpart;

(B) all the information contained in the application is correct;

(C) there has been appropriate coordination with affected agencies; and

(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

SEC. 503. REVIEW OF APPLICATIONS.

The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

SEC. 504. RULES.

The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

SEC. 505. FORMULA.

(a) ALLOCATION AMONG STATES.—

(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

(i) the total population of a State to—

(ii) the total population of the United States; and

(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

(ii) the average annual number of such crimes reported by all States for such years.

(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a "minimum allocation State"), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

(A) allocate 0.25 percent of the total amount to each State; and

(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

(2) 40 percent shall be for grants to be allocated under subsection (d).

(c) ALLOCATION FOR STATE GOVERNMENTS.—

(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

(2) ALLOCATION.—

(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the "local amount"), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

(ii) but for this paragraph, the amount of funds allocated under this section to—

(I) any one such specified geographically constituent unit of local government exceeds 150 percent of

the amount allocated to the unit of local government certified pursuant to clause (i); or

(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term "geographically constituent unit of local government" means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent

crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(g) SPECIAL RULES FOR PUERTO RICO.—

(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term "unit of local government" means a district attorney or a parish sheriff.

SEC. 506. RESERVED FUNDS.

Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

SEC. 507. INTEREST-BEARING TRUST FUNDS.

(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

(b) EXPENDITURES.—

(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.

* * * * * * *

CHAPTER C—GENERAL REQUIREMENTS

APPLICATION REQUIREMENTS

SEC. 517. (a) No grant may be made under this subpart unless an application has been submitted to the Director in which the applicant—

(1) sets forth a program or project which is eligible for funding [pursuant to section 511 or 515] *pursuant to section 515*;

* * * * * * *

Subpart 3—Administrative Provisions

EVALUATION

SEC. 520. (a) To increase the efficiency and effectiveness of programs funded under this part, the National Institute of Justice shall—

(1) develop guidelines, in cooperation with the Bureau of Justice Assistance, to assist State and local units of government to conduct [the program evaluations as required by section 501(c) of this part] *program evaluations*; and

(2) conduct a reasonable number of comprehensive [evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part] *evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part*.

(b) In selecting programs for review, the Director of the National Institute of Justice should consider—

(1) * * *

(2) the cost of the program to be evaluated and the number of similar [programs funded under section 506 (formula grants) and section 511 (discretionary grants)] *programs funded under section 505 (formula grants)*;

* * * * * * *

REPORTS

SEC. 522. (a) Each State which receives a grant under section [506] *505* shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and [an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under sec-

tion 503] *an assessment of the impact of such activities on meeting the purposes of subpart 1*;

* * * * * * *

[PART F—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM

[AUTHORITY FOR PAYMENTS

[SEC. 601. In order to relieve overcrowding and substandard conditions at State and local correctional facilities, the Director of the Bureau of Justice Assistance (hereinafter in this part referred to as the "Director") is authorized to make grants to States, units of local government, and combinations of such units to assist in construction of correctional facility projects approved under this part, and in planning to relieve overcrowding and substandard conditions in correctional facilities.

[ELIGIBILITY

[SEC. 602. (a) A State, unit of local government, or combination of such units shall be eligible for assistance under this part for a correctional facility project only—

[(1) if the Director, with the concurrence of the Director of the National Institute of Corrections established in chapter 319 of title 18, United States Code, has made a determination that such project represents a prototype of new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement; and

[(2) for not more than one such project in any State per fiscal year.

[(b) A State, a unit of local government, or a combination of such units shall be eligible for assistance under this part for the development of a plan for relieving overcrowding or substandard conditions in correctional facilities operated by the State, a unit of local government, or a combination of such units. Such assistance shall not exceed 50 percent of the cost of developing the plan.

[APPLICATION; APPROVAL; PAYMENT

[SEC. 603. (a) A State, unit of local government, or combination of such units desiring to receive assistance under this part for a correctional facility project shall submit to the Director an application which shall include—

[(1) reasonable assurance that the applicant has developed an acceptable plan for reducing overcrowding and improving conditions of confinement in its correctional facilities and has implemented, or is in the process of implementing, such plan through legislative, executive, or judicial initiatives;

[(2) a detailed description of the correctional facility to be constructed, altered, or expanded, including a description of the site of such facility;

[(3) an estimate of the total cost of the construction of such project, including the amount of assistance requested for such project;

[(4) reasonable assurance that title to such site is or will be vested solely in the applicant, or another agency or instrumentality of the applicant;

[(5) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete; and

[(6) reasonable assurance that the applicant will comply with the standards and recommendations of the clearinghouse on the construction and modernization of correctional facilities established under section 606.

[(b)(1) The Director may approve any such application only if the Director finds that—

[(A) there are sufficient funds available to provide the assistance requested;

[(B) such assistance does not exceed 20 percent of the estimated total cost of construction;

[(C) the application contains such reasonable assurances as may be required under subsection (a); and

[(D) the eligibility criteria of section 602 are met.

[(2) In approving applications under this subsection, the Director shall consider the numbers and general characteristics of the inmate population (to include factors such as offenders' ages, offenses, average term of incarceration, and custody status), and the degree to which the applicant has implemented an inmate classification system which addresses the need for appropriate security assignment.

[(c) Upon approving an application under this section, the Director shall award the amount of assistance so approved, but in no event an amount greater than 20 percent of the cost of construction of the approved correctional facility project, and shall provide for payment to the applicant or, if designated by the applicant, any agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Director may determine. Funds paid under this subsection for the construction of an approved project shall be used solely for carrying out such project as so approved.

[(d) An amendment of any application shall be subject to approval in the same manner as an original application.

[RECAPTURE PROVISIONS

[SEC. 605. If, within 20 years after completion of any correctional facility project with respect to which assistance has been provided under this part, such facility ceases to be operated as a correctional facility, the United States may recover from the recipient of such assistance any amount not to exceed 20 percent of the then current value of such project (but in no event an amount greater than the amount of assistance provided under this part for such project), as determined by agreement with the parties or by action brought in the district court of the United States for the district in which such facility is situated.

[CLEARINGHOUSE ON THE CONSTRUCTION AND MODERNIZATION OF CRIMINAL JUSTICE FACILITIES

[SEC. 606. (a) The Director shall provide for the operation of a clearinghouse on the construction and modernization of correctional facilities, which shall collect, prepare, and disseminate to the public and to interested State and local public agencies information, including recommendations, pertaining to the construction and modernization of correctional facilities. Such information shall include information regarding—

[(1) new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement;

[(2) ways in which a construction planning program may be used to improve the administration of the criminal justice system within each State;

[(3) recommended minimum standards concerning construction materials and methods, to be updated from time to time to reflect technological advances;

[(4) the cost effectiveness of available construction materials, methods, and design technologies;

[(5) the training of correctional facility personnel; and

[(6) health and safety considerations in construction planning.

[(b) The Director is authorized to enter into contracts with private organizations and interagency agreements with the National Institute of Corrections, the National Institute of Justice, the Bureau of Justice Statistics, and other appropriate public agencies, to operate the clearinghouse required under this section.]

* * * * * * *

PART H—ADMINISTRATIVE PROVISIONS

CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

SEC. 801. (a) * * *

(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts E, M, N, O, and U in order to determine—

(1) * * *

* * * * * * *

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under subpart 1 of part E to submit an annual performance report concerning activities carried out pursuant to subpart 1 of part E together with an assessment by the applicant of the effectiveness of those activities in achieving [the purposes of section

501 of this title] *the purposes of such subpart 1* and the relationships of those activities to the needs and objectives specified by the applicant in [the application submitted pursuant to section 503 of this title] *the application submitted pursuant to section 502 of this title*. The Bureau shall suspend funding for an approved application under subpart 1 of part E if an applicant fails to submit such an annual performance report.

* * * * * * *

NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

SEC. 802. [(a)] Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this title has failed to comply substantially with—

(1) * * *

* * * * * * *

[(b) If any grant application submitted under subpart 1 of part E or under part M, N, O, or T of this title has been denied, or any grant under this title has been terminated, then the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, as appropriate, shall notify the applicant of its action and set forth the reason for the action taken. Whenever such an applicant requests a hearing, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics is authorized to take final action without a hearing if, after an administrative review of the denial of such application or termination of such grant, it is determined that the basis for the appeal, if substantiated, would not establish a basis for awarding or continuing of the grant involved. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

[(c) If the applicant involved is dissatisfied with the findings and determinations of the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.]

FINALITY OF DETERMINATIONS

SEC. 803. In carrying out the functions vested by this title in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall[, after reasonable notice and opportunity for a hearing,] be final and conclusive upon all applications[, except as otherwise provided herein].

[APPELLATE COURT REVIEW

[SEC. 804. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 802, 803, or 809(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate.

[(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall files such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

[(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.]

* * * * * * *

TITLE TO PERSONAL PROPERTY

SEC. 808. Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to [the State office described in section 507 or 1408] *the State office responsible for the trust fund required by section 507, or the State office described in section 1408,* as the case may be, of this title that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

* * * * * * *

CONFIDENTIALITY OF INFORMATION

Sec. 812. (a) [Except as provided by Federal law other than this title, no] *No* officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

* * * * * * *

PART I—DEFINITIONS

DEFINITIONS

SEC. 901. (a) As used in this title—

(1) * * *

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands: *Provided,* That for the purposes of section [506(a)] *505(a),* American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes 67 per centum of the amounts allo-

cated shall be allocated to American Samoa, and 33 per centum to the Commonwealth of the Northern Mariana Islands.

(3) "unit of local government" means—

(A) * * *

* * * * * * *

(C) an Indian Tribe [(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))] that performs law enforcement functions, as determined by the Secretary of the Interior; or

* * * * * * *

(5) "combination" as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice [program or project] *program, plan, or project*;

* * * * * * *

(11) "neighborhood or community-based organizations" means organizations [which]*, including faith-based, that* are representative of communities or significant segments of communities;

* * * * * * *

(24) the term "young offender" means a non-violent first-time offender or a non-violent offender with a minor criminal record who is 22 years of age or younger (including juveniles); [and]

(25) the term "residential substance abuse treatment program" means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) * * *

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems[.]*;*

(26) the term "Indian Tribe" has the meaning given the term "Indian tribe" in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

(27) the term "private person" means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).

* * * * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * * * *

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until [expended—

[(i) $1,332,000,000 for fiscal year 1995;

[(ii) $1,850,000,000 for fiscal year 1996;

[(iii) $1,950,000,000 for fiscal year 1997;
[(iv) $1,700,000,000 for fiscal year 1998;
[(v) $1,700,000,000 for fiscal year 1999; and
[(vi) $268,000,000 for fiscal year 2000] *expended $1,047,119,000 for each of fiscal years 2006 through 2009*.

(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section [1701(f)] *1701(d)* or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. [Of the funds available in relation to grants under part Q, at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q.] In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

* * * * * * *

(18) There is authorized to be appropriated to carry out part T [$185,000,000 for each of fiscal years 2001 through 2005] *$215,000,000 for each of fiscal years 2006 through 2010*.

(19) There is authorized to be appropriated to carry out part U [$65,000,000 for each of fiscal years 2001 through 2005.] *$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.*

* * * * * * *

(23) There are authorized to be appropriated to carry out part Y, $25,000,000 for each of fiscal years 1999 through 2001, and $50,000,000 for each of fiscal years 2002 through [2007] *2009*.

* * * * * * *

PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Subpart 1—Death Benefits

PAYMENTS

SEC. 1201. (a) In any case in which the Bureau of Justice Assistance (hereinafter in this part referred to as the "Bureau") determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of $250,000, adjusted in accordance with subsection (h), as follows:

(1) * * *

* * * * * * *

[(4) if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or]

(4) if there is no surviving spouse or surviving child—

(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or

* * * * * * *

(m) In any case in which the Bureau paid, before the date of the enactment of Public Law 107–196, any benefit under this part to an individual who—

(1) before the enactment of that law was entitled to receive that benefit; and

(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.

LIMITATIONS

SEC. 1202. No benefit shall be paid under this part—

(1) * * *

* * * * * * *

(5) *with respect* to any individual employed in a capacity other than a civilian capacity.

* * * * * * *

DEFINITIONS

SEC. 1204. As used in this part—

(1) * * *

* * * * * * *

(4) "firefighter" includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department [and an officially recognized or designated public employee member of a rescue squad or ambulance crew;]*;*

* * * * * * *

(7) "member of a rescue squad or ambulance crew" means an officially recognized or designated public employee member of a rescue squad or ambulance crew;

[(7)**]** *(8)* "public agency" means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, agency, or instrumentality of any of the foregoing; and

[(8)**]** *(9)* "public safety officer" means—

(A) * * *

* * * * * * *

PART M—REGIONAL INFORMATION SHARING SYSTEMS

SEC. 1301. REGIONAL INFORMATION SHARING SYSTEMS GRANTS.

(a) * * *

(b) Grants and contracts awarded under this part shall be made for—

(1) maintaining and operating *regional* information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;

* * * * * * *

[(3) establishing and maintaining a telecommunication of the information sharing and analytical programs in clauses (1) and (2);**]**

(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;

(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and **[**(5)**]**

* * * * * * *

PART O—RURAL DRUG ENFORCEMENT

OTHER REQUIREMENTS

* * * * * * *

SEC. 1502. Subparts 1 and 3 of part E of this title shall apply with respect to funds appropriated to carry out this part, in the same manner as such subparts apply to funds appropriated to carry out part E, except that—

(1) section **[**506(a)**]** *505(a)* of this title shall not apply with respect to this part; and

(2) in addition to satisfying the requirements of section **[**503(a)**]** *502*, each application for a grant under this part shall include in its application a statement specifying how such

grant will be coordinated with a grant received under section [506] *505* of this title for the same fiscal year.

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PART P—CRIMINAL CHILD SUPPORT ENFORCEMENT

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SEC. 1602. STATE APPLICATIONS.

(a) * * *

(b) STATE OFFICE.—[The office designated under section 507 of title I] *The office responsible for the trust fund required by section 507—*

(1) * * *

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PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; "COPS ON THE BEAT"

SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

[(a) GRANT AUTHORIZATION.—The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.]

(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).

[(b) REHIRING, HIRING, AND INITIAL REDEPLOYMENT GRANT PROJECTS.—

[(1) IN GENERAL.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

[(A) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

[(B) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation; and

[(C) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in subparagraph (A) or (B).

[(2) GRANTS FOR EQUIPMENT, TECHNOLOGY, AND SUPPORT SYSTEMS.—Grants pursuant to paragraph (1)(C)—

[(A) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.

[(B) may not be awarded in fiscal years 1998, 1999, or 2000 unless the Attorney General has certified that grants awarded in fiscal years 1995, 1996, and 1997 pursuant to subparagraph (1)(C) have resulted in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that have resulted from the grants in like amounts awarded in fiscal years 1995, 1996, and 1997 pursuant to paragraph (1) (A) and (B).

[(c) TROOPS-TO-COPS PROGRAMS.—

[(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

[(2) DEFINITION.—In this subsection, "former member of the Armed Forces" means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.]

[(d) ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—] *(b) USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—*

(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

(B) security assessments;

(C) security training of personnel and students;

(D) coordination with local law enforcement; and

(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

(5) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;

[(1)] *(6)* increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

[(2)] *(7)* provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem

solving, service, and other skills needed to work in partnership with members of the community;

[(3)**]** *(8)* increase police participation in multidisciplinary early intervention teams;

[(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;**]**

(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;

[(5)**]** *(10)* develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

[(6)**]** *(11)* establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

[(7)**]** *(12)* establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

[(8)**]** *(13)* establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;

[(9)**]** *(14)* develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

[(10)**]** *(15)* assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;

[(11)**]** *(16)* establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; and

[(12)**]** *(17)* support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing.

[(e)**]** *(c)* PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to

applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection [(i)] *(g)*.

[(f)] *(d)* TECHNICAL ASSISTANCE.—

(1) * * *

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[(g)] *(e)* UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

[(h)] *(f)* MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, "qualifying State" means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

[(i)] *(g)* MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

[(j)] *(h)* ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

[(k)] *(i)* TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

SEC. 1702. APPLICATIONS.

(a) * * *

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(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies **[**and reflects consideration of the statewide strategy under section 503(a)(1)**]**;

* * * * * * *

(d) SPECIAL PROVISIONS.—

(1) * * *

(2) SMALL GRANT AMOUNT.—Notwithstanding any other provision of this part, in relation to applications under section **[**1701(d)**]** *1701(b)* for grants of less than $1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

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PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

SEC. 1801. PROGRAM AUTHORIZED.

(a) * * *

(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

(1) * * *

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[(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;**]**

(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include reseach-based bullying and gang prevention programs;

* * * * * * *

(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; **[**or**]**

(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming**[**.**]***; or*

(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.

* * * * * * *

SEC. 1802. GRANT ELIGIBILITY.

(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

(1) information about—

(A) * * *

(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part*, including the extent to which evidence-based approaches are utilized*; and

* * * * * * *

(b) LOCAL ELIGIBILITY.—

(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

(A) information about—

(i) * * *

(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part*, including the extent to which evidence-based approaches are utilized*; and

* * * * * * *

SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $350,000,000 for each of fiscal years **[**2002 through 2005**]** *2006 through 2009*.

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PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

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SEC. 1902. STATE APPLICATIONS.

(a) * * *

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(e) STATE OFFICE.—**[**The Office designated under section 507**]** *The office responsible for the trust fund required by section 507*—

(1) * * *

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SEC. 1904. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) * * *

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(d) DEFINITION.—In this section, the term "jail-based substance abuse treatment program" means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

(1) directed at the substance abuse problems of the prisoners; and

(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.

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PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a provision authorizing or requiring the Department of Justice to make grants, or to carry out other activities, for assistance to victims of domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, shall be construed to cover grants that provide assistance to female victims, male victims, or both.

SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

(a) IN GENERAL.—In this part, and in any violence against women provision, unless the context unequivocally requires otherwise, the following definitions apply:

(1) COURTS.—The term "courts" means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

(2) CHILD MALTREATMENT.—The term "child maltreatment" means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

(3) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means an organization that—

(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

(4) COURT-BASED AND COURT-RELATED PERSONNEL.—The term "court-based" and "court-related personnel" mean persons working in the court, whether paid or volunteer, including—

(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

(B) court security personnel;

(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

(5) DOMESTIC VIOLENCE.—The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or minor victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

(6) DATING PARTNER.—The term "dating partner" refers to a person who is or has been in an ongoing social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

(A) the length of the relationship;

(B) the type of relationship; and

(C) the frequency of interaction between the persons involved in the relationship.

(7) DATING VIOLENCE.—The term "dating violence" means violence committed by a person—

(A) who is or has been in an ongoing social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

(8) ELDER ABUSE.—The term "elder abuse" means any action against a person who is 60 years of age or older that constitutes the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

(9) INDIAN.—The term "Indian" means a member of an Indian tribe.

(10) INDIAN HOUSING.—The term "Indian housing" means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).

(11) INDIAN TRIBE.—The term "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(12) INDIAN LAW ENFORCEMENT.—The term "Indian law enforcement" means the departments or individuals under the direction of the Indian tribe that maintain public order.

(13) LAW ENFORCEMENT.—The term "law enforcement" means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

(14) LEGAL ASSISTANCE.—The term "legal assistance"—

(A) includes assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

(i) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy, subject to subparagraph (B); and

(B) does not include representation of a defendant in a criminal or juvenile proceeding.

(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term "linguistically and culturally specific services" means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term "personally identifying information" or "personal information" means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

(A) a first and last name;

(B) a home or other physical address;

(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

(D) a social security number; and

(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

(17) PROSECUTION.—The term "prosecution" means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term "protection order" or "restraining order" includes—

(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(19) RURAL AREA AND RURAL COMMUNITY.—The terms "rural area" and "rural community" mean—

(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

(B) any area or community, respectively, that is—

(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

(ii) located in a rural census tract.

(20) RURAL STATE.—The term "rural State" means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

(21) SEXUAL ASSAULT.—The term "sexual assault" means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

(22) STALKING.—The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

(23) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(24) STATE DOMESTIC VIOLENCE COALITION.—The term "State domestic violence coalition" means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

(25) STATE SEXUAL ASSAULT COALITION.—The term "State sexual assault coalition" means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term "territorial domestic violence or sexual assault coalition" means a program addressing domestic violence that is—

(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

(27) TRIBAL COALITION.—The term "tribal coalition" means—

(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

(28) TRIBAL GOVERNMENT.—The term "tribal government" means—

(A) the governing body of an Indian tribe; or

(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(29) TRIBAL ORGANIZATION.—The term "tribal organization" means—

(A) the governing body of any Indian tribe;

(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which in-

cludes the maximum participation of Indians in all phases of its activities; or

(C) any tribal nonprofit organization.

(30) UNDERSERVED POPULATIONS.—The term "underserved populations" includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

(31) VICTIM ADVOCATE.—The term "victim advocate" means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

(32) VICTIM ASSISTANT.—The term "victim assistant" means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term "victim services" or "victim service provider" means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work, or a demonstrated capacity to work effectively in collaboration with an organization with a documented history of effective work, concerning domestic violence, dating violence, sexual assault, or stalking.

(34) YOUTH.—The term "youth" means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

(b) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term "violence against women provision" means any provision required by law to be carried out by or through the Violence Against Women Office.

SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

(a) IN GENERAL.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

(1) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

(A) IN GENERAL.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking, and their families, each grantee and subgrantee shall reasonably protect the confidentiality and privacy of persons receiving services.

(B) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—

(i) disclose any personally identifying information or individual information collected in connection with

services requested, utilized, or denied through grantees' and subgrantees' programs; or

(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate or is requested by a Member of Congress—

(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) INFORMATION SHARING.—Grantees and subgrantees may share—

(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; and

(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for investigation, prosecution, and enforcement purposes.

(2) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

(3) NON-SUPPLANTATION.—Any Federal funds received under the grant program shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities carried out under the grant.

(4) USE OF FUNDS.—Funds authorized and appropriated under the grant program may be used only for the specific purposes described in the grant program and shall remain available until expended.

(5) EVALUATION.—Grantees must collect data for use to evaluate the effectiveness of the program (or for use to carry out related research), pursuant to the requirements described in paragraph (1)(D).

(6) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

(7) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph shall

not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

(b) VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term "violence against women grant program" means any grant program required by law to be carried out by or through the Violence Against Women Office.

SEC. 2001. PURPOSE OF THE PROGRAM AND GRANTS.

(a) * * *

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women**[**, and specifically, for the purposes of—**]** *to develop and strengthen victim services in cases involving violent crimes against women, including collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking, and specifically only for the purposes of—*

(1) * * *

* * * * * * *

(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, *supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking,* and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, domestic violence, and dating violence;

* * * * * * *

(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals; **[**and**]**

* * * * * * *

(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families; and

(13) supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to im-

prove the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.

* * * * * * *

(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.

* * * * * * *

SEC. 2007. 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, nonprofit nongovernmental victim services programs, and Indian tribal governments] for the purposes described in section 2001(b).

(b) AMOUNTS.—Of the amounts appropriated for the purposes of this part—

(1) [5] *10* percent shall be available for grants to Indian tribal governments;

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to [1/54] *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 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, [and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54] *Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56* of the total amount made available under this paragraph for each fiscal year;

(4) [1/54] *1/56* shall be available for grants under section 2001(d);

(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 (not including populations of Indian tribes)**[**.**]***; and*

(7) such funds shall remain available until expended.

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

(1) * * *

(2) 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 racial and ethnic minorities and other underserved populations*;

(3) of the amount granted—

(A) not less than 25 percent shall be allocated to **[**police**]** *law enforcement* and not less than 25 percent shall be allocated to prosecutors;

(B) 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 organizations*; and

* * * * * * *

(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 shall apply to grants made under this part. In addition, each application *submitted by a State* shall include the certifications of qualification required by subsection (c), including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2). **[**An application**]** *In addition, each application submitted by a State or tribal government* shall include—

(1) * * *

(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 2010; **[**and**]**

(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 2011**[**.**]***; and*

(4) a memorandum of understanding showing that tribal, territorial, State, or local prosecution, law enforcement, and court and victim service provider subgrantees have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.

(e) DISBURSEMENT.—

(1) * * *

(2) REGULATIONS.—In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will—

(A) * * *

* * * * * * *

[(D) recognize and address the needs of underserved populations.]

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

* * * * * * *

(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence, sexual assault, stalking, and dating violence.

(2) INDIAN TRAINING.—The Director of the Violence Against Women Office shall ensure that training, technical assistance, and data collection regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.

(j) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—As a condition of receiving grant amounts under this part, the recipient shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal, or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.

* * * * * * *

SEC. 2009. GENERAL TERMS AND CONDITIONS.

(a) * * *

(b) REPORTING.—[Not later than 180 days after the end of each fiscal year for which grants are made under this part, the Attorney General shall submit] *Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit* to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) * * *

* * * * * * *

SEC. 2010. RAPE EXAM PAYMENTS.

(a) * * *

* * * * * * *

(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

* * * * * * *

SEC. 2012. POLYGRAPH TESTING PROHIBITION.

In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case.

SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEES.

No matching funds shall be required for a grant or subgrant made under this part, if made—

(1) to a law enforcement agency having fewer than 20 officers;

(2) to a victim service provider having an annual operating budget of less than $5,000,000; or

(3) to any entity that the Attorney General determines has adequately demonstrated financial need.

SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

(a) PURPOSE.—The purposes of this section are—

(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

(A) adult, youth, and minor victims of sexual assault;

(B) family and household members of such victims; and

(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

(B) professionals working in legal, social service, and health care settings;

(C) nonprofit organizations;

(D) faith-based organizations; and

(E) other individuals and organizations seeking such assistance.

(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and Indian tribes, tribal organizations, and non-profit tribal organizations within Indian country and Alaskan native villages for the establishment, maintenance and expansion of rape crisis centers or other programs and projects to assist those victimized by sexual assault.

(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of community-based organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault.

(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to culturally specific community-based organization that—

(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

(2) AWARD BASIS.—The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than 3 fiscal years.

(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

(1) 24 hour hotline services providing crisis intervention services and referrals;

(2) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

(4) support mechanisms that are culturally relevant to the community;

(5) information and referral to assist the sexual assault victim and family or household members;

(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

(7) Collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault;

(8) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (A) through (G).

(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control Office in collaboration with the Violence Against Women Office of the Department of Justice.

(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection because such entity has not previously applied or received funding under this subsection.

(f) COALITION ACTIVITIES AUTHORIZED.—Grant Funds received under subsection (e) may be used to—

(1) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or Indian tribe;

(2) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

(3) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

(4) design and conduct public education campaigns;

(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

(g) APPLICATION.—

(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

(2) Each eligible entity desiring a grant under subsection (b) shall include—

(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

(B) a plan for an equitable distribution of grants and grant funds within the State, territory or tribal area and

between urban and rural areas within such State or territory;

(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

(h) REPORTING.—

(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring and administrative costs under this section;

(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and sub- grantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5% for administrative costs;

(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

(E) not less than 10 percent shall be used for making grants to state, territorial and tribal coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to

the population of the combined States, or for territories, the population of the combined territories.

SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.

(a) GRANTS AUTHORIZED.—The Attorney General may award grants to appropriate entities—

(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older;

(2) to improve the physical accessibility of existing buildings in which services are or will be rendered for victims of domestic violence and sexual assault who are 50 years of age or older;

(3) to provide training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and to enhance direct services to such individuals;

(4) for training programs to assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

(5) for multidisciplinary collaborative community responses to victims.

(b) USE OF FUNDS.—Grant funds under this section may be used—

(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

(A) the Americans with Disabilities Act of 1990; and

(B) section 504 of the Rehabilitation Act of 1973;

(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

(8) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault through collaborative partnerships between—

(A) nonprofit, nongovernmental agencies;

(B) governmental agencies serving individuals with disabilities; and

(C) victim service organizations; or

(9) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

(c) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

(A) a State;

(B) a unit of local government;

(C) a nonprofit, nongovernmental organization such as a victim services organization, an organization serving individuals with disabilities or a community-based organization; and

(D) a religious organization.

(2) LIMITATION.—A grant awarded for the purposes described in subsection (b) (9) shall be awarded only to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f—5)).

(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(e) REPORTING.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.

SEC. 2016. TRIBAL DIVISION.

(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

(6) providing assistance to the Department of Justice to develop policy and to enforce Federal law relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

(7) maintaining a liaison with the judicial branches of Federal, State and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

(b) AUTHORITY.—

(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are based upon the unique circumstances of the members of Indian tribes to be served;

(C) development of tribal educational awareness programs and materials;

(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against memberes of Indian tribes; and

(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the "Director"), shall take such setasides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6), Legal Assistance for Vicitms.

(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

(G) Section 2014(b) Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

(b) PURPOSE OF PROGRAM AND GRANTS.—

(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of members of Indian tribes consistent with tribal law and custom, specifically the following:

(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

(1) disburse the appropriate sums provided for under this section; or

(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

(d) REQUIRED PROCEDURES.—

(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

(A) publish in the Federal Register notification of—

(i) the availability of those funds to Indian tribes;

(ii) the total amount of funds available; and

(iii) the process by which tribes may participate in the program; and

(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

(3) FORMULA.—The Director shall distribute those funds according to the following formula: —

(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds,

(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall

set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more tribal organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary pratices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

(e) RECIPIENT REQUIREMENTS.—

(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

(3) SET ASIDE.—Participating tribes must set aside no less than 50 percent of their total allocation under this section for tribally specific domestic violence, dating violence, sexual assault, or stalking victim services and advocacy for members of Indian tribes. The services supported with funds under the program must be designed to address the unique circumstances of the individuals to be served, including the customary practices and linguistic needs of the individuals within the tribal community to be served. Tribes shall give preference to tribal organizations or tribal nonprofit organizations providing advocacy services to members of Indian tribes within the community to be served such as a safety center or shelter program for members of Indian tribes. In the case where the above organizations do not exist within the participating tribe, the participation and support from members of Indian tribes in the community to be served is sufficient to meet this requirement.

(f) ADMINISTRATION REQUIREMENTS.—

(1) APPLICATION.—To reduce the administrative burden for Indian tribes, the Director shall prepare an expedited application process for Indian tribes participating in the program required by this section. The expedited process shall facilitate participating tribes' submission of information—

(A) outlining project activities;

(B) describing how the project activities will enhance the Indian tribe's response to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

(C) identifying the tribal partner providing advocacy and related services for members of Indian tribes who are victims of crimes of domestic violence, dating violence, sexual assault, and stalking.

(2) REPORTING AND EVALUATION.—The Director shall alleviate administrative burdens upon participating Indian tribes by—

(A) developing a reporting and evaluation process relevant to the distinct governance of Indian tribes;

(B) requiring only essential data to be collected; and

(C) limiting reporting to an annual basis.

(3) GRANT PERIOD.—The Director shall award grants for a two-year period, with a possible extension of another two years to implement projects under the grant.

(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

(1) the development and delivery of services to members of Indian tribes who are victimized;

(2) the development and implementation of tribal governmental responses to such crimes; and

(3) the traditional and customary practices of Indian tribes to such crimes.

PART U—GRANTS TO ENCOURAGE ARREST POLICIES

SEC. 2101. GRANTS.

(a) PURPOSE.—The purpose of this part is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government [to treat domestic violence as a serious violation] *to treat domestic violence, dating violence, sexual assault, and stalking as serious violations* of criminal law.

(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible States, Indian tribal governments, State*, tribal, territorial,* and local courts (including juvenile courts), or units of local government for the following purposes:

(1) To implement [mandatory arrest or] proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

(2) To develop policies, educational programs, *protection order registries,* and training in police departments to improve tracking of cases involving [domestic violence and dating violence.] *domestic violence, dating violence, sexual assault, and*

stalking. Such policies, educational programs, registries, and training shall incorporate confidentiality and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for [domestic violence cases] *domestic violence, dating violence, sexual assault, and stalking cases* in [groups] *teams* or units of police officers, prosecutors, parole and probation officers, or judges.

* * * * * * *

(5) To strengthen legal advocacy service programs for victims of [domestic violence and dating violence] *domestic violence, dating violence, sexual assault, and stalking*, including strengthening assistance to such victims in immigration matters.

(6) To educate judges in criminal and [other] *civil* courts (including juvenile courts) about domestic violence*, dating violence, sexual assault, and stalking* and to improve judicial handling of such cases.

* * * * * * *

(9) To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protection order enforcement and to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

(10) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

(11) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.

(12) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

(c) ELIGIBILITY.—Eligible grantees are States, Indian tribal governments State and local courts (including juvenile courts),, or units of local government that—

(1) * * *

* * * * * * *

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; [and]

(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction[.]*; and*

(5) certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that—

(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging or prosecution of such an offense; and

(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense.

[(d) DEFINITION.—In this section, the term "protection order" has the meaning given the term in section 2266 of title 18, United States Code.

[(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.]

(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.

SEC. 2102. APPLICATIONS.

(a) * * *

(b) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence*, dating violence, sexual assault, or stalking* by police, prosecutors, and courts;

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence*, dating violence, sexual assault, or stalking*, including the en-

forcement of protection orders from other States and jurisdictions (including tribal jurisdictions);

* * * * * * *

SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence and dating violence.

[PART AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY

[SEC. 2701. PROGRAM AUTHORIZED.

[(a) IN GENERAL.—The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

[(b) USES OF FUNDS.—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

[(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

[(2) Security assessments.

[(3) Security training of personnel and students.

[(4) Coordination with local law enforcement.

[(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

[(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

[(d) MATCHING FUNDS.—

[(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

[(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

[(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

[(e) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Attorney General shall ensure, to the extent practicable,

an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

[(f) ADMINISTRATIVE COSTS.—The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

[SEC. 2702. APPLICATIONS.

[(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

[(1) include a detailed explanation of—

[(A) the intended uses of funds provided under the grant; and

[(B) how the activities funded under the grant will meet the purpose of this part; and

[(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

[(A) consistent with a comprehensive approach to preventing school violence; and

[(B) individualized to the needs of each school at which those improvements are to be made.

[(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

[SEC. 2703. ANNUAL REPORT TO CONGRESS.

[Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

[SEC. 2704. DEFINITIONS.

[For purposes of this part—

[(1) the term "school" means a public elementary or secondary school;

[(2) the term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

[(3) the term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

[SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this part $30,000,000 for each of fiscal years 2001 through 2003.]

* * * * * * *

PART EE—DRUG COURTS

SEC. 2951. GRANT AUTHORITY.

(a) IN GENERAL.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for adult drug courts, juvenile drug courts, family drug courts, and tribal drug courts that involve—

(1) continuing judicial supervision over [offenders with substance abuse problems] *offenders, and other individuals under the jurisdiction of the court, with substance abuse problems* who are not violent offenders;

* * * * * * *

SEC. 2953. DEFINITION.

(a) * * *

(b) DEFINITION FOR PURPOSES OF JUVENILE DRUG COURTS.—For purposes of juvenile drug courts, the term "violent offender" means a juvenile who has been convicted of, or adjudicated delinquent for, [an offense that] *a felony-level offense that*—

(1) * * *

* * * * * * *

SEC. 2957. DISTRIBUTION AND ALLOCATION.

(a) * * *

[(b) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this part have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this part not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this part.]

(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.

* * * * * * *

ANTI CAR THEFT ACT OF 1992

* * * * * * *

TITLE I—TOUGHER LAW ENFORCEMENT AGAINST AUTO THEFT

* * * * * * *

[Subtitle B—Targeted Law Enforcement

[SEC. 130. GRANT AUTHORIZATION.

[(a) PURPOSE.—The purpose of this subtitle is to supplement the provisions of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to help the States to curb motor vehicle thefts and the related violence.

[(b) GRANTS.—The Director of the Bureau of Justice Assistance shall make grants to Anti Car Theft Committees submitting applications in compliance with the requirements of this subtitle.

[SEC. 131. APPLICATION.

[(a) SUBMISSION.—To be eligible to receive a grant under this subtitle, a chief executive of an Anti Car Theft Committee shall submit an application to the Director of the Bureau of Justice Assistance.

[(b) CONTENT.—The application submitted under subsection (a) shall include the following:

[(1) A statement that the applicant Anti Car Theft Committee is either a State agency or an agency of a unit of local government.

[(2) A statement that the applicant Anti Car Theft Committee is or will be financed in part (A) by a fee on motor vehicles registered by the State or possessed or insured within the State (and that such fee is not less than $1 per vehicle), or (B) in the same manner and to the same extent as is a similar program financed and implemented in a State like Michigan.

[(3) An assurance that Federal funds received under a grant under this subtitle shall be used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under such grant.

[(4) A statement that the resources of the applicant Anti Car Theft Committee will be devoted entirely to combating motor vehicle theft, including any or all of the following:

[(A) Financing law enforcement officers or investigators whose duties are entirely or primarily related to investigating cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

[(B) Financing prosecutors whose duties are entirely or primarily related to prosecuting cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

[(C) Motor vehicle theft prevention programs, including vehicle identification number etching programs, programs implemented by law enforcement agencies and designed to enable the electronic tracking of stolen automobiles, and programs designed to prevent the export of stolen vehicles.

[(5) A description of the budget for the applicant Anti Car Theft Committee for the fiscal year for which a grant is sought.

[SEC. 132. AWARD OF GRANTS.

[(a) IN GENERAL.—The Director shall allocate to each State a proportion of the total funds available under this subtitle that is equal to the proportion of the number of motor vehicles registered in such State to the total number of motor vehicles registered in

the United States. The Director shall ensure that all applicant States have an opportunity to receive grants from an available appropriation. Any State that has not met the requirements described in section 203 of this Act shall be excluded from any allocation under this subsection.

[(b) GRANT AMOUNTS.—If one Anti Car Theft Committee within a State submits an application in compliance with section 131, the Director shall award to such Anti Car Theft Committee a grant equal to the total amount of funds allocated to such State under this section. In no case shall the Anti Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti Car Theft Committee.

[(c) MULTIPLE COMMITTEES.—If two or more Anti Car Theft Committees within a State submit applications in compliance with section 131, the Director shall award to such Anti Car Theft Committees grants that in sum are equal to the total amount of funds allocated to such State under this section. In no case shall an Anti Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti Car Theft Committee. The Director shall allocate funds among two or more Anti Car Theft Committees with a State according to the proportion of the preaward budget of each Anti Car Theft Committee to the total preaward budget for all grant recipient Anti Car Theft Committees within such State.

[(d) RENEWAL OF GRANTS.—Subject to the availability of funds, a grant under this subtitle may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives an initial grant under this subtitle if the Director determines that the funds made available to the recipient during the previous year were used in the manner required under the approved application.

[SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $10,000,000 to carry out this subtitle for each of the fiscal years 1993, 1994, and 1995.]

* * * * * * *

SECTION 102 OF THE CRIME INDENTIFICATION TECHNOLOGY ACT OF 1998

SEC. 102. STATE GRANT PROGRAM FOR CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION.

(a) * * *

* * * * * * *

(c) ASSURANCES.—

(1) * * *

(2) INFORMATION SHARING.—Such assurances shall include a provision that ensures that a statewide strategy for information sharing systems is underway, or will be initiated, to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. The strategy shall be prepared after consultation with State and local officials with emphasis on the rec-

ommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and shall contain—

(A) * * *

* * * * * * *

(G) a plan for coordinating the programs funded under this title with other federally funded information technology programs, including directly funded local programs [such as the Local Law Enforcement Block Grant program (described under the heading "Violent Crime Reduction Programs, State and Local Law Enforcement Assistance" of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) and the M.O.R.E. program] *such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program* established pursuant to part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

* * * * * * *

SECTION 3 OF THE PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2001

SEC. 3. MEDAL OF VALOR BOARD.

(a) * * *

* * * * * * *

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal of Valor Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board shall not be required to select any recipients but may not select [more than 5 recipients] *more than 5 individuals, or groups of individuals, as recipients*. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this Act.

* * * * * * *

SECTION 609M OF THE JUSTICE ASSISTANCE ACT 1984

SEC. 609M. (a) * * *

(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall, after consultation with [the Director of the Office of Justice Assistance] *the Assistant Attorney General for the Office of Justice Programs* and appropriate members of the Federal law enforcement community, approve or

disapprove such application not later than 10 days after receiving such application.

* * * * * * *

VICTIMS OF CRIME ACT OF 1984

CHAPTER XIV—VICTIM COMPENSATION AND ASSISTANCE

SEC. 1401. This chapter may be cited as the "Victims of Crime Act of 1984".

CRIME VICTIMS FUND

SEC. 1402. (a) * * *

(b) Except as limited by subsection (c), there shall be deposited in the Fund—

(1) * * *

* * * * * * *

(5) any gifts, bequests, or donations to the Fund from private entities or individuals**[**.**]**, *which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—*

(A) attaches conditions inconsistent with applicable laws or regulations; or

(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.

* * * * * * *

(d) The Fund shall be available as follows:

(2) * * *

* * * * * * *

(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund in response to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts **[**expended**]** *obligated* from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

* * * * * * *

(g)(1) The Attorney General**[**, acting through the Director,**]** shall use 15 percent of the funds available under subsection (d)(2) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve—

(A) * * *

* * * * * * *

(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.

[(2)**]** *(3)* As used in this subsection, the term "tribe" has the meaning given that term in section 4(b) of the Indian Self-Determination and Education Assistance Act.

* * * * * * *

CRIME VICTIM COMPENSATION

SEC. 1403. (a)(1) * * *

* * * * * * *

(3) Not more than 5 percent of a grant made under this section may be used for *training purposes and* the administration of the State crime victim compensation program receiving the grant.

* * * * * * *

CRIME VICTIM ASSISTANCE

SEC. 1404. (a) * * *
(b)(1) * * *

* * * * * * *

(3) Not more than 5 percent of sums received under subsection (a) may be used for *training purposes and* the administration of the State crime victim assistance program receiving such sums.

* * * * * * *

(c)(1) The Director**[**,**]** shall make grants—

(A) for demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs; **[**and**]**

(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs**[**.**]***; and*

(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.

(2) Of the amount available for grants under this subsection—

(A) not less than 50 percent shall be used for grants under **[**paragraph (1)(A)**]** *paragraphs (1)(A) and (1)(C)*; **[**and**]**

(B) not more than 50 percent shall be used for grants under paragraph (1)(B)**[**.**]***; and*

(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).

* * * * * * *

VIOLENCE AGAINST WOMEN ACT OF 1994

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 40001. SHORT TITLE.

This title may be cited as the "Violence Against Women Act of 1994".

* * * * * * *

Subtitle A—Safe Streets for Women

* * * * * * *

CHAPTER 1—FEDERAL PENALTIES FOR SEX CRIMES

* * * * * * *

[SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

[There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.]

SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.

* * * * * * *

CHAPTER 5—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

SEC. 40152. TRAINING PROGRAMS.

(a) * * *

* * * * * * *

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) $1,000,000 for fiscal year 1996; and

[(2) $1,000,000 for fiscal year 1997.]

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

* * * * * * *

Subtitle B—Safe Homes for Women

* * * * * * *

CHAPTER 10—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

* * * * * * *

[SEC. 40295. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

[(a) GRANTS.—The Attorney General may make grants to States, Indian tribal governments, and local governments of rural States, and to other public or private entities of rural States—

[(1) to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2)) and child abuse;

[(2) to provide treatment, counseling, and assistance to victims of domestic violence and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2)) and child abuse, including in immigration matters; and

[(3) to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

[(b) DEFINITIONS.—In this section—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["rural State" has the meaning stated in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(B)).

[(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.

[(2) ADDITIONAL FUNDING.—In addition to funds received under a grant under subsection (a), a law enforcement agency may use funds received under a grant under section 103 to accomplish the objectives of this section.

[(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.]

SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

(a) PURPOSES.—The purposes of this section are—

(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration between—

(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

(B) law enforcement agencies;

(C) prosecutors;

(D) courts;

(E) other criminal justice service providers;

(F) human and community service providers;

(G) educational institutions; and

(H) health care providers;

(2) to establish and expand nonprofit, nongovernmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

(3) to increase the safety and well-being of women and children in rural communities, by—

(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the "Director"), may award 3-year grants, with a possible extension for an additional 3 years, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

(1) implementing, expanding, and establishing cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

(2) providing treatment, counseling, and other long- and short-term assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

(d) ALLOTMENTS AND PRIORITIES.—

(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

(i) 30 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section;

(ii) 35 percent, for any fiscal year for which $50,000,000 or more is made available to carry out this section; or

(iii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.

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Subtitle F—National Stalker and Domestic Violence Reduction

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SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $3,000,000 for each of fiscal years [2001] *2006* through [2005] *2010*.

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SEC. 40610. REPORT TO CONGRESS.

[The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides] *Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides* information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

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Subtitle J—Violence Against Women Act Court Training and Improvements

SEC. 41001. SHORT TITLE.

This subtitle may be cited as the "Violence Against Women Act Court Training and Improvements Act of 2005".

SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

(1) improved internal civil and criminal court functions, responses, practices, and procedures;

(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law;

(4) to enable courts or court-based or court-related programs to develop new or enhance current—

(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases);

(B) community-based initiatives within the court system (such as court watch programs, victim advocates, or community-based supplementary services);

(C) offender management, monitoring, and accountability programs;

(D) safe and confidential information-storage and -sharing databases within and between court systems;

(E) education and outreach programs (such as interpreters) to improve community access, including enhanced access for racial and ethnic communities and racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968); and

(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

(5) to provide training, technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs.

(6) to provide training for specialized service providers, such as interpreters.

(b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

(c) EVALUATION.—

(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

(a) NATIONAL CURRICULA.—

(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

(A) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

(B) if the primary grantee does not have demonstrated expertise such issues, the curricula shall be developed by the primary grantee in partnership with an organization having such expertise.

(b) TRIBAL CURRICULA.—

(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

(A) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 to 2010.

(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve youth victims of dating violence, domestic violence, sexual assault, and stalking between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault, and stalking.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the "Director"), shall make grants to eligible entities to enable entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as "courts"); and

(B) a victim service provider that has experience in working on domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locality;

(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, law enforcement agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law en-

forcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with law enforcement agencies and religious and community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

(f) DISTRIBUTION.—In awarding grants under this section—

(1) not less than 10 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

(2) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

(3) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(g) REPORTS.—

(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) and that receive a grant under this section shall jointly prepare and submit a report to the Attorney General every 18 months detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General may require. Each such report shall contain information on—

(A) the activities implemented by the recipients of the grants awarded under this section; and

(B) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sex-

ual assault, and stalking and their impact on young victims by—

(i) the staffs of courts;

(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

(iii) law enforcement agencies and community organizations.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.

Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

SEC. 41101. TASK FORCE.

The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

(b) GRANTS AUTHORIZED.—The Attorney General, through the Violence Against Women Office, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

(2) set aside not more than 10 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

(3) set aside up to 8 percent for training and technical assistance, to be provided—

(A) to organizations that are establishing or have established collaborative responses and services; and

(B) by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Attorney General shall consider the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

(e) GRANT AWARDS.—The Attorney General shall award grants under this section for periods of not more than 3 fiscal years.

(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

(B) domestic violence or dating violence in child protection cases; and

(C) the needs of both the child and nonabusing parent;

(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and

other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers by—

(A) increasing the safety, autonomy, capacity, and financial security of non-abusing parents or caretakers, including developing service plans and utilizing community-based services that provide resources and support to non-abusing parents;

(B) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child's safety, taking the necessary steps to provide appropriate and community-based services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

(C) recognizing the relationship between child maltreatment and domestic violence or dating violence in a family, as well as the impact of and danger posed by the perpetrators' behavior on adult, youth, and minor victims; and

(D) holding adult, youth, and minor perpetrators of domestic violence or dating violence, not adult, youth, and minor victims of abuse or neglect, accountable for stopping the perpetrators' abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

(h) GRANTEE REQUIREMENTS.—

(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

(A) shall include a State or local child welfare agency or Indian Tribe;

(B) shall include a domestic violence or dating violence victim service provider;

(C) may include a court;

(D) may include a law enforcement agency, or Bureau of Indian Affairs providing tribal law enforcement; and

(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General every 18 months, detailing how the funds have been used.

SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

(c) USE OF FUNDS.—

(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

(2) TYPES OF PROGRAMS.—Such a program—

(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

(B) shall include linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations or linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

(C) may include mental health services;

(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

(d) AWARDS BASIS.—

(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 18 months a report of how grant funds have been used.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2010.

Subtitle M—Strengthening America's Families by Preventing Violence in the Home

SEC. 41301. PURPOSE.

The purpose of this subtitle is to—

(1) prevent crimes involving domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

(2) increase the resources and services available to prevent domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence.

SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

(3) AWARD BASIS.—The Director shall award grants—

(A) considering the needs of racial and ethnic and other underserved populations, as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs

from the amounts made available under this section for a fiscal year; and

(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2006 through 2010.

(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

(A) enhance or ensure the safety and security of children who have been exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations.

(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, providing additional information as the Director shall require.

SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

(3) AWARD BASIS.—The Director shall award grants—

(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring reasonable distribution of funds to programs for boys and programs for girls;

(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

(c) USE OF FUNDS.—

(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

(i) to encourage children and youth to pursue only mutually respectful, nonviolent relationships and empower them to reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

(ii) that include at a minimum—

(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

(II) strategies to help participants be as safe as possible; or

(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

(d) ELIGIBLE ENTITIES.—

(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

(D) a program that provides culturally specific services.

(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

(3) AWARD BASIS.—The Director shall—

(A) consider the needs of underserved populations;

(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(2) describe in the application the policies and procedures that the entity has or will adopt to—

(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experi-

encing domestic violence, dating violence, sexual assault, or stalking;

(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

(iii) link new parents with existing community resources in communities where resources exist; and

(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

SECTION 1301 OF THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

[SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.]

SEC. 1301. SAFE HAVENS FOR CHILDREN.

(a) IN GENERAL.—The Attorney General*, through the Director of the Office on Violence Against Women,* may award grants to *public or nonprofit nongovernmental entities, and to* States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities **[**to provide**]**

(1) to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, *dating violence,* child abuse, sexual assault, or stalking**[**.**]***;*

(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.

* * * * * * *

(d) REPORTING.—

(1) IN GENERAL.—**[**Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,**]** *Not later than one month after the end of each even-numbered fiscal year,* the At-

torney General shall submit to Congress a report that includes information concerning—

(A) * * *

* * * * * * *

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.]

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.

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21st CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

(Public Law 107–273)

* * * * * * *

DIVISION A—21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

* * * * * * *

TITLE II—PERMANENT ENABLING PROVISIONS

SEC. 204. TECHNICAL AND MISCELLANEOUS AMENDMENTS TO DEPARTMENT OF JUSTICE AUTHORITIES; AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE; RECORDKEEPING; PROTECTION OF THE ATTORNEY GENERAL.

(a) * * *

* * * * * * *

(f) No compensation or reimbursement paid [pursuant to section 501(a)] *pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)* of Public Law 99–603 (100 Stat. 3443) or section 241(i) of the Act of June 27, 1952 (ch. 477) shall be subject to [section 6503(d)] *sections 3335(b) or 6503(d)* of title 31, United States Code, and no funds available to the Attorney General may be used to pay any assessment made pursuant to such [section 6503] *sections 3335(b) or 6503* with respect to any such compensation or reimbursement.

* * * * * * *

DIVISION C—IMPROVEMENTS TO CRIMINAL JUSTICE, CIVIL JUSTICE, IMMIGRATION, JUVENILE JUSTICE, AND INTELLECTUAL PROPERTY AND ANTITRUST LAWS

TITLE I—CRIMINAL JUSTICE, CIVIL JUSTICE, AND IMMIGRATION

Subtitle A—General Improvements

SEC. 11001. LAW ENFORCEMENT TRIBUTE ACT.

(a) * * *

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(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2002 through [2006] *2009*.

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TITLE 28, UNITED STATES CODE

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Part II—Department of Justice

Chap.		Sec.
31.	**The Attorney General**	**501**
	* * * * * * *	
40A.	***Bureau of Alcohol, Tobacco, Firearms, and Explosives***	***599A***

* * * * * * *

CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

* * * * * * *

§ 530C. Authority to use available funds

(a) * * *

(b) PERMITTED USES.—

(1) * * *

* * * * * * *

(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.

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§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) * * *

* * * * * * *

(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

(1) identification records;

(2) criminal history records;

(3) protection orders; and

(4) wanted person records.

[(d)**]** *(e)* For purposes of this section, the term "other institutions" includes—

(1) * * *

* * * * * * *

[(e)**]** *(f)*(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

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CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

Sec.
599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.
599B. Personnel management demonstration project.

[SEC. 1111. BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.]

§ 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice under the general authority of the Attorney

General the Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this section referred to as the "Bureau").

(2) DIRECTOR.—There shall be at the head of the Bureau a Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this subtitle referred to as the "Director"). The Director shall be appointed by the Attorney General and shall perform such functions as the Attorney General shall direct. The Director shall receive compensation at the rate prescribed by law under section 5314 of title V, United States Code, for positions at level III of the Executive Schedule.

(3) COORDINATION.—The Attorney General, acting through the Director and such other officials of the Department of Justice as the Attorney General may designate, shall provide for the coordination of all firearms, explosives, tobacco enforcement, and arson enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among any officer, employee, or agency of the Department of Justice involved in the performance of these and related functions.

(4) PERFORMANCE OF TRANSFERRED FUNCTIONS.—The Attorney General may make such provisions as the Attorney General determines appropriate to authorize the performance by any officer, employee, or agency of the Department of Justice of any function transferred to the Attorney General under this section.

(b) RESPONSIBILITIES.—Subject to the direction of the Attorney General, the Bureau shall be responsible for investigating—

(1) criminal and regulatory violations of the Federal firearms, explosives, arson, alcohol, and tobacco smuggling laws;

(2) the functions transferred by subsection (c) *of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)*; and

(3) any other function related to the investigation of violent crime or domestic terrorism that is delegated to the Bureau by the Attorney General.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Subject to paragraph (2), but notwithstanding any other provision of law, there are transferred to the Department of Justice the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, which shall be maintained as a distinct entity within the Department of Justice, including the related functions of the Secretary of the Treasury.

(3) BUILDING PROSPECTUS.—Prospectus PDC-98W10, giving the General Services Administration the authority for site acquisition, design, and construction of a new headquarters building for the Bureau of Alcohol, Tobacco and Firearms, is transferred, and deemed to apply, to the Bureau of Alcohol, Tobacco, Firearms, and Explosives established in the Department of Justice under subsection (a).

[SEC. 1115. PERSONNEL MANAGEMENT DEMONSTRATION PROJECT.]

§ 599B. Personnel management demonstration project

Notwithstanding any other provision of law, the Personnel Management Demonstration Project established under section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Public Law 105–277; 122 Stat. 2681–585) shall be transferred to the Attorney General of the United States for continued use by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, and the Secretary of the Treasury for continued use by the Tax and Trade Bureau.

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HOMELAND SECURITY ACT OF 2002

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TITLE XI—DEPARTMENT OF JUSTICE DIVISIONS

* * * * * * *

Subtitle B—Transfer of the Bureau of Alcohol, Tobacco and Firearms to the Department of Justice

[SEC. 1111. BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—There is established within the Department of Justice under the general authority of the Attorney General the Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this section referred to as the "Bureau").

[(2) DIRECTOR.—There shall be at the head of the Bureau a Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this subtitle referred to as the "Director"). The Director shall be appointed by the Attorney General and shall perform such functions as the Attorney General shall direct. The Director shall receive compensation at the rate prescribed by law under section 5314 of title V, United States Code, for positions at level III of the Executive Schedule.

[(3) COORDINATION.—The Attorney General, acting through the Director and such other officials of the Department of Justice as the Attorney General may designate, shall provide for the coordination of all firearms, explosives, tobacco enforcement, and arson enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among any officer, employee, or agency of the Department of Justice involved in the performance of these and related functions.

[(4) PERFORMANCE OF TRANSFERRED FUNCTIONS.—The Attorney General may make such provisions as the Attorney General determines appropriate to authorize the performance by any officer, employee, or agency of the Department of Justice of any function transferred to the Attorney General under this section.

[(b) RESPONSIBILITIES.—Subject to the direction of the Attorney General, the Bureau shall be responsible for investigating—

[(1) criminal and regulatory violations of the Federal firearms, explosives, arson, alcohol, and tobacco smuggling laws;

[(2) the functions transferred by subsection (c); and

[(3) any other function related to the investigation of violent crime or domestic terrorism that is delegated to the Bureau by the Attorney General.

[(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT OF JUSTICE.—

[(1) IN GENERAL.—Subject to paragraph (2), but notwithstanding any other provision of law, there are transferred to the Department of Justice the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, which shall be maintained as a distinct entity within the Department of Justice, including the related functions of the Secretary of the Treasury.]

* * * * * * *

[(3) BUILDING PROSPECTUS.—Prospectus PDC-98W10, giving the General Services Administration the authority for site acquisition, design, and construction of a new headquarters building for the Bureau of Alcohol, Tobacco and Firearms, is transferred, and deemed to apply, to the Bureau of Alcohol, Tobacco, Firearms, and Explosives established in the Department of Justice under subsection (a).]

* * * * * * *

[SEC. 1115. PERSONNEL MANAGEMENT DEMONSTRATION PROJECT.

[Notwithstanding any other provision of law, the Personnel Management Demonstration Project established under section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Public Law 105–277; 122 Stat. 2681–585) shall be transferred to the Attorney General of the United States for continued use by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, and the Secretary of the Treasury for continued use by the Tax and Trade Bureau.]

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VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

* * * * * * *

TITLE III—CRIME PREVENTION

* * * * * * *

[Subtitle B—Local Crime Prevention Block Grant Program

[SEC. 30201. PAYMENTS TO LOCAL GOVERNMENTS.

[(a) PAYMENT AND USE.—

[(1) PAYMENT.—The Attorney General, shall pay to each unit of general local government which qualifies for a payment under this subtitle an amount equal to the sum of any amounts allocated to the government under this subtitle for each payment period. The Attorney General shall pay such amount from amounts appropriated under section 30202.

[(2) USE.—Amounts paid to a unit of general local government under this section shall be used by that unit for carrying out one or more of the following purposes:

[(A) Education, training, research, prevention, diversion, treatment, and rehabilitation programs to prevent juvenile violence, juvenile gangs, and the use and sale of illegal drugs by juveniles.

[(B) Programs to prevent crimes against the elderly based on the concepts of the Triad model.

[(C) Programs that prevent young children from becoming gang involved, including the award of grants or contracts to community-based service providers that have a proven track record of providing services to children ages 5 to 18.

[(D) Saturation jobs programs, offered either separately or in conjunction with the services provided for under the Youth Fair Chance Program, that provide employment opportunities leading to permanent unsubsidized employment for disadvantaged young adults 16 through 25 years of age.

[(E) Midnight sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

[(F) Supervised sports and recreation programs, including Olympic Youth Development Centers established in cooperation with the United States Olympic Committee, that are offered—

[(i) after school and on weekends and holidays, during the school year; and

[(ii) as daily (or weeklong) full-day programs (to the extent available resources permit) or as part-day programs, during the summer months.

[(G) Prevention and enforcement programs to reduce—

[(i) the formation or continuation of juvenile gangs; and

[(ii) the use and sale of illegal drugs by juveniles.

[(H) Youth anticrime councils to give intermediate and secondary school students a structured forum through which to work with community organizations, law enforcement officials, government and media representatives, and school administrators and faculty to address issues regarding youth and violence.

[(I) Award of grants or contracts to the Boys and Girls Clubs of America, a national nonprofit youth organization, to establish Boys and Girls Clubs in public housing.

[(J) Supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to them and for children whose parents are separated or divorced and the children are at risk because—

[(i) there is documented sexual, physical, or emotional abuse as determined by a court of competent jurisdiction;

[(ii) there is suspected or elevated risk of sexual, physical, or emotional abuse, or there have been threats of parental abduction of the child;

[(iii) due to domestic violence, there is an ongoing risk of harm to a parent or child;

[(iv) a parent is impaired because of substance abuse or mental illness;

[(v) there are allegations that a child is at risk for any of the reasons stated in clauses (i), (ii), (iii), and (iv), pending an investigation of the allegations; or

[(vi) other circumstances, as determined by a court of competent jurisdiction, point to the existence of such a risk.

[(K) Family Outreach Teams which provide a youth worker, a parent worker, and a school-parent organizer to provide training in outreach, mentoring, community organizing and peer counseling and mentoring to locally recruited volunteers in a particular area.

[(L) To establish corridors of safety for senior citizens by increasing the numbers, presence, and watchfulness of law enforcement officers, community groups, and business owners and employees.

[(M) Teams or units involving both specially trained law enforcement professionals and child or family services professionals that on a 24-hour basis respond to or deal with violent incidents in which a child is involved as a perpetrator, witness, or victim.

[(N) Dwelling units to law enforcement officers without charge or at a substantially reduced rent for the purpose of providing greater security for residents of high crime areas.

[(b) TIMING OF PAYMENTS.—The Attorney General shall pay each amount allocated under this subtitle to a unit of general local government for a payment period by the later of 90 days after the date the amount is available or the first day of the payment period

if the unit of general local government has provided the Attorney General with the assurances required by section 30203(d).

[(c) ADJUSTMENTS.—

[(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall adjust a payment under this subtitle to a unit of general local government to the extent that a prior payment to the government was more or less than the amount required to be paid.

[(2) CONSIDERATIONS.—The Attorney General may increase or decrease under this subsection a payment to a unit of general local government only if the Attorney General determines the need for the increase or decrease, or the unit requests the increase or decrease, within one year after the end of the payment period for which the payment was made.

[(d) RESERVATION FOR ADJUSTMENTS.—The Attorney General may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of general local government in a State if the Attorney General considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of general local government in the State.

[(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

[(1) REPAYMENT REQUIRED.—A unit of general local government shall repay to the Attorney General, by not later than 15 months after receipt from the Attorney General, any amount that is—

[(A) paid to the unit from amounts appropriated under the authority of this section; and

[(B) not expended by the unit within one year after receipt from the Attorney General.

[(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payments in future payment periods accordingly.

[(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to units of general local government.

[(f) NONSUPPLANTING REQUIREMENT.—Funds made available under this subtitle to units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of funds under this subtitle, be made available from State or local sources.

[SEC. 30202. AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle—

[(1) $75,940,000 for fiscal year 1996;

[(2) $75,940,000 for fiscal year 1997;

[(3) $75,940,000 for fiscal year 1998;

[(4) $75,940,000 for fiscal year 1999; and

[(5) $73,240,000 for fiscal year 2000.

Such sums are to remain available until expended.

[(b) ADMINISTRATIVE COSTS.—Up to 2.5 percent of the amount authorized to be appropriated under subsection (b) is authorized to be appropriated for the period fiscal year 1995 through fiscal year 2000 to be available for administrative costs by the Attorney Gen-

eral in furtherance of the purposes of the program. Such sums are to remain available until expended.

[SEC. 30203. QUALIFICATION FOR PAYMENT.

[(a) IN GENERAL.—The Attorney General shall issue regulations establishing procedures under which eligible units of general local government are required to provide notice to the Attorney General of the units' proposed use of assistance under this subtitle.

[(b) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of general local government qualifies for a payment under this subtitle for a payment period only after establishing to the satisfaction of the Attorney General that—

[(1) the government will establish a trust fund in which the government will deposit all payments received under this subtitle;

[(2) the government will use amounts in the trust fund (including interest) during a reasonable period;

[(3) the government will expend the payments so received, in accordance with the laws and procedures that are applicable to the expenditure of revenues of the government;

[(4) if at least 25 percent of the pay of individuals employed by the government in a public employee occupation is paid out of the trust fund, individuals in the occupation any part of whose pay is paid out of the trust fund will receive pay at least equal to the prevailing rate of pay for individuals employed in similar public employee occupations by the government;

[(5) the government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Attorney General. As applicable, amounts received under this subtitle shall be audited in compliance with the Single Audit Act of 1984;

[(6) after reasonable notice to the government, the government will make available to the Attorney General and the Comptroller General of the United States, with the right to inspect, records the Attorney General reasonably requires to review compliance with this subtitle or the Comptroller General of the United States reasonably requires to review compliance and operations;

[(7) the government will make reports the Attorney General reasonably requires, in addition to the annual reports required under this subtitle; and

[(8) the government will spend the funds only for the purposes set forth in section 30201(a)(2).

[(c) REVIEW BY GOVERNORS.—A unit of general local government shall give the chief executive officer of the State in which the government is located an opportunity for review and comment before establishing compliance with subsection (d).

[(d) SANCTIONS FOR NONCOMPLIANCE.—

[(1) IN GENERAL.—If the Attorney General decides that a unit of general local government has not complied substantially with subsection (b) or regulations prescribed under subsection (b), the Attorney General shall notify the government. The notice shall state that if the government does not take corrective action by the 60th day after the date the government receives the notice, the Attorney General will withhold addi-

tional payments to the government for the current payment period and later payment periods until the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

[(2) NOTICE.—Before giving notice under paragraph (1), the Attorney General shall give the chief executive officer of the unit of general local government reasonable notice and an opportunity for comment.

[(3) PAYMENT CONDITIONS.—The Attorney General may make a payment to a unit of general local government notified under paragraph (1) only if the Attorney General is satisfied that the government—

[(A) has taken the appropriate corrective action; and

[(B) will comply with subsection (b) and regulations prescribed under subsection (b).

[SEC. 30204. ALLOCATION AND DISTRIBUTION OF FUNDS.

[(a) STATE DISTRIBUTION.—For each payment period, the Attorney General shall allocate out of the amount appropriated for the period under the authority of section 30202—

[(1) 0.25 percent to each State; and

[(2) of the total amount of funds remaining after allocation under paragraph (1), an amount that is equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

[(b) LOCAL DISTRIBUTION.—(1) The Attorney General shall allocate among the units of general local government in a State the amount allocated to the State under paragraphs (1) and (2) of subsection (a).

[(2) The Attorney General shall allocate to each unit of general local government an amount which bears the ratio that the number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all units in the State in which the unit is located to the Federal Bureau of Investigation for 1993 multiplied by the ratio of the population living in all units in the State in which the unit is located that reported part 1 violent crimes to the Federal Bureau of Investigation for 1993 bears to the population of the State; or if such data are not available for a unit, the ratio that the population of such unit bears to the population of all units in the State in which the unit is located for which data are not available multiplied by the ratio of the population living in units in the State in which the unit is located for which data are not available bears to the population of the State.

[(3) If under paragraph (2) a unit is allotted less than $5,000 for the payment period, the amount allotted shall be transferred to the Governor of the State who shall equitably distribute the allocation to all such units or consortia thereof.

[(4) If there is in a State a unit of general local government that has been incorporated since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall allocate to this newly in-

corporated local government, out of the amount allocated to the State under this section, an amount bearing the same ratio to the amount allocated to the State as the population of the newly incorporated local government bears to the population of the State. If there is in the State a unit of general local government that has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to this local government to the unit of general local government that annexed it.

[(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for 1993 is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for 1993 for such State for the purposes of allocation of any funds under this subtitle.

[SEC. 30205. UTILIZATION OF PRIVATE SECTOR.

[Funds or a portion of funds allocated under this subtitle may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the uses specified under section 30201(a)(2).

[SEC. 30206. PUBLIC PARTICIPATION.

[A unit of general local government expending payments under this subtitle shall hold at least one public hearing on the proposed use of the payment in relation to its entire budget. At the hearing, persons shall be given an opportunity to provide written and oral views to the governmental authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment to the entire budget. The government shall hold the hearing at a time and a place that allows and encourages public attendance and participation.

[SEC. 30207. ADMINISTRATIVE PROVISIONS.

[The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to the Attorney General for purposes of carrying out this subtitle.

[SEC. 30208. DEFINITIONS.

[For purposes of this subtitle:

[(1) The term "unit of general local government" means—

[(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of general local government as determined by the Secretary of Commerce for general statistical purposes; and

[(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

[(2) The term "payment period" means each 1-year period beginning on October 1 of the years 1995 through 2000.

[(3) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered

as one State and that, for purposes of section 30204(a), 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands.

[(4) The term "children" means persons who are not younger than 5 and not older than 18 years old.

[(5) The term "part 1 violent crimes" means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.]

* * * * * * *

[Subtitle G—Assistance for Delinquent and At-Risk Youth

[SEC. 30701. GRANT AUTHORITY.

[(a) GRANTS.—

[(1) IN GENERAL.—In order to prevent the commission of crimes or delinquent acts by juveniles, the Attorney General may make grants to public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, aged 11 to 19, who—

[(A) have dropped out of school;

[(B) have come into contact with the juvenile justice system; or

[(C) are at risk of dropping out of school or coming into contact with the juvenile justice system.

[(2) CONSULTATION WITH THE OUNCE OF PREVENTION COUNCIL.—The Attorney General may consult with the Ounce of Prevention Council in making grants under paragraph (1).

[(3) SERVICES.—Such services shall include activities designed to—

[(A) increase the self-esteem of such youth;

[(B) assist such youth in making healthy and responsible choices;

[(C) improve the academic performance of such youth pursuant to a plan jointly developed by the applicant and the school which each such youth attends or should attend; and

[(D) provide such youth with vocational and life skills.

[(b) APPLICATIONS.—

[(1) IN GENERAL.—A public agency or private nonprofit organization which desires a grant under this section shall submit an application at such time and in such manner as the Attorney General may prescribe.

[(2) CONTENTS.—An application under paragraph (1) shall include—

[(A) a description of the program developed by the applicant, including the activities to be offered;

[(B) a detailed discussion of how such program will prevent youth from committing crimes or delinquent acts;

[(C) evidence that such program—

[(i) will be carried out in facilities which meet applicable State and local laws with regard to safety;

[(ii) will include academic instruction, approved by the State, Indian tribal government, or local educational agency, which meets or exceeds State, Indian tribal government, and local standards and curricular requirements; and

[(iii) will include instructors and other personnel who possess such qualifications as may be required by applicable State or local laws; and

[(D) specific, measurable outcomes for youth served by the program.

[(c) CONSIDERATION OF APPLICATIONS.—Not later than 60 days following the submission of applications, the Attorney General shall—

[(1) approve each application and disburse the funding for each such application; or

[(2) disapprove the application and inform the applicant of such disapproval and the reasons therefor.

[(d) REPORTS.—A grantee under this section shall annually submit a report to the Attorney General that describes the activities and accomplishments of such program, including the degree to which the specific youth outcomes are met.

[(e) DEFINITIONS.—In this subtitle—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

["State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

[SEC. 30702. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated for grants under section 30701—

[(1) $5,400,000 for fiscal year 1996;

[(2) $6,300,000 for fiscal year 1997;

[(3) $7,200,000 for fiscal year 1998;

[(4) $8,100,000 for fiscal year 1999; and

[(5) $9,000,000 for fiscal year 2000.]

* * * * * * *

Subtitle X—Gang Resistance Education and Training

SEC. 32401. GANG RESISTANCE EDUCATION AND TRAINING PROJECTS.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

[(1) $9,000,000 for fiscal year 1995;

[(2) $7,200,000 for fiscal year 1996;

[(3) $7,200,000 for fiscal year 1997;
[(4) $7,200,000 for fiscal year 1998;
[(5) $7,200,000 for fiscal year 1999; and
[(6) $7,720,000 for fiscal year 2000.]
(1) $20,000,000 for fiscal year 2006;
(2) $20,000,000 for fiscal year 2007;
(3) $20,000,000 for fiscal year 2008;
(4) $20,000,000 for fiscal year 2009; and
(5) $20,000,000 for fiscal year 2010.

* * * * * * *

TITLE XVII—CRIMES AGAINST CHILDREN

Subtitle A—Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs that require—

(A) * * *

(B) a person who is a sexually violent predator to register a current address [unless such requirement is terminated under] *for the time period specified in* subparagraph (B) of subsection (b)(6).

* * * * * * *

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

* * * * * * *

[Subtitle E—Improved Training and Technical Automation

[SEC. 210501. IMPROVED TRAINING AND TECHNICAL AUTOMATION.

[(a) GRANTS.—

[(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to State, Indian tribal, and local criminal justice agencies and to nonprofit organizations for the purposes of improving criminal justice agency efficiency through computerized automation and technological improvements.

[(2) TYPES OF PROGRAMS.—Grants under this section may include programs to—

[(A) increase use of mobile digital terminals;

[(B) improve communications systems, such as computer-aided dispatch and incident reporting systems;

[(C) accomplish paper-flow reduction;

[(D) establish or improve ballistics identification programs;

[(E) increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis; and

[(F) improve computerized collection of criminal records.

[(3) FUNDING.—No funds under this subtitle may be used to implement any cryptographic or digital telephony programs.

[(b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

[(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations—

[(A) expand and improve investigative and managerial training courses for State, Indian tribal, and local law enforcement agencies; and

[(B) develop and implement, on a pilot basis with no more than 10 participating cities, an intelligent information system that gathers, integrates, organizes, and analyzes information in active support of investigations by Federal, State, and local law enforcement agencies of violent serial crimes.

[(2) IMPROVEMENT OF FACILITIES.—The improvement described in subsection (a) shall include improvements of the training facilities of the Federal Bureau of Investigation Academy at Quantico, Virginia.

[(3) INTELLIGENT INFORMATION SYSTEM.—The intelligent information system described in paragraph (1)(B) shall be developed and implemented by the Federal Bureau of Investigation and shall utilize the resources of the Violent Criminal Apprehension Program.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

[(1) to carry out subsection (a)—

[(A) $10,000,000 for fiscal year 1996;

[(B) $20,000,000 for fiscal year 1997;

[(C) $23,000,000 for fiscal year 1998;

[(D) $23,000,000 for fiscal year 1999; and

[(E) $24,000,000 for fiscal year 2000.

[(2) to carry out subsection (b)(1)—

[(A) $4,000,000 for fiscal year 1996;

[(B) $2,000,000 for fiscal year 1997;

[(C) $3,000,000 for fiscal year 1998;

[(D) $5,000,000 for fiscal year 1999; and

[(E) $6,000,000 for fiscal year 2000; and

[(3) to carry out subsection (b)(2)—

[$10,000,000 for fiscal year 1996.

[(d) DEFINITIONS.—In this section—

["Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and serv-

ices provided by the United States to Indians because of their status as Indians.

[“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

[Subtitle F—Other State and Local Aid

[SEC. 210601. REAUTHORIZATION OF OFFICE OF JUSTICE PROGRAMS.

[Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

[(1) in paragraph (1) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(2) in paragraph (2) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(3) in paragraph (3) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(4) in paragraph (5) by striking “1993 and 1994” and inserting “1994 and 1995”;

[(5) in paragraph (6) by inserting “and 1995” after “1994”;

[(6) in paragraph (7) by striking “1991, 1992, 1993, and 1994,” and inserting “1994 and 1995”;

[(7) in paragraph (8) by inserting “and 1995” after “1994”; and

[(8) in paragraph (9) by inserting “and 1995” after “1994”.

[SEC. 210602. FEDERAL ASSISTANCE TO EASE THE INCREASED BURDENS ON STATE COURT SYSTEMS RESULTING FROM ENACTMENT OF THIS ACT.

[(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriation, make grants for States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants as necessary to meet the increased demands for judicial activities resulting from the provisions of this Act and amendments made by this Act.

[(b) APPLICATIONS.—In carrying out this section, the Attorney General may make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in this section. The Attorney General shall have final authority over all funds awarded under this section.

[(c) RECORDS.—Each recipient that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit.

[(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) $23,000,000 for fiscal year 1996;

[(2) $30,000,000 for fiscal year 1997;

[(3) $30,000,000 for fiscal year 1998;

[(4) $32,000,000 for fiscal year 1999; and

[(5) $35,000,000 for fiscal year 2000,

to remain available for obligation until expended.

[SEC. 210603. AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993.

[(a) APPROPRIATIONS.—Of the amounts authorized in Sections 103(k) and 106(b)(2) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) and in section 4(b) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)), a total of $100,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997 may be appropriated from the Violent Crime Reduction Trust Fund established by this Act.

[(b) TECHNICAL AMENDMENT.—Sections 103(k) and 106(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) are each amended by striking ", which may be appropriated from the Violent Crime Reduction Trust Fund,".]

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TITLE 18, UNITED STATES CODE

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PART I—CRIMES

* * * * * * *

CHAPTER 25—COUNTERFEITING AND FORGERY

* * * * * * *

§ 475. Imitating obligations or securities; advertisements

Whoever designs, engraves, prints, makes, or executes, or utters, issues, distributes, circulates, or uses any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any obligation or security of the United States issued under or authorized by any Act of Congress or writes, prints, or otherwise impresses upon or attaches to any such instrument, obligation, or security, or any coin of the United States, any business or professional card, notice, or advertisement, or any notice or advertisement whatever, shall be fined under this title. *Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.*

* * * * * * *

CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES

* * * * * * *

§ 716. Police badges

(a) * * *

(b) It is a defense to a prosecution under this section that the badge *is a genuine police badge and* is used or is intended to be used exclusively—

(1) * * *

* * * * * * *

(d) It is a defense to a prosecution under this section that the badge is a counterfeit police badge and is used or is intended to be used exclusively—

(1) for a dramatic presentation, such as a theatrical, film, or television production; or

(2) for legitimate law enforcement purposes.

* * * * * * *

CHAPTER 87—PRISONS

* * * * * * *

§ 1791. Providing or possessing contraband in prison

(a) OFFENSE.—Whoever—

(1) in violation of a statute or a rule or order issued under a statute, provides to an inmate of a prison *or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General* a prohibited object, or attempts to do so; or

(2) being an inmate of a prison *or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General*, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object;

shall be punished as provided in subsection (b) of this section.

* * * * * * *

CHAPTER 95—RACKETEERING

* * * * * * *

§ 1960. Prohibition of unlicensed money transmitting businesses

(a) * * *

(b) As used in this section—

(1) the term "unlicensed money transmitting business" means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

(A) * * *

* * * * * * *

(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended [to be used to be used] *to be used* to promote or support unlawful activity;

* * * * * * *

CHAPTER 109A—SEXUAL ABUSE

* * * * * * *

§ 2241. Aggravated sexual abuse

(a) BY FORCE OR THREAT.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal

prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly causes another person to engage in a sexual act—

(1) * * *

* * * * * * *

(b) BY OTHER MEANS.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly—

(1) * * *

* * * * * * *

(c) WITH CHILDREN.—Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsections (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

* * * * * * *

§ 2242. Sexual abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly—

(1) * * *

* * * * * * *

§ 2243. Sexual abuse of a minor or ward

(a) OF A MINOR.—Whoever in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly engages in a sexual act with another person who—

(1) * * *

* * * * * * *

(b) OF A WARD.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly engages in a sexual act with another person who is—

(1) * * *

* * * * * * *

or attempts to do so, shall be fined under this title, imprisoned not more than [one year] *five years*, or both.

§ 2244. Abusive sexual contact

(a) SEXUAL CONDUCT IN CIRCUMSTANCES WHERE SEXUAL ACTS ARE PUNISHED BY THIS CHAPTER.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly engages in or causes sexual contact with or by another person, if so to do would violate—

(1) section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;

(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both; or

(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than [six months] *two years*, or both.

(b) IN OTHER CIRCUMSTANCES.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, *or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,* knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than [six months] *two years*, or both.

* * * * * * *

CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

* * * * * * *

§ 2261. Interstate domestic violence

(a) OFFENSES.—

(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse [or intimate partner], *intimate partner, or dating partner*, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence

against that spouse [or intimate partner], *intimate partner, or dating partner*, shall be punished as provided in subsection (b).

(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse [or intimate partner], *intimate partner, or dating partner* to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse [or intimate partner], *intimate partner, or dating partner*, shall be punished as provided in subsection (b).

* * * * * * *

§ 2261A. Interstate stalking

Whoever—

(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or intimidate*, or places under surveillance with the intent to kill, injure, haras, or intimidate,* another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, *or causes substantial emotional harm to,* that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

(2) with the intent—

(A) [to kill or injure] *to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emtional harm to,* a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

(i) that person;

(ii) a member of the immediate family (as defined in section 115) of that person; or

(iii) a spouse or intimate partner of that person,

uses the mail*, any interactive computer service,* or any facility of interstate or foreign commerce to engage in a course of conduct that *causes substantial emotional harm to that person or* places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii),

shall be punished as provided in section 2261(b).

* * * * * * *

§ 2265. Full faith and credit given to protection orders

(a) FULL FAITH AND CREDIT.—Any protection order issued that is consistent with subsection (b) of this section by the court of one [State or Indian tribe] *State, Indian tribe, or territory* (the issuing

[State or Indian] *State, Indian tribe, or territory* tribe) shall be accorded full faith and credit by the court of another [State or Indian tribe] *State, Indian tribe, or territory* (the enforcing [State or Indian tribe] *State, Indian tribe, or territory*) [and enforced as if it were] *and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were* the order of the enforcing [State or tribe] *State, Indian tribe, or territory*.

(b) PROTECTION ORDER.—A protection order issued by a [State or tribal] *State, tribal, or territorial* court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such [State or Indian tribe] *State, Indian tribe, or territory*; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by [State or tribal] *State, tribal, or territorial* law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) CROSS OR COUNTER PETITION.—A protection order issued by a [State or tribal] *State, tribal, or territorial* court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

(d) NOTIFICATION AND REGISTRATION.—

(1) NOTIFICATION.—A [State or Indian tribe] *State, Indian tribe, or territory* according full faith and credit to an order by a court of another [State or Indian tribe] *State, Indian tribe, or territory* shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing [State or tribal] *State, tribal, or territorial* jurisdiction unless requested to do so by the party protected under such order.

(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing [State or tribal] *State, tribal, or territorial* jurisdiction.

(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.

§ 2265A. Repeat offender provision

The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.

§ 2266. Definitions

In this chapter:

(1) * * *

* * * * * * *

[(5) PROTECTION ORDER.—The term "protection order" includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.]

(5) PROTECTION ORDER, RESTRAINING ORDER, OR INJUNCTION.—The term "protection order, restraining order, or injunction" includes—

(A) any injunction or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

* * * * * * *

CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

* * * * * * *

§ 2516. Authorization for interception of wire, oral, or electronic communications

(1) The Attorney General, Deputy Attorney General, Associate Attorney General, or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) * * *

* * * * * * *

(q) any criminal violation of section 229 (relating to chemical weapons)**[**;**]** or **[**sections**]** *section* 2332, 2332a, 2332b, 2332d, 2332f, 2332g, 2332h, 2339A, 2339B, or 2339C of this title (relating to terrorism); or

* * * * * * *

CHAPTER 121—STORED WIRE AND ELECTRONIC COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS

* * * * * * *

§ 2703. Required disclosure of customer communications or records

(a) **[**CONTENTS OF WIRE OR ELECTRONIC**]** *CONTENTS OF WIRE OR ELECTRONIC* COMMUNICATIONS IN ELECTRONIC STORAGE.—A governmental entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant. A governmental entity may require the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than one hundred and eighty days by the means available under subsection (b) of this section.

(b) **[**CONTENTS OF WIRE OR ELECTRONIC**]** *CONTENTS OF WIRE OR ELECTRONIC* COMMUNICATIONS IN A REMOTE COMPUTING SERVICE.—(1) * * *

* * * * * * *

(c) RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE OR REMOTE COMPUTING SERVICE.—(1) governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including

the contents of communications) only when the governmental entity—

(A) * * *

* * * * * * *

(C) has the consent of the subscriber or customer to such disclosure; [or]

* * * * * * *

PART II—CRIMINAL PROCEDURE

* * * * * * *

CHAPTER 203—ARREST AND COMMITMENT

Sec.
3041. Power of courts and magistrates.

* * * * * * *

3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.

* * * * * * *

§ 3060. Preliminary examination

(a) * * *

* * * * * * *

(c) With the consent of the arrested person, the date fixed by the judge or magistrate judge for the preliminary examination may be a date later than that prescribed by subsection (b), or may be continued one or more times to a date subsequent to the date initially fixed therefor. [In the absence of such consent of the accused, the date fixed for the preliminary hearing may be a date later than that prescribed by subsection (b), or may be continued to a date subsequent to the date initially fixed therefor, only upon the order of a judge of the appropriate United States district court after a finding that extraordinary circumstances exist, and that the delay of the preliminary hearing is indispensable to the interests of justice.] *In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.*

* * * * * * *

CHAPTER 213—LIMITATIONS

Sec.
3281. Capital offenses.

* * * * * * *

3298. Trafficking-related offenses.

* * * * * * *

§ 3283. Offenses against children

No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse, or kidnaping, of a child under the age of 18 years shall preclude such

prosecution during the life of the child*, or for ten years after the offense, whichever is longer*.

* * * * * * *

§ 3298. Trafficking-related offenses

No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.

* * * * * * *

PART III—PRISONS AND PRISONERS

* * * * * * *

CHAPTER 301—GENERAL PROVISIONS

* * * * * * *

§ 4006. Subsistence for prisoners

(a) IN GENERAL.—The Attorney General *or the Secretary of Homeland Security, as applicable,* shall allow and pay only the reasonable and actual cost of the subsistence of prisoners in the custody of any marshal of the United States, and shall prescribe such regulations for the government of the marshals as will enable him to determine the actual and reasonable expenses incurred.

(b) HEALTH CARE ITEMS AND SERVICES.—

(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service, the Federal Bureau of Investigation and **[**the Immigration and Naturalization Service shall not exceed the lesser of the amount**]** *the Department of Homeland Security shall be the amount billed, not to exceed the amount* that would be paid for the provision of similar health care **[**items and services under—

[(A) the Medicare program**]** *items and services under the Medicare program* under title XVIII of the Social Security Act**[**; or

[(B) the Medicaid program under title XIX of such Act of the State in which the services were provided.**]**.

* * * * * * *

SECTION 322 OF UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT ACT) ACT OF 2001

(Public Law 107–56)

SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of [title 18] *title 28*, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

"(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.".

SECTION 316 OF RUNAWAY AND HOMELESS YOUTH ACT

[GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

[SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

[(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) $7,000,000 for fiscal year 1996;

[(2) $8,000,000 for fiscal year 1997; and

[(3) $15,000,000 for fiscal year 1998.

[(d) DEFINITIONS.—For the purposes of this section—

[(1) the term "street-based outreach and education" includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

[(2) the term "street youth" means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.]

SECTION 102 OF THE CONTROLLED SUBSTANCES ACT

SEC. 102. As used in this title:

(1) * * *

* * * * * * *

(41)

(A) The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

(i) * * *

* * * * * * *

[(xvii) 13β-ethyl-17α-hydroxygon-4-en-3-one;]
(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;

* * * * * * *

[(xliv) stanozolol (17α-methyl-17α-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);]
(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

* * * * * * *

SECTION 7 OF THE PRISON RAPE ELIMINATION ACT OF 2003

SEC. 7. NATIONAL PRISON RAPE ELIMINATION COMMISSION.

(a) * * *

* * * * * * *

(d) COMPREHENSIVE STUDY OF THE IMPACTS OF PRISON RAPE.—

(1) * * *

* * * * * * *

(3) REPORT.—

(A) DISTRIBUTION.—Not later than [2] *3* years after the date of the initial meeting of the Commission, the Commission shall submit a report on the study carried out under this subsection to—

(i) * * *

* * * * * * *

VIOLENCE AGAINST WOMEN ACT OF 2000

* * * * * * *

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

SEC. 1001. SHORT TITLE.

This division may be cited as the "Violence Against Women Act of 2000".

* * * * * * *

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of *civil and criminal* legal assistance necessary to provide effective aid to *adult, youth, and minor* victims of [domestic violence, dating

violence, stalking, or sexual assault] *domestic violence, dating violence, sexual assault, or stalking* who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

* * * * * * *

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to [private nonprofit entities, Indian tribal governments,] *nonprofit, nongovernmental organizations, Indian tribal governments and tribal organizations, territorial organizations,* and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence, dating violence, and sexual assault victim services organizations and legal assistance providers to provide legal assistance for [victims of domestic violence, dating violence, stalking, and sexual assault] *victims of domestic violence, dating violence, sexual assault, and stalking*;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for [victims of domestic violence, dating violence, stalking, and sexual assault] *victims of domestic violence, dating violence, sexual assault, and stalking* by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to [victims of domestic violence, dating violence, stalking, and sexual assault] *victims of domestic violence, dating violence, sexual assault, and stalking*.

(d) ELIGIBILITY.—To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing legal assistance through a program funded under subsection (c) has completed or will complete training in connection with [domestic violence, dating violence, or sexual assault] *domestic violence, dating violence, sexual assault, or stalking* and related legal issues;

[(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence, dating violence, or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

[(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and]

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, dating violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.]

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $55,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy.

(2) ALLOCATION OF FUNDS.—

(A) TRIBAL PROGRAMS.—Of the amount made available under this subsection in each fiscal year, not less than [5 percent] *10 percent* shall be used for grants for [programs] *tribal governments or tribal organizations* that assist *adult, youth, and minor* victims of [domestic violence, dating violence, stalking, and sexual assault] *domestic violence, dating violence, sexual assault, and stalking* on lands within the jurisdiction of an Indian tribe.

(B) VICTIMS OF SEXUAL ASSAULT.—Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and [technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault] *technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault*.

* * * * * * *

TITLE V—BATTERED IMMIGRANT WOMEN

* * * * * * *

SEC. 1506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) * * *

* * * * * * *

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) * * *

* * * * * * *

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—[Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation] *Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III–A effective date), to reopen or rescind deportation or exclusion* proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), [there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply] *such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings—*

[(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and]

(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation *or adjustment of status* application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens *who are physically present in the United States and* who—

(i) are, or were, in deportation or exclusion proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply [for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note))] *for relief described in subparagraph (A)(i)* as a result of the amendments made by—

(I) * * *

* * * * * * *

IMMIGRATION AND NATIONALITY ACT

TITLE I—GENERAL

DEFINITIONS

SECTION 101. (a) As used in this Act—

(1) * * *

* * * * * * *

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A) * * *

* * * * * * *

(T)(i) subject to section 214(o), an alien who the [Attorney General] *Secretary of Homeland Security* determines—

(I) * * *

* * * * * * *

[(ii) if the Attorney General considers it necessary to avoid extreme hardship—

[(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

[(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,

if accompanying, or following to join, the alien described in clause (i);]

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;

* * * * * * *

(51) The term "VAWA petitioner" means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

(B) Clause (ii) or (iii) of section 204(a)(1)(B).

(C) Subparagraph (C) or (D) of section 216(c)(4).

(D) The first section of Public Law 89–732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277).

(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100).

(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note).

* * * * * * *

(b) As used in titles I and II—

(1) The term "child" means an unmarried person under twenty-one years of age who is—

(A) * * *

* * * * * * *

(E)(i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years *or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household*: *Provided,* That no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

* * * * * * *

(f) For the purposes of this Act—

No person shall be regarded as, or found to be, a person of good moral character who, during the period for which good moral character is required to be established, is, or was—

(1) * * *

* * * * * * *

(3) a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and ⟦(9)(A)⟧ *(10)(A)* of section 212(a) of this Act; or subparagraphs (A) and (B) of section 212(a)(2) and subparagraph (C) thereof of such section (except as such paragraph relates to a single offense of simple possession of 30 grams or less of

marihuana); if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;

* * * * * * *

(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)—

(1) the [Attorney General] *Secretary of Homeland Security, the Attorney General,* and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and

(2) the [Attorney General] *Secretary of Homeland Security* shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an "employment authorized" endorsement or other appropriate work permit.

* * * * * * *

TITLE II—IMMIGRATION

CHAPTER 1—SELECTION SYSTEM

WORLDWIDE LEVEL OF IMMIGRATION

* * * * * * *

PROCEDURE FOR GRANTING IMMIGRANT STATUS

SEC. 204. (a)(1)(A)(i) * * *

* * * * * * *

(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

(aa) * * *

(bb) during the marriage *or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage* or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

(II) For purposes of subclause (I), an alien described in this subclause is an alien—

(aa)(AA) who is the spouse of a citizen of the United States;

(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; [or]

(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

(aaa) whose spouse died within the past 2 years;

(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to [an incident of domestic violence] *battering or extreme cruelty by the United States citizen spouse*; or

(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse; *or*

(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;

* * * * * * *

(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) [or who], *who* would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry*, or who is described in subitem (aa)(DD)*; and

(dd) who has resided with the alien's spouse or intended spouse *or who is described in subitem (aa)(DD)*.

(iv) An alien who is the child of a citizen of the United States, [or] who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to [an incident of domestic violence] *battering or extreme cruelty by such parent*, *or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),* and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.

* * * * * * *

(vii) An alien who—

(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

(II) is a person of good moral character;

(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i); and

(IV) resides, or has resided in the past, with the citizen daughter or son;

may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen son or daughter.

(B)(i) * * *

(ii)(I) * * *

* * * * * * *

(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

(aa)(AA) * * *

* * * * * * *

(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

(aaa) whose spouse died within the past 2 years;

[(aaa)] *(bbb)* whose spouse lost status within the past 2 years [due to an incident of domestic violence] *related to battering or extreme cruelty by the lawful permanent resident spouse*; or

[(bbb)] *(ccc)* who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the lawful permanent resident spouse;

* * * * * * *

(iii) An alien who is the child of an alien lawfully admitted for permanent residence, [or] who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status [due to an incident of domestic violence] *related to battering or extreme cruelty by such parent*, *or who was a child of a lawful permanent resident resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),* and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent.

* * * * * * *

(D)(i)(I) Any child who attains 21 years of age who has filed a petition under [clause (iv) of section 204(a)(1)(A)] *subparagraph (A)(iv)* that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) [a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable] *to continue to be treated as an immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married,* with the same priority date assigned to the self-petition filed under

[clause (iv) of section 204(a)(1)(A)] *subparagraph (A)(iv). Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph.* No new petition shall be required to be filed *in either such case*.

* * * * * * *

(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under [paragraph (1), (2), or (3) of section 203(a)] *section 203(a)(2)(A)*, whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

* * * * * * *

(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph [(A)(iii), (A)(iv),] (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.

* * * * * * *

(iv) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.

* * * * * * *

(K)(i) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an "employment authorized" endorsement or other appropriate work permit.

(ii) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.

(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child's) eligibility as a VAWA petitioner or for such nonimmigrant status.

* * * * * * *

ADJUSTMENT OF STATUS OF REFUGEES

SEC. 209. (a) * * *

(b) The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—

(1) * * *

* * * * * * *

(3)*(A)* continues to be a refugee within the meaning of section 101(a)(42)(A) or a spouse or child of such a refugee,

(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee,

* * * * * * *

GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY

SEC. 212. (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) * * *

* * * * * * *

(4) PUBLIC CHARGE.—

(A) * * *

* * * * * * *

(C) FAMILY-SPONSORED IMMIGRANTS.—Any alien who seeks admission or adjustment of status under a visa number issued under section 201(b)(2) or 203(a) is inadmissible under this paragraph unless—

[(i) the alien has obtained—

[(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A), or

[(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B); or]

(i) the alien is described in subparagraph (E); or

* * * * * * *

(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in sec-

tion 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

* * * * * * *

(6) ILLEGAL ENTRANTS AND IMMIGRATION VIOLATORS.—

(A) ALIENS PRESENT WITHOUT ADMISSION OR PAROLE.—

(i) * * *

(ii) EXCEPTION FOR CERTAIN BATTERED WOMEN AND CHILDREN.—Clause (i) shall not apply to an alien who demonstrates that—

(I) the alien [qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)] *is a VAWA petitioner*,

* * * * * * *

(C) MISREPRESENTATION.—

(i) * * *

* * * * * * *

(iii) WAIVER AUTHORIZED.—For provision authorizing waiver of [clause (i)] *clauses (i) and (ii)*, see subsection (i).

* * * * * * *

(9) ALIENS PREVIOUSLY REMOVED.—

(A) * * *

* * * * * * *

(C) ALIENS UNLAWFULLY PRESENT AFTER PREVIOUS IMMIGRATION VIOLATIONS.—

(i) * * *

(ii) EXCEPTION.—Clause (i) shall not apply to an alien seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or attempt to be readmitted from a foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission. The Attorney General in the Attorney General's discretion may waive the provisions of [section 212(a)(9)(C)(i)] *clause (i)* in the case of an alien [to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)] *is a VAWA petitioner*, in any case in which there is a connection between—

[(1)] *(I)* the alien's having been battered or subjected to extreme cruelty; and

[(2)] *(II)* the alien's—

[(A)] *(aa)* removal;

[(B)] *(bb)* departure from the United States;

[(C)] *(cc)* reentry or reentries into the United States; or

[(D)] *(dd)* attempted reentry into the United States.

* * * * * * *

(d)(1) * * *

* * * * * * *

(5)(A) * * *

* * * * * * *

(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).

* * * * * * *

(13)(A) The [Attorney General] *Secretary of Homeland Security* shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T), except that the ground for inadmissibility described in subsection (a)(4) shall not apply with respect to such a nonimmigrant.

(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the [Attorney General] *Secretary of Homeland Security* considers it to be in the national interest to do so, the [Attorney General, in the Attorney General's discretion] *Secretary, in the Secretary's discretion*, may waive the application of—

(i) * * *

* * * * * * *

(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Director of the United States Information Agency pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of a least two years following departure from the United States *unless the alien is a VAWA petitioner or an applicant for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15)*: *Provided,* That upon the favorable recommendation of the Director, pursuant to the request of an interested United States Government agency (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent), or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive

the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest except that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements of section 214(l): *And provided further,* That, except in the case of an alien described in clause (iii), the Attorney General may, upon the favorable recommendation of the Director, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Director a statement in writing that it has no objection to such waiver in the case of such alien.

* * * * * * *

(g) The Attorney General may waive the application of—

(1) subsection (a)(1)(A)(i) in the case of any alien who—

(A) * * *

* * * * * * *

(C) ⟦qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)⟧ *is a VAWA petitioner*;

* * * * * * *

(h) The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2) and subparagraph (A)(i)(II) of such subsection insofar as it relates to a single offense of simple possession of 30 grams or less of marijuana if—

(1)(A) * * *

* * * * * * *

(C) the alien ⟦qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)⟧ *is a VAWA petitioner*; and

* * * * * * *

(i)(1) The Attorney General may, in the discretion of the Attorney General, waive the application of clause (i) *(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))* of subsection (a)(6)(C) in the case of an immigrant who is the spouse, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence if it is established to the satisfaction of the Attorney General that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such an alien or, in the case of ⟦an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)⟧ *a VAWA petitioner*, the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child.

* * * * * * *

ADMISSION OF NONIMMIGRANTS

SEC. 214. (a) * * *

* * * * * * *

(c)(1) * * *

* * * * * * *

(15) In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H)(i) of such section, respectively, the Secretary of Homeland Security shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an "employment authorized" endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject to extreme cruelty perpetrated by the spouse of the alien spouse. Requests for relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).

(d)*(1)* A visa shall not be issued under the provisions of section 101(a)(15)(K)(i) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. *Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.* It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within 2 years before the date of filing the petition, have a bona fide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival, except that the Attorney General in his discretion may waive the requirement that the parties have previously met in person. In the event the marriage with the petitioner does not occur within three months after the admission of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be removed in accordance with sections 240 and 241 *unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section.*

(2)(A) Subject to subparagraph (B), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to more than 2 applying aliens; and

(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

(B) The Secretary of Homeland Security may, in the discretion of the Secretary, waive the limitation in subparagraph (A), if justification exists for such a waiver.

(3) For purposes of this subsection—

(A) the term "child abuse" means a felony or misdemeanor crime, as defined by Federal or State law, committed by an offender who is a stranger to the victim, or committed by an offender who is known by, or related by blood or marriage to, the victim, against a victim who has not attained the lesser of—

(i) 18 years of age; or

(ii) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

(B) the terms "domestic violence" and "sexual assault" have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

* * * * * * *

(l)(1) * * *

(2)(A) Notwithstanding section [248(2)] *248(a)(2)*, the Attorney General may change the status of an alien who qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b). The numerical limitations contained in subsection (g)(1)(A) shall not apply to any alien whose status is changed under the preceding sentence, if the alien obtained a waiver of the 2-year foreign residence requirement upon a request by an interested Federal agency or an interested State agency.

* * * * * * *

(o)(1) * * *

* * * * * * *

(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but—

(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

(B) shall be extended if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.

(8) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an "employment authorized" endorsement or other appropriate work permit.

(p) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.—

(1) * * *

* * * * * * *

(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but—

(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

(B) shall be extended if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.

* * * * * * *

CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

SEC. 216. (a) * * *

* * * * * * *

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

(1) * * *

* * * * * * *

(4) HARDSHIP WAIVER.—The Attorney General, in the Attorney General's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to meet the requirements of paragraph (1) if the alien demonstrates that—

(A) * * *

(B) the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse) and the alien was not at fault in failing to meet the requirements of paragraph (1), **[**or**]**

(C) the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was battered by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent and the alien was not at fault in failing to meet the requirements of paragraph (1)**[**.**]**, *or*

(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).

In determining extreme hardship, the Attorney General shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis. In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence

is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.The Attorney General shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child. *An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for such relief without the application being resubmitted. Such an application may not be considered if there is a final removal order in effect with respect to the alien.*

* * * * * * *

VISA WAIVER PROGRAM FOR CERTAIN VISITORS

SEC. 217. (a) * * *

* * * * * * *

(b) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the program unless the alien has waived any right—

(1) * * *

(2) to contest, other than on the basis of an application for asylum, *as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997),* any action for removal of the alien.

* * * * * * *

CHAPTER 4—INSPECTION, APPREHENSION, EXAMINATION, EXCLUSION, AND REMOVAL

* * * * * * *

APPREHENSION AND DETENTION OF ALIENS

SEC. 236. (a) * * *

* * * * * * *

(f) LIMITATION ON DETENTION OF CERTAIN VICTIMS OF VIOLENCE.—(1) An alien for whom a petition as a VAWA petitioner has been approved or for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been approved, subject to paragraph (2), the alien shall not be detained if the only basis for detention is a ground for which—

(A) a waiver is provided under section 212(h), 212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V); or

(B) there is an exception under section 204(a)(1)(C).

(2) Paragraph (1) shall not apply in the case of detention that is required under subsection (c) or section 236A.

* * * * * * *

GENERAL CLASSES OF DEPORTABLE ALIENS

SEC. 237. (a) CLASSES OF DEPORTABLE ALIENS.—Any alien (including an alien crewman) in and admitted to the United States

shall, upon the order of the Attorney General, be removed if the alien is within one or more of the following classes of deportable aliens:

(1) INADMISSIBLE AT TIME OF ENTRY OR OF ADJUSTMENT OF STATUS OR VIOLATES STATUS.—

(A) * * *

* * * * * * *

(H) WAIVER AUTHORIZED FOR CERTAIN MISREPRESENTATIONS.—The provisions of this paragraph relating to the removal of aliens within the United States on the ground that they were inadmissible at the time of admission as aliens described in section 212(a)(6)(C)(i), whether willful or innocent, may, in the discretion of the Attorney General, be waived for any alien (other than an alien described in paragraph (4)(D)) who—

(i) * * *

(ii) **[**is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)**]** *is a VAWA petitioner or qualifies for a waiver under section 216(c)(4)***[.]***; or*

* * * * * * *

(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

(i) upon a determination that—

(I) the alien was acting **[**is self-defense**]** *in self-defense*;

* * * * * * *

(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

(2) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

(3) During a period in which an alien is provided deferred action under this subsection, the alien shall not be removed or deported.

* * * * * * *

INITIATION OF REMOVAL PROCEEDINGS

SEC. 239. (a) * * *

* * * * * * *

(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

(1) No enforcement action was taken leading to such proceedings against the alien—

(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.

REMOVAL PROCEEDINGS

SEC. 240. (a) * * *

* * * * * * *

(c) DECISION AND BURDEN OF PROOF.—

(1) * * *

* * * * * * *

(7) MOTIONS TO REOPEN.—

(A) IN GENERAL.—An alien may file one motion to reopen proceedings under this section*, except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv).*

* * * * * * *

(C) DEADLINE.—

(i) * * *

* * * * * * *

(iv) SPECIAL RULE FOR BATTERED [SPOUSES AND CHILDREN] *SPOUSES, CHILDREN, AND PARENTS*.—[The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply] *Any limitation under this section on the deadlines for filing such motions shall not apply—*

(I) if the basis for the motion is to apply for relief [under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)] *as a VAWA petitioner*, or section 240A(b)(2) *or section 244(a)(3) (as in effect on March 31, 1997)*;

(II) if the motion is accompanied by a cancellation of removal *or adjustment of status* application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen; [and]

(III) if the motion to reopen is filed within 1 year of the entry of the final order of removal, except that the Attorney General may, in the Attorney General's discretion, waive this time limitation in the case of an alien who demonstrates extraordinary circumstances or extreme hardship to the alien's child[.]*; and*

(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.

* * * * * * *

(e) DEFINITIONS.—In this section and section 240A:

(1) EXCEPTIONAL CIRCUMSTANCES.—The term "exceptional circumstances" refers to exceptional circumstances (such as *battery or extreme cruelty of the alien or any child or parent of the alien or* serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien, but not including less compelling circumstances) beyond the control of the alien.

* * * * * * *

CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS

SEC. 240A. (a) * * *

(b) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—

(1) IN GENERAL.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien—

(A) * * *

* * * * * * *

(C) *subject to paragraph (5),* has not been convicted of an offense under section 212(a)(2), 237(a)(2), or 237(a)(3) [(except in a case described in section 237(a)(7) where the

Attorney General exercises discretion to grant a waiver)**]**; and

* * * * * * *

(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

(i)(I) * * *

(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); **[**or**]**

(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy; *or*

(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;

* * * * * * *

[(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and**]**

(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and

(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph **[**(A)(i)(II)**]** *(A)(ii)* or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against

the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in ⟦section 240A(b)(2)(B)⟧ *this subparagraph, subparagraph (A)(ii),* and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that does not bar the Attorney General from granting relief under this paragraph by reason of subparagraph (A)(iv) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph ⟦(A)(i)(III)⟧ *(A)(iii)* or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

* * * * * * *

(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all opportunities for appeal of the denial have been exhausted; and

(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.

* * * * * * *

(4) ⟦CHILDREN OF BATTERED ALIENS⟧ *BATTERED ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIVATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS,* AND PARENTS OF BATTERED ALIEN CHILDREN.—

(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); ⟦or⟧

(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996)**[.]***;*

(iii) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter and who is admissible and eligible for an immigrant visa;

(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner's priority date; or

(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).

(B) DURATION OF PAROLE.—**[**The grant of parole**]** *(i) The grant of parole under subparagraph (A)(i) or (A)(ii)* shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens **[**covered under this paragraph**]** *covered under such subparagraphs* shall be treated as if **[**they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii)**]** *the applicants were VAWA petitioner* for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) *of subparagraph (A)* may result in revocation of parole.

(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time

the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to exercise due diligence in filing a visa petition on the alien's behalf may result in revocation of parole.

(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.

* * * * * * *

(e) ANNUAL LIMITATION.—

(1) * * *

* * * * * * *

(3) EXCEPTION FOR CERTAIN ALIENS.—Paragraph (1) shall not apply to the following:

(A) * * *

* * * * * * *

(C) Aliens with respect to their cancellation of removal under subsection (b)(2).

* * * * * * *

VOLUNTARY DEPARTURE

SEC. 240B. (a) * * *

* * * * * * *

(d) CIVIL PENALTY FOR FAILURE TO DEPART.—**[**If**]** *(1) Subject to paragraph (2), if* an alien is permitted to depart voluntarily under this section and fails voluntarily to depart the United States within the time period specified, the alien shall be subject to a civil penalty of not less than $1,000 and not more than $5,000, and be ineligible for a period of 10 years for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.

* * * * * * *

CHAPTER 5—ADJUSTMENT AND CHANGE OF STATUS

ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

SEC. 245. (a) The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification [under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or] *as a VAWA petitioner* may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed. *In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).*

* * * * * * *

(c) Other than an alien having an approved petition for classification [under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)] *as a VAWA petitioner*, subsection (a) shall not be applicable to (1) an alien crewman; (2) subject to subsection (k), an alien (other than an immediate relative as defined in section 201(b) or a special immigrant described in section 101(a)(27)(H), (I), (J), or (K)) who hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status or who is in unlawful immigration status on the date of filing the application for adjustment of status or who has failed (other than through no fault of his own or for technical reasons) to maintain continuously a lawful status since entry into the United States; (3) any alien admitted in transit without visa under section 212(d)(4)(C); (4) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217; (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S), (6) an alien who is deportable under section 237(a)(4)(B); (7) any alien who seeks adjustment of status to that of an immigrant under section 203(b) and is not in a lawful nonimmigrant status; or (8) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa.

(d)*(1)* The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 216. The Attorney General may not adjust, under subsection (a), the status of a nonimmigrant alien described in section 101(a)(15)(K) *who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)* except to that of an alien lawfully admitted to the United States on a conditional basis under section 216 as a result of the marriage of the nonimmigrant (or, in the case of a minor child, the parent) to the

citizen who filed the petition to accord that alien's nonimmigrant status under section 101(a)(15)(K) .

(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.

* * * * * * *

(l)(1) If, in the opinion of the [Attorney General] *Secretary of Homeland Security*, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

(A) *subject to paragraph (6),* has been physically present in the United States for a continuous period of at least 3 years since *the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)* the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

(B) *subject to paragraph (7),* has, throughout such period, been a person of good moral character, and

(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States,

the [Attorney General] *Secretary* may adjust the status of the alien (and any person admitted under section 101(a)(15)(T)(ii) as the spouse, parent, sibling, or child of the alien) to that of an alien lawfully admitted for permanent residence.

(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the [Attorney General] *Secretary of Homeland Security* considers it to be in the national interest to do so, the [Attorney General] *Secretary*, in the [Attorney General's] *Secretary's* discretion, may waive the application of—

(A) * * *

(B) any other provision of such section (excluding paragraphs (3), (10)(C), and [(10(E))] *(10)(E))*, if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).

(3) * * *

* * * * * * *

(5) Upon the approval of adjustment of status under paragraph (1), the [Attorney General] *Secretary of Homeland Security* shall record the alien's lawful admission for permanent residence as of the date of such approval.

(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien's adjustment of status under this subsection if a Federal, State, or local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling certifies that the official has no objection to such waiver or reduction.

(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may

waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).

* * * * * * *

CHANGE OF NONIMMIGRANT CLASSIFICATION

SEC. 248. [The Attorney General] *(a) The Secretary of Homeland Security* may, under such conditions as he may prescribe, authorize a change from any nonimmigrant classification to any other nonimmigrant classification in the case of any alien lawfully admitted to the United States as a nonimmigrant who is continuing to maintain that status and who is not inadmissible under section 212(a)(9)(B)(i) (or whose inadmissibility under such section is waived under section 212(a)(9)(B)(v)), except *(subject to subsection (b))* in the case of—

(1) * * *

* * * * * * *

(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), other than from such classification under subparagraph (C) or (D) of such section.

* * * * * * *

TITLE III—NATIONALITY AND NATURALIZATION

* * * * * * *

CHAPTER 2—NATIONALITY THROUGH NATURALIZATION

* * * * * * *

MARRIED PERSONS AND EMPLOYEES OF CERTAIN NONPROFIT ORGANIZATIONS

SEC. 319. (a) Any person whose spouse is a citizen of the United States, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty, may be naturalized upon compliance with all the requirements of this title except the provisions of paragraph (1) of section 316(a) if such person immediately preceding the date of filing his application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least three years, and during the three years immediately preceding the date of filing his application has been living in marital union with the citizen spouse (except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent*, regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty*), who has been a United States citizen during all of such period, and has been physically present in the United States for periods totaling at least half of that time and

has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months. *The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.*

* * * * * * *

SEC. 320. (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

(1) * * *

* * * * * * *

(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence *or the child is residing in the United States pursuant to a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household.*

SECTION 107 OF THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) * * *

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—

(A) * * *

* * * * * * *

(E) CERTIFICATION.—

(i) IN GENERAL.—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the [investigation and prosecution] *investigation or prosecution, by the United States or a State or local government* of severe forms of trafficking in persons; and

(II)(aa) * * *

(bb) is a person whose continued presence in the United States the [Attorney General] *Secretary of Homeland Security* is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) PERIOD OF EFFECTIVENESS.—A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the [Attorney General] *Secretary of Homeland Security* determines that the continued presence

of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) INVESTIGATION [AND] *OR* PROSECUTION DEFINED.—For the purpose of a certification under this subparagraph, the term "investigation [and] *or* prosecution" includes—

(I) * * *

(II) location and apprehension of such persons; [and]

(III) testimony at proceedings against such persons[.]*; or*

(IV) responding to and cooperating with requests for evidence and information.

* * * * * * *

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General*, Secretary of Homeland Security,* and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) * * *

* * * * * * *

(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—Federal law enforcement officials may permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates. *State or local law enforcement officials may request that such Federal law enforcement officials permit the continued presence of trafficking victims. If such a request contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.*

* * * * * * *

(5) CERTIFICATION OF NO OBJECTION FOR WAIVER OR REDUCTION OF PERIOD OF REQUIRED PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—In order for an alien to have the required period of physical presence under paragraph (1)(A) of section 245(l) of the Immigration and Nationality Act waived or reduced under paragraph (6) of such section, a Federal, State, and local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling may provide for a certification of having no objection to such waiver or reduction.

* * * * * * *

(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—

(1) * * *

* * * * * * *

(5) STATUTORY CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the [Attorney General] *Secretary of Homeland Security* from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the [Attorney General] *Secretary of Homeland Security* prior to the alien's admission as a nonimmigrant under such section 101(a)(15)(T)(i).

* * * * * * *

(g) ANNUAL REPORTS.—On or before October 31 of each year, the [Attorney General] *Secretary of Homeland Security* shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(o)(2) or 245(l)(4)(A) of such Act. *Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.*

* * * * * * *

SECTION 202 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT

SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NICARAGUANS AND CUBANS. (a) * * *

* * * * * * *

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) * * *

(B) the alien—

(i) * * *

(ii) was, at the time at which an alien filed for adjustment under subsection (a), the spouse or child of an alien whose status is adjusted*, or was eligible for adjustment,* to that of an alien lawfully admitted for permanent residence under subsection (a), and the spouse, child, or child of the spouse has been battered

or subjected to extreme cruelty by the alien that filed for adjustment under subsection (a);

* * * * * * *

(E) applies for such adjustment before April 1, 2000*, or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005*.

* * * * * * *

(3) PROCEDURE.—In acting on an application under this section with respect to a spouse or child who has been battered or subjected to extreme cruelty, the Attorney General shall apply section [204(a)(1)(H)] *204(a)(1)(J)*.

* * * * * * *

SECTION 1 OF THE ACT OF NOVEMBER 2, 1966

(Public Law 89–732)

AN ACT To adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 245(c) of the Immigration and Nationality Act, the status of any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959 and has been physically present in the United States for at least one year, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if the alien makes an application for such adjustment, and the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. Upon approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission for permanent residence as of a date thirty months prior to the filing of such an application or the date of his last arrival into the United States, whichever date is later. The provisions of this Act shall be applicable to the spouse and child of any alien described in this subsection, regardless of their citizenship and place of birth, who are residing with such alien in the United States, except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section [204(a)(1)(H)] *204(a)(1)(J). An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of en-*

actment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.

* * * * * * *

SECTION 902 OF THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS

SEC. 902. (a) * * *

* * * * * * *

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) * * *

(B)(i) the alien is the spouse, child, or unmarried son or daughter of an alien [whose status is adjusted to that of an alien lawfully admitted for permanent residence] *who is or was eligible for classification* under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for such adjustment is filed;

(ii) at the time of filing of the application for adjustment under subsection (a), the alien is the spouse or child of an alien [whose status is adjusted to that of an alien lawfully admitted for permanent residence] *who is or was eligible for classification* under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section [204(a)(1)(H)] *204(a)(1)(J)*.

* * * * * * *

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

* * * * * * *

DIVISION C—ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

* * * * * * *

TITLE III—INSPECTION, APPREHENSION, DETENTION, ADJUDICATION, AND REMOVAL OF INADMISSIBLE AND DEPORTABLE ALIENS

Subtitle A—Revision of Procedures for Removal of Aliens

* * * * * * *

SEC. 309. EFFECTIVE DATES; TRANSITION.

(a) * * *

* * * * * * *

(c) TRANSITION FOR CERTAIN ALIENS.—

(1) * * *

* * * * * * *

(5) TRANSITIONAL RULES WITH REGARD TO SUSPENSION OF DEPORTATION.—

(A) * * *

* * * * * * *

(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—

(i) IN GENERAL.—For purposes of calculating the period of continuous physical presence under section 244(a) of the Immigration and Nationality Act (as in effect before the title III–A effective date) or section 240A of such Act (as in effect after the title III–A effective date), subparagraph (A) of this paragraph and paragraphs (1) and (2) of section 240A(d) of the Immigration and Nationality Act shall not apply in the case of an alien, regardless of whether the alien is in exclusion or deportation proceedings before the title III–A effective date, who has not been convicted at any time of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act) and—

(I) * * *

* * * * * * *

(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)—

(AA) * * *

(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; [or]

(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; [and] *or*

(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and

* * * * * * *

(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section [204(a)(1)(H)] *204(a)(1)(J)* shall apply.

* * * * * * *

(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.—*(1)* Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act)), *subject to paragraph (2),* any alien who has become eligible for cancellation of removal or suspension of deportation as a result of the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act and shall extend for a period not to exceed 240 days.

(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.

* * * * * * *

Subtitle F—Additional Provisions

* * * * * * *

SEC. 384. PENALTIES FOR DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice [(including any bureau or agency of such Department)], *or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Depart-*

ment of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using information [furnished solely by] *furnished by or derived from information provided solely by—*

(A) * * *

* * * * * * *

(D) a member of the spouse's or parent's family residing in the same household as the alien who has battered the alien's child or subjected the alien's child to extreme cruelty when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty, [or]

(E) in the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act, the perpetrator of the substantial physical or mental abuse and the criminal activity, *or*

(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration and Nationality Act, the trafficker or perpetrator,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act; [or]

(2) permit use by or disclosure to anyone (other than a sworn officer or employee [of the Department,] *of any such Department,* or bureau or agency thereof, for legitimate Department, bureau, or agency purposes) of any information which relates to an alien who is the beneficiary of an application for relief [under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)] *as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under*, section 216(c)(4)(C), section 101(a)(15)(U), [or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.] *section 101(a)(15)(T), section 214(c)(15), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien; or*

(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.

The limitation under paragraph (2) ends when the application for relief is denied and all opportunities for appeal of the denial have been exhausted.

(b) EXCEPTIONS.—

(1) [The Attorney General may provide, in the Attorney General's discretion] *The Attorney General, Secretary of Home-*

land Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each's discretion, for the disclosure of information in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) [The Attorney General may provide in the discretion of the Attorney General] *The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each's discretion* for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose.

* * * * * * *

(5) The Attorney General [is authorized to disclose]*, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose* information, to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).

(c) PENALTIES FOR VIOLATIONS.—Anyone who willfully uses, publishes, or permits information to be disclosed in violation of this section *or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act* shall be subject to appropriate disciplinary action and subject to a civil money penalty of not more than $5,000 for each such violation. *The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.*

* * * * * * *

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JULY 27, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:38 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. Pursuant to notice, I now call up the bill H.R. 3402, the "Department of Justice Appropriations Authorization Act" for fiscal years 2006 through 2009 for purposes of markup and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 3402, follows:]

I

109TH CONGRESS
1ST SESSION

H. R. 3402

To authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2005

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, Mr. SCHIFF, Mr. WEINER, and Mr. COBLE) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2006.
Sec. 102. Authorization of appropriations for fiscal year 2007.
Sec. 103. Authorization of appropriations for fiscal year 2008.
Sec. 104. Authorization of appropriations for fiscal year 2009.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
Sec. 203. Congressional medal and plaque for public safety officers who responded to the attacks on the United States on September 11, 2001.
Sec. 204. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
Sec. 205. Clarification of uses for regional information sharing system grants.
Sec. 206. Integrity and enhancement of national criminal record databases.
Sec. 207. Extension of matching grant program for law enforcement armor vests.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.
Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.
Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
Sec. 225. Expansion of grant programs assisting enforcement of domestic violence cases to also assist enforcement of sexual assault cases.
Sec. 226. Change of certain reports from annual to biennial.
Sec. 227. Clarification of recipients and programs eligible for grants under Rural Domestic Violence and Child Abuse Enforcement Assistance program.

Subtitle D—Preventing Crime

Sec. 231. Clarification of definition of violent offender for purposes of juvenile drug courts.
Sec. 232. Changes to distribution and allocation of grants for drug courts.
Sec. 233. Eligibility for grants under drug court grants program extended to courts that supervise non-offenders with substance abuse problems.
Sec. 234. Term of Residential Substance Abuse Treatment program for local facilities.

Subtitle E—Other Matters

Sec. 241. Changes to certain financial authorities.
Sec. 242. Coordination duties of Assistant Attorney General.
Sec. 243. Simplification of compliance deadlines under sex-offender registration laws.
Sec. 244. Repeal of certain programs.
Sec. 245. Elimination of certain notice and hearing requirements.
Sec. 246. Amended definitions for purposes of Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 247. Clarification of authority to pay subsistence payments to prisoners for health care items and services.
Sec. 248. Office of Audit, Assessment, and Management.
Sec. 249. Community Capacity Development Office.
Sec. 250. Office of Applied Law Enforcement Technology.
Sec. 251. Availability of funds for grants.
Sec. 252. Consolidation of financial management systems of Office of Justice Programs.
Sec. 253. Authorization and change of COPS program to single grant program.
Sec. 254. Clarification of persons eligible for benefits under Public Safety Officers' Death Benefits programs.
Sec. 255. Research-based bullying prevention programs.
Sec. 256. Reauthorization of juvenile accountability block grants.
Sec. 257. Sex offender management.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Technical amendments relating to Public Law 107–56.
Sec. 302. Miscellaneous technical amendments.
Sec. 303. Minor substantive amendment relating to contents of FBI annual report.
Sec. 304. Use of Federal training facilities.
Sec. 305. Privacy officer.
Sec. 306. Bankruptcy crimes.
Sec. 307. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
Sec. 308. Technical correction relating to definition used in ''terrorism transcending national boundaries'' statute.
Sec. 309. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
Sec. 310. Expanded jurisdiction for contraband offenses in correctional facilities.
Sec. 311. Magistrate judge's authority to continue preliminary hearing.
Sec. 312. Technical corrections relating to steroids.
Sec. 313. Prison Rape Commission extension.
Sec. 314. Longer statute of limitation for human trafficking-related offenses.
Sec. 315. Use of Center for Criminal Justice Technology.
Sec. 316. SEARCH grants.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

Sec. 401. Short title.
Sec. 402. Definitions and requirements for programs relating to violence against women.

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

Sec. 501. STOP grants improvements.
Sec. 502. Grants to encourage arrest and enforce protection orders improvements.
Sec. 503. Legal assistance for victims improvements.
Sec. 504. Court training and improvements.
Sec. 505. Full faith and credit improvements.
Sec. 506. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
Sec. 507. Stalker database.
Sec. 508. Victim assistants for District of Columbia.
Sec. 509. Preventing cyberstalking.
Sec. 510. Repeat offender provision.
Sec. 511. Prohibiting dating violence.
Sec. 512. GAO study and report.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 601. Technical amendment to Violence Against Women Act.
Sec. 602. Sexual assault services program.
Sec. 603. Amendments to the rural domestic violence and child abuse enforcement assistance program.
Sec. 604. Assistance for victims of abuse.
Sec. 605. GAO study of National Domestic Violence Hotline.
Sec. 606. Grants for outreach to underserved populations.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 701. Services and justice for young victims of violence.
Sec. 702. Grants to combat violent crimes on campuses.
Sec. 703. Safe havens.
Sec. 704. Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

Sec. 801. Preventing violence in the home.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

Sec. 900. Short title; references to VAWA–2000; regulations.

Subtitle A—Victims of Crime

Sec. 901. Conditions applicable to U and T visas.
Sec. 902. Clarification of basis for relief under hardship waivers for conditional permanent residence.
Sec. 903. Adjustment of status for victims of trafficking.

Subtitle B—VAWA Petitioners

Sec. 911. Definition of VAWA petitioner.
Sec. 912. Self-petitioning for children.

Sec. 913. Self-petitioning parents.
Sec. 914. Promoting consistency in VAWA adjudications.
Sec. 915. Relief for certain victims pending actions on petitions and applications for relief.
Sec. 916. Access to VAWA protection regardless of manner of entry.
Sec. 917. Eliminating abusers' control over applications for adjustments of status.
Sec. 918. Parole for VAWA petitioners and for derivatives of trafficking victims.
Sec. 919. Exemption of victims of domestic violence, sexual assault and trafficking from sanctions for failure to depart voluntarily.
Sec. 920. Clarification of access to naturalization for victims of domestic violence.
Sec. 921. Prohibition of adverse determinations of admissibility or deportability based on protected information.
Sec. 922. Information for K nonimmigrants about legal rights and resources for immigrant victims of domestic violence.
Sec. 923. Authorization of appropriations.

Subtitle C—Miscellaneous Provisions

Sec. 931. Removing 2 year custody and residency requirement for battered adopted children.
Sec. 932. Waiver of certain grounds of inadmissibility for VAWA petitioners.
Sec. 933. Employment authorization for battered spouses of certain nonimmigrants.
Sec. 934. Grounds for hardship waiver for conditional permanent residence for intended spouses.
Sec. 935. Cancellation of removal.
Sec. 936. Motions to reopen.
Sec. 937. Removal proceedings.
Sec. 938. Conforming relief in suspension of deportation parallel to the relief available in VAWA–2000 cancellation for bigamy.
Sec. 939. Correction of cross-reference to credible evidence provisions.
Sec. 940. Technical corrections.

TITLE X—SAFETY ON TRIBAL LANDS

Sec. 1001. Purposes.
Sec. 1002. Consultation.
Sec. 1003. Analysis and research on violence on tribal lands.
Sec. 1004. Tracking of violence on tribal lands.
Sec. 1005. Tribal Division of the Office on Violence Against Women.
Sec. 1006. GAO report to Congress on status of prosecution of sexual assault and domestic violence on tribal lands.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and

deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code; and

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed

$70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.— For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code; and

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code; and

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be

used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and mainte-

nance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and

clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code; and

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed

$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug

trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communica-

tions, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

"Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program";

(B) by amending section 500 to read as follows:

"SEC. 500. NAME OF PROGRAM.

"(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

"(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a)."; and

(C) by inserting after section 500 the following new sections:

"SEC. 501. DESCRIPTION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

"(A) Law enforcement programs.

"(B) Prosecution and court programs.

"(C) Prevention and education programs.

1 "(D) Corrections and community correc-
2 tions programs.
3 "(E) Drug treatment and enforcement pro-
4 grams.
5 "(F) Planning, evaluation, and technology
6 improvement programs.
7 "(G) Crime victim and witness programs
8 (other than compensation).
9 "(2) RULE OF CONSTRUCTION.—Paragraph (1)
10 shall be construed to ensure that a grant under that
11 paragraph may be used for any purpose for which
12 a grant was authorized to be used under either or
13 both of the programs specified in section 500(b), as
14 those programs were in effect immediately before the
15 enactment of this paragraph.
16 "(b) CONTRACTS AND SUBAWARDS.—A State or unit
17 of local government may, in using a grant under this sub-
18 part for purposes authorized by subsection (a), use all or
19 a portion of that grant to contract with or make one or
20 more subawards to one or more—
21 "(1) neighborhood or community-based organi-
22 zations that are private and nonprofit;
23 "(2) units of local government; or
24 "(3) tribal governments.

"(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

"(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

"(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

"(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

"(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

"(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

"(A) vehicles, vessels, or aircraft;

1 "(B) luxury items;

2 "(C) real estate;

3 "(D) construction projects (other than
4 penal or correctional institutions); or

5 "(E) any similar matters.

6 "(e) ADMINISTRATIVE COSTS.—Not more than 10
7 percent of a grant made under this subpart may be used
8 for costs incurred to administer such grant.

9 "(f) PERIOD.—The period of a grant made under this
10 subpart shall be four years, except that renewals and ex-
11 tensions beyond that period may be granted at the discre-
12 tion of the Attorney General.

13 "(g) RULE OF CONSTRUCTION.—Subparagraph
14 (d)(1) shall not be construed to prohibit the use, directly
15 or indirectly, of funds provided under this subpart to pro-
16 vide security at a public event, such as a political conven-
17 tion or major sports event, so long as such security is pro-
18 vided under applicable laws and procedures.

19 **"SEC. 502. APPLICATIONS.**

20 "To request a grant under this subpart, the chief ex-
21 ecutive officer of a State or unit of local government shall
22 submit an application to the Attorney General within 90
23 days after the date on which funds to carry out this sub-
24 part are appropriated for a fiscal year, in such form as

the Attorney General may require. Such application shall include the following:

"(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

"(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

"(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

"(A) the application (or amendment) was made public; and

"(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable

law or established procedure makes such an opportunity available.

''(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

''(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

''(A) the programs to be funded by the grant meet all the requirements of this subpart;

''(B) all the information contained in the application is correct;

''(C) there has been appropriate coordination with affected agencies; and

''(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

''SEC. 503. REVIEW OF APPLICATIONS.

''The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the

applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

"SEC. 504. RULES.

"The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

"SEC. 505. FORMULA.

"(a) ALLOCATION AMONG STATES.—

"(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

"(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the total population of a State to—

"(ii) the total population of the United States; and

"(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

"(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Inves-

tigation reported by such State for the three most recent years reported by such State to—

"(ii) the average annual number of such crimes reported by all States for such years.

"(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a "minimum allocation State"), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

"(A) allocate 0.25 percent of the total amount to each State; and

"(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

"(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

"(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

"(2) 40 percent shall be for grants to be allocated under subsection (d).

"(c) ALLOCATION FOR STATE GOVERNMENTS.—

"(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

"(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

"(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

"(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

"(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

"(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

"(2) ALLOCATION.—

"(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

"(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

"(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

"(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

"(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

"(ii) but for this paragraph, the amount of funds allocated under this section to—

"(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

"(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

"(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

"(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

"(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

"(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

"(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uni-

form Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

"(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

"(g) SPECIAL RULES FOR PUERTO RICO.—

"(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

"(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

"(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

"SEC. 506. RESERVED FUNDS.

"Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

"(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

"(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

"SEC. 507. INTEREST-BEARING TRUST FUNDS.

"(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

1 "(b) EXPENDITURES.—

2 "(1) IN GENERAL.—Each amount received
3 under this subpart (including interest on such
4 amount) shall be expended before the date on which
5 the grant period expires.

6 "(2) REPAYMENT.—A State or unit of local
7 government that fails to expend an entire amount
8 (including interest on such amount) as required by
9 paragraph (1) shall repay the unexpended portion to
10 the Attorney General not later than 3 months after
11 the date on which the grant period expires.

12 "(3) REDUCTION OF FUTURE AMOUNTS.—If a
13 State or unit of local government fails to comply
14 with paragraphs (1) and (2), the Attorney General
15 shall reduce amounts to be provided to that State or
16 unit of local government accordingly.

17 "(c) REPAID AMOUNTS.—Amounts received as repay-
18 ments under this section shall be subject to section 108
19 of this title as if such amounts had not been granted and
20 repaid. Such amounts shall be deposited in the Treasury
21 in a dedicated fund for use by the Attorney General to
22 carry out this subpart. Such funds are hereby made avail-
23 able to carry out this subpart.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.".

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking "such as" and all that follows through "the M.O.R.E. program" and inserting "such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program".

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ''pursuant to section 511 or 515'' and inserting ''pursuant to section 515'';

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ''the program evaluations as required by section 501(c) of this part'' and inserting ''program evaluations'';

(ii) in subsection (a)(2), by striking ''evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part'' and inserting ''evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part''; and

(iii) in subsection (b)(2), by striking ''programs funded under section 506 (formula grants) and section 511 (discretionary grants)'' and inserting ''programs

funded under section 505 (formula grants)";

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking "section 506" and inserting "section 505"; and

(ii) in subsection (a)(1), by striking "an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503" and inserting "an assessment of the impact of such activities on meeting the purposes of subpart 1";

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking "the purposes of section 501 of this title" and inserting "the purposes of such subpart 1"; and

(ii) by striking "the application submitted pursuant to section 503 of this title" and inserting "the application submitted pursuant to section 502 of this title";

(E) in section 808 (42 U.S.C. 3789), by striking "the State office described in section

507 or 1408'' and inserting ''the State office responsible for the trust fund required by section 507, or the State office described in section 1408,'';

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ''for the purposes of section 506(a)'' and inserting ''for the purposes of section 505(a)'';

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ''section 506(a)'' and inserting ''section 505(a)'';

(ii) in paragraph (2)—

(I) by striking ''section 503(a)'' and inserting ''section 502''; and

(II) by striking ''section 506'' and inserting ''section 505'';

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ''The office designated under section 507 of title I'' and inserting ''The office responsible for the trust fund required by section 507'';

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ''and reflects

consideration of the statewide strategy under section 503(a)(1)''; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ''The Office designated under section 507'' and inserting ''The office responsible for the trust fund required by section 507''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking ''more than 5 recipients'' and inserting ''more than 5 individuals, or groups of individuals, as recipients''.

SEC. 203. CONGRESSIONAL MEDAL AND PLAQUE FOR PUBLIC SAFETY OFFICERS WHO RESPONDED TO THE ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) PURPOSE.—It is the purpose of this section—

(1) to commemorate the sacrifices made and service rendered to the United States by those public safety officers who responded to the attacks on the United States on September 11, 2001; and

(2) to honor those public safety officers on the third anniversary of those attacks.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress—

(A) to individuals certified by the Attorney General pursuant to subsection (e), a bronze medal 1½ inches in diameter commemorating the service to the United States of those individuals; and

(B) to public agencies certified by the Attorney General pursuant to subsection (e), a plaque commemorating the service to the United States of the officers, employees, or agents of those agencies.

(2) DATE.—The presentation shall be made as close as feasible to the third anniversary of the attacks on the United States on September 11, 2001.

(3) NEXT OF KIN.—In the case of an individual certified by the Attorney General pursuant to subsection (e), the medal may be accepted by the next of kin of any such individual.

(c) DESIGN AND STRIKING.—

(1) CONSULTATION.—The Attorney General shall consult with the Institute of Heraldry of the Department of Defense regarding the design and artistry of the medal and the plaque authorized by this section. The Attorney General may also consider suggestions received by the Department of Justice regarding the design and artistry of the medal and the plaque, including suggestions made by persons not employed by the Department of Justice.

(2) STRIKING.—After such consultation, the Attorney General shall strike such medals and produce such plaques as may be required to carry out this section.

(d) ELIGIBILITY REQUIREMENTS.—

(1) INDIVIDUALS.—

(A) IN GENERAL.—To be eligible to be presented the medal referred to in subsection (b), an individual must have been a public safety officer (as defined in section 5 of the Public

Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15204))—

(i) who was present in New York, Virginia, or Pennsylvania on September 11, 2001;

(ii) who participated in the response that day to the terrorist attacks on the World Trade Center, the terrorist attack on the Pentagon, or the terrorist attack that resulted in the crash of the fourth airplane in Pennsylvania; and

(iii) who died as a result of such participation.

(B) RULE OF CONSTRUCTION.—An individual who was killed in one of the attacks referred to in subparagraph (A)(ii) shall be deemed, for purposes of that subparagraph, to have participated in the response.

(2) AGENCIES.—To be eligible to be presented the plaque referred to in subsection (b), a public agency must have had at least one officer, employee, or agent who is eligible under paragraph (1) or who would be so eligible but for the requirement of subparagraph (A)(iii) of that paragraph.

(3) APPLICATION; DETERMINATION.—To establish the eligibility required by paragraphs (1) or (2), the head of a public agency must present to the Attorney General an application with such supporting documentation as the Attorney General may require to support such eligibility and, in the case of the eligibility of an individual, with information on next of kin. The Attorney General shall determine, through the documentation provided and, if necessary, independent investigation, whether the requirements of paragraphs (1) or (2) have been established.

(e) CERTIFICATION.—The Attorney General shall, within 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of individuals eligible to receive the medal and public agencies eligible to receive the plaque.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 204. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking ''the Director of the Office of Justice Assistance'' and inserting ''the Assistant Attorney General for the Office of Justice Programs''.

SEC. 205. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting ''regional'' before ''information sharing systems'';

(2) by amending paragraph (3) to read as follows:

''(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;''; and

(3) by striking ''(5)'' at the end of paragraph (4).

SEC. 206. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: ''The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.'';

(2) by amending paragraph (19) of subsection (c) to read as follows:

''(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;''; and

(3) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.''.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking ''particular individual'' and inserting ''private person or public agency''.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking ''Except as provided by Federal law other than this title, no'' and inserting ''No''.

SEC. 207. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2004'' and inserting ''2009''.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

"SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

"(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

"(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

"SEC. 104. WEED AND SEED STRATEGIES.

"(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be

known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

"(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

"(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

"(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

"(B) community revitalization efforts, including enforcement of building codes and development of the economy.

1 "(b) GUIDELINES.—The Director shall issue guide-
2 lines for the development and implementation of Weed and
3 Seed strategies under this section. The guidelines shall en-
4 sure that the Weed and Seed strategy for a community
5 referred to in subsection (a) shall—
6 "(1) be planned and implemented through and
7 under the auspices of a steering committee, properly
8 established in the community, comprised of—
9 "(A) in a voting capacity, representatives
10 of—
11 "(i) appropriate law enforcement
12 agencies; and
13 "(ii) other public and private agencies,
14 and neighborhood and community-based
15 organizations, interested in criminal justice
16 and community-based development and re-
17 vitalization in the community; and
18 "(B) in a voting capacity, both—
19 "(i) the Drug Enforcement Adminis-
20 tration's special agent in charge for the ju-
21 risdiction encompassing the community;
22 and
23 "(ii) the United States Attorney for
24 the District encompassing the community;

"(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

"(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

"(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

"(1) the United States Attorney for the District encompassing the community must certify to the Director that—

"(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

"(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

1 ''(C) the steering committee is capable of
2 implementing the strategy appropriately; and
3 ''(2) the community must agree to formulate a
4 timely and effective plan to independently sustain
5 the strategy (or, at a minimum, a majority of the
6 best practices of the strategy) when assistance under
7 this section is no longer available.
8 ''(d) APPLICATION.—An application for designation
9 as a Weed-and-Seed community for purposes of subsection
10 (a) shall be submitted to the Director by the steering com-
11 mittee of the community in such form, and containing
12 such information and assurances, as the Director may re-
13 quire. The application shall propose—
14 ''(1) a sustainable Weed and Seed strategy that
15 includes—
16 ''(A) the active involvement of the United
17 States Attorney for the District encompassing
18 the community, the Drug Enforcement Admin-
19 istration's special agent in charge for the juris-
20 diction encompassing the community, and other
21 Federal law enforcement agencies operating in
22 the vicinity;
23 ''(B) a significant community-oriented po-
24 licing component; and

1 "(C) demonstrated coordination with com-
2 plementary neighborhood and community-based
3 programs and initiatives; and
4 "(2) a methodology with outcome measures and
5 specific objective indicia of performance to be used
6 to evaluate the effectiveness of the strategy.
7 "(e) GRANTS.—
8 "(1) IN GENERAL.—In implementing a strategy
9 for a community under subsection (a), the Director
10 may make grants to that community.
11 "(2) USES.—For each grant under this sub-
12 section, the community receiving that grant—
13 "(A) shall use not less than 40 percent of
14 the grant amounts for Seeding activities under
15 subsection (a)(2); and
16 "(B) may not use any of the grant
17 amounts for construction, except that the As-
18 sistant Attorney General may authorize use of
19 grant amounts for incidental or minor construc-
20 tion, renovation, or remodeling.
21 "(3) LIMITATIONS.—A community may not re-
22 ceive grants under this subsection (or fall within
23 such a community)—
24 "(A) for a period of more than 10 fiscal
25 years;

"(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

"(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

"(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

"(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

"(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

"(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the

total costs of the projects described in the application for which the grant was made.

"(B) The requirement of subparagraph (A)—

"(i) may be satisfied in cash or in kind; and

"(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

"(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.".

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before

the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after ''Director'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(C) for nonprofit neighborhood and community-based victim service organizations and coalitions

to improve outreach and services to victims of crime.";

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(C)";

(ii) by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).".

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: ", which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not

hereby authorized to accept any such gift, bequest, or donation that—

"(A) attaches conditions inconsistent with applicable laws or regulations; or

"(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.".

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking "expended" and inserting "obligated".

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking ", acting through the Director,";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish victim assistance programs, as appropriate.".

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after ''violent crimes against women'' the following: ''to develop and strengthen victim services in cases involving violent crimes against women''.

(b) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (a), by striking ''to States'' and all that follows through ''tribal governments'';

(2) in subsection (b)—

(A) in each of paragraphs (2) and (3), by striking ''1/54'' and inserting ''1/53''; and

(B) in paragraph (4), by striking ''in Indian country'';

(3) in subsection (c)(3)(A), by striking ''police'' and inserting ''law enforcement''; and

(4) in subsection (d)—

(A) in the second sentence, by inserting after ''each application'' the following: ''submitted by a State''; and

(B) in the third sentence, by striking ''An application'' and inserting ''In addition, each application submitted by a State or tribal government''.

(c) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

(d) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of such Act (42 U.S.C. 3796gg–4) is amended by adding at the end the following new subsections:

1 "(c) USE OF FUNDS.—A State or Indian tribal gov-
2 ernment may use Federal grant funds under this part to
3 pay for forensic medical exams performed by trained ex-
4 aminers for victims of sexual assault, except that such
5 funds may not be used to pay for forensic medical exams
6 by any State or Indian tribal government that requires
7 victims of sexual assault to seek reimbursement for such
8 exams from their insurance carriers.

9 "(d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to require a victim of sexual assault
11 to participate in the criminal justice system or cooperate
12 with law enforcement in order to be provided with a foren-
13 sic medical exam, reimbursement for charges incurred on
14 account of such an exam, or both.".

15 (e) TECHNICAL AMENDMENT.—The heading for Part
16 T of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to
18 read as follows:

"PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN".

SEC. 225. EXPANSION OF GRANT PROGRAMS ASSISTING ENFORCEMENT OF DOMESTIC VIOLENCE CASES TO ALSO ASSIST ENFORCEMENT OF SEXUAL ASSAULT CASES.

(a) GRANTS TO ENCOURAGE DOMESTIC VIOLENCE ARREST POLICIES.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence and sexual assault as serious violations'';

(2) in subsection (b)—

(A) in each of paragraphs (2) and (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, sexual assault, and dating violence'';

(B) in paragraph (3), by striking ''domestic violence cases'' and inserting ''domestic violence and sexual assault cases''; and

(C) in paragraph (6), by striking ''about domestic violence'' and inserting ''about domestic violence and sexual assault''; and

(3) in subsection (d), by striking ''In this section, the term'' and inserting ''In this part—

''(1) the term 'sexual assault' has the meaning given the term in section 2008; and

''(2) the term''.

(b) APPLICATIONS.—Section 2102(b) of such Act (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: ''or sexual assault''.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE.—Section 40295(a) of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971(a)) is amended in each of paragraphs (1) and (2) by striking ''domestic violence and dating violence (as defined in section 2003'' and inserting ''domestic violence, sexual assault, and dating violence (as such terms are defined in section 2008''.

SEC. 226. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an

annual report, beginning one year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than one month after the end of each even-numbered fiscal year,''.

SEC. 227. CLARIFICATION OF RECIPIENTS AND PROGRAMS ELIGIBLE FOR GRANTS UNDER RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 13971) is amended as follows:

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''to States, Indian tribal governments, and local governments of rural States,

and to other public or private entities of rural States'' and inserting ''to States, Indian tribal governments, local governments, and public or private entities, for programs serving rural areas or rural communities''; and

(2) in subsection (b)—

(A) by inserting ''(1) the term'' before '''Indian tribe' means'';

(B) by striking ''Indians.'' and all that follows through the period at the end and inserting ''Indians; and

''(2) the terms 'rural area' and 'rural community' have the meanings given those terms in section 491(k)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(k)(2)).''.

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking ''an offense that'' and inserting ''a felony-level offense that''.

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

''(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.''.

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking ' 'offenders with substance abuse problems'' and inserting ''offenders, and

other individuals under the jurisdiction of the court, with substance abuse problems''.

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(1) directed at the substance abuse problems of the prisoners; and

''(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.''.

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY

FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of such Act (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking ''section 6503(d)'' and inserting ''sections 3335(b) or 6503(d)''; and

(2) by striking ''section 6503'' and inserting ''sections 3335(b) or 6503''.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking ''pursuant to section 501(a)'' and inserting ''pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)''.

(c) FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.—Section 530C(b) of title 28, United States Code, is amended—

(1) in paragraph (2), in each of subparagraphs (A) and (B), by inserting ''for the Bureau of Alco-

hol, Tobacco, Firearms, and Explosives,'' before ''for the Drug Enforcement Administration,''; and

(2) by adding at the end the following new paragraph:

''(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.''.

(d) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is

amended in subsection (a)(5) by inserting after ''the Bureau of Justice Statistics,'' the following: ''the Office for Victims of Crime,''.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting '', including placing special conditions on all grants, and determining priority purposes for formula grants'' before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking ''unless such requirement is terminated under'' and inserting ''for the time period specified in''.

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769–3769d).

(2) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a–3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking ''(a)'' before ''Whenever,''.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking '', after reasonable notice and opportunity for a hearing,''; and

(B) by striking '', except as otherwise provided herein''.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking ''(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))''.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking ''program or project'' and inserting ''program, plan, or project''.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking ''which'' and inserting '', including faith-based, that''.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking ''and'' at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).".

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after "The Attorney General" the following: "or the Secretary of Homeland Security, as applicable,"; and

(2) in subsection (b)(1)—

(A) by striking "the Immigration and Naturalization Service" and inserting "the Department of Homeland Security";

(B) by striking "shall not exceed the lesser of the amount" and inserting "shall be the amount billed, not to exceed the amount";

(C) by striking "items and services" and all that follows through "the Medicare program" and inserting "items and services under the Medicare program"; and

(D) by striking "; or" and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

"SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

"(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to,

grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

"(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

"(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

"(1) The program under part Q of this title.

"(2) Any grant program carried out by the Office of Justice Programs.

"(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

"(c) PERFORMANCE AUDITS REQUIRED.—

"(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

"(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

"(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

"(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

"(B) at the end of each year of the grant period, if the grant period is more than 1 year.

1 "(d) COMPLIANCE ACTIONS REQUIRED.—The Direc-
2 tor shall take such actions to ensure compliance with the
3 terms of a grant as the Director considers appropriate
4 with respect to each grant that the Director determines
5 (in consultation with the head of the element of the De-
6 partment of Justice concerned), through a performance
7 audit under subsection (a) or other means, is not in com-
8 pliance with such terms. In the case of a misuse of more
9 than 1 percent of the grant amount concerned, the Direc-
10 tor shall, in addition to any other action to ensure compli-
11 ance that the Director considers appropriate, ensure that
12 the entity responsible for such misuse ceases to receive any
13 funds under any program covered by subsection (b) until
14 such entity repays to the Attorney General an amount
15 equal to the amounts misused. The Director may, in un-
16 usual circumstances, grant relief from this requirement to
17 ensure that an innocent party is not punished.

18 "(e) GRANT MANAGEMENT SYSTEM.—The Director
19 shall establish and maintain, in consultation with the chief
20 information officer of the Office, a modern, automated
21 system for managing all information relating to the grants
22 made under the programs covered by subsection (b).

23 "(f) AVAILABILITY OF FUNDS.—Not to exceed 5 per-
24 cent of all funding made available for a fiscal year for the
25 programs covered by subsection (b) shall be reserved for

the activities of the Office of Audit, Assessment, and Management as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding

1 the substantive and procedural requirements for par-
2 ticipating in such programs.
3 "(3) EXCLUSIVITY.—The Office shall be the ex-
4 clusive element of the Department of Justice per-
5 forming functions and activities for the purpose
6 specified in paragraph (2). There are hereby trans-
7 ferred to the Office all functions and activities for
8 such purpose performed immediately before the date
9 of the enactment of this Act by any other element
10 of the Department. This does not preclude a grant-
11 making office from providing specialized training
12 and technical assistance in its area of expertise.
13 "(b) MEANS.—The Director shall, in coordination
14 with the heads of the other elements of the Department,
15 carry out the purpose of the Office through the following
16 means:
17 "(1) Promoting coordination of public and pri-
18 vate efforts and resources within or available to
19 States, units of local government, and neighborhood
20 and community-based organizations.
21 "(2) Providing information, training, and tech-
22 nical assistance.
23 "(3) Providing support for inter- and intra-
24 agency task forces and other agreements and for as-

sessment of the effectiveness of programs, projects, approaches, or practices.

"(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

"(5) Any other similar means.

"(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

"(d) BEST PRACTICES.—The Director shall—

"(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

"(2) incorporate those characteristics into the training provided under this section.

"(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for

the activities of the Community Capacity Development Office as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

''SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

''(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

''(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

"(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

"SEC. 108. AVAILABILITY OF FUNDS.

"(a) PERIOD FOR AWARDING GRANT FUNDS.—

"(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

"(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated

for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

"(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

"(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

"(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

"(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2004.".

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).";

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking "ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—" and inserting "USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—";

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

''(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

''(B) security assessments;

''(C) security training of personnel and students;

''(D) coordination with local law enforcement; and

''(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

"(5) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;"; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

"(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;";

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking "subsection (i)" and inserting "subsection (g)"; and

(6) by adding at the end the following new subsection:

"(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

"(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

"(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

"(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.".

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking "section 1701(d)" and inserting "section 1701(b)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking clause (i) and all that follows through the period at the end and inserting the following:

"(i) $1,047,119,000 for each of fiscal years 2006 through 2009."; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;''; and

(3) in paragraph (4) by striking ''and'' and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42

U.S.C. 3796a(5)) is amended by inserting ''with respect'' before ''to any individual''.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

''(k) In any case in which the Bureau paid, before the date of the enactment of Public Law 107–196, any benefit under this part to an individual who—

''(1) before the enactment of that law was entitled to receive that benefit; and

''(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

''the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.''.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

''(4) if there is no surviving spouse or surviving child—

''(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the indi-

vidual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

''(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or''.

SEC. 255. RESEARCH-BASED BULLYING PREVENTION PROGRAMS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended by inserting before the semicolon at the end the following: '', which may include research-based bullying prevention programs''.

SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking ''2002 through 2005'' and inserting ''2006 through 2009''.

SEC. 257. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking ''or'' at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking ''to be used to be used'' and inserting ''to be used''.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking ''sections'' and inserting ''section''.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking ''title 18'' and inserting ''title 28''.

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking ''CONTENTS OF WIRE OR ELECTRONIC'' and inserting ''CONTENTS OF WIRE OR ELECTRONIC''.

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) PUNCTUATION CORRECTIONS.—The heading for section 1591 of title 18, United States Code, is amended by inserting a comma after ''**fraud**''.

(b) DUPLICATE SECTION NUMBERS.—The second section 540C in chapter 33 of title 28, United States Code, is redesignated as section 540D, and the item relating to that section in the table of sections at the beginning of that chapter is redesignated accordingly and transferred so as to be placed after the item relating to section 540C.

(c) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

''3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.''.

(d) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

SEC. 303. MINOR SUBSTANTIVE AMENDMENT RELATING TO CONTENTS OF FBI ANNUAL REPORT.

Section 540D(b)(1)(A) of title 28, United States Code, as redesignated by section 302(b), is further amended by inserting ''and the number of such personnel who receive danger pay under section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (5 U.S.C. 5928 note)'' after ''year''.

SEC. 304. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires

specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 305. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of

1 personally identifiable information, including the
2 type of personally identifiable information collected
3 and the number of people affected;
4 (5) preparing a report to Congress on an an-
5 nual basis on activities of the Department that af-
6 fect privacy, including complaints of privacy viola-
7 tions, implementation of section 552a of title 5,
8 United States Code, internal controls, and other rel-
9 evant matters;
10 (6) ensuring that the Department protects per-
11 sonally identifiable information and information sys-
12 tems from unauthorized access, use, disclosure, dis-
13 ruption, modification, or destruction in order to
14 provide—
15 (A) integrity, which means guarding
16 against improper information modification or
17 destruction, and includes ensuring information
18 nonrepudiation and authenticity;
19 (B) confidentially, which means preserving
20 authorized restrictions on access and disclosure,
21 including means for protecting personal privacy
22 and proprietary information;
23 (C) availability, which means ensuring
24 timely and reliable access to and use of that in-
25 formation; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 306. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal

1 controls to detect common, higher risk frauds, such
2 as a debtor's failure to disclose all assets.

3 **SEC. 307. REPORT TO CONGRESS ON STATUS OF UNITED**
4 **STATES PERSONS OR RESIDENTS DETAINED**
5 **ON SUSPICION OF TERRORISM.**

6 Not less often than once every 12 months, the Attor-
7 ney General shall submit to Congress a report on the sta-
8 tus of United States persons or residents detained, as of
9 the date of the report, on suspicion of terrorism. The re-
10 port shall—

11 (1) specify the number of persons or residents
12 so detained; and

13 (2) specify the standards developed by the De-
14 partment of Justice for recommending or deter-
15 mining that a person should be tried as a criminal
16 defendant or should be designated as an enemy com-
17 batant.

18 **SEC. 308. TECHNICAL CORRECTION RELATING TO DEFINI-**
19 **TION USED IN "TERRORISM TRANSCENDING**
20 **NATIONAL BOUNDARIES" STATUTE.**

21 Section 1958 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a), by striking ''facility in''
24 and inserting ''facility of''; and

(2) in subsection (b)(2), by inserting ''or foreign'' after ''interstate''.

SEC. 309. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting ''or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,'' after ''in a Federal prison,'':

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking ''one year'' and inserting ''five years''.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking ''six months'' and inserting ''two years'' in each of subsections (a)(4) and (b).

SEC. 310. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(a) of title 18, United States Code, is amended in each of paragraphs (1) and (2) by inserting ''or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General'' after ''an inmate of a prison''.

SEC. 311. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: ''In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.''.

SEC. 312. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

"(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);".

SEC. 313. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking "2 years" and inserting "3 years".

SEC. 314. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3298. Trafficking-related offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), 1591 (Sex Trafficking of Children or by Force, Fraud), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the

1 Immigration and Nationality Act unless the indictment is
2 found or the information is instituted not later than 10
3 years after the commission of the offense.''.

4 (b) CLERICAL AMENDMENT.—The table of sections at
5 the beginning of such chapter is amended by adding at
6 the end the following new item:

''3298. Trafficking-related offenses.''.

7 **SEC. 315. USE OF CENTER FOR CRIMINAL JUSTICE TECH-**
8 **NOLOGY.**

9 (a) IN GENERAL.—The Attorney General may use
10 the services of the Center for Criminal Justice Technology,
11 a nonprofit ''center of excellence'' that provides technology
12 assistance and expertise to the criminal justice commu-
13 nity.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Attorney General
16 to carr out this section the following amounts, to remai
17 available until expended:

18 (1) $7,500,000 for fiscal year 2006;
19 (2) $7,500,000 for fiscal year 2007; and
20 (3) $10,000,000 for fiscal year 2008.

21 **SEC. 316. SEARCH GRANTS.**

22 (a) IN GENERAL.—Pursuant to subpart 1 of part E
23 of title I of the Omnibus Crime Control and Safe Streets
24 Act of 1968, the Attorney General may make grants to
25 SEARCH, the National Consortium for Justice Informa-

tion and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $2,000,000 for each of fiscal years 2006 through 2009.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

Titles IV through X of this Act may be cited as the ''Violence Against Women Reauthorization Act of 2005''.

SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796gg) the following new sections:

''SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

''In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a provision authorizing or requiring the Department of Justice to make grants, or to carry out other activities, for assist-

1 ance to victims of domestic violence, dating violence, stalk-
2 ing, sexual assault, or trafficking in persons, shall be con-
3 strued to cover grants that provide assistance to female
4 victims, male victims, or both.

5 **"SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION**
6 **CARRIED OUT BY VIOLENCE AGAINST**
7 **WOMEN OFFICE.**

8 "(a) IN GENERAL.—In this part, and in any violence
9 against women provision, unless the context unequivocally
10 requires otherwise, the following definitions apply:

11 "(1) COURTS.—The term 'courts' means any
12 civil or criminal, tribal, and Alaskan Village, Fed-
13 eral, State, local or territorial court having jurisdic-
14 tion to address domestic violence, dating violence,
15 sexual assault or stalking, including immigration,
16 family, juvenile, and dependency courts, and the ju-
17 dicial officers serving in those courts, including
18 judges, magistrate judges, commissioners, justices of
19 the peace, or any other person with decisionmaking
20 authority.

21 "(2) CHILD MALTREATMENT.—The term 'child
22 maltreatment' means the physical or psychological
23 abuse or neglect of a child or youth, including sexual
24 assault and abuse.

1 "(3) COMMUNITY-BASED ORGANIZATION.—The
2 term 'community-based organization' means an or-
3 ganization that—
4 "(A) focuses primarily on domestic vio-
5 lence, dating violence, sexual assault, or stalk-
6 ing;
7 "(B) has established a specialized cul-
8 turally specific program that addresses domestic
9 violence, dating violence, sexual assault, or
10 stalking;
11 "(C) has a primary focus on underserved
12 populations (and includes representatives of
13 these populations) and domestic violence, dating
14 violence, sexual assault, or stalking; or
15 "(D) obtains expertise, or shows dem-
16 onstrated capacity to work effectively, on do-
17 mestic violence, dating violence, sexual assault,
18 and stalking through collaboration.
19 "(4) COURT-BASED AND COURT-RELATED PER-
20 SONNEL.—The term 'court-based' and 'court-related
21 personnel' mean persons working in the court,
22 whether paid or volunteer, including—
23 "(A) clerks, special masters, domestic rela-
24 tions officers, administrators, mediators, cus-
25 tody evaluators, guardians ad litem, lawyers,

1 negotiators, probation, parole, interpreters, vic-
2 tim assistants, victim advocates, and judicial,
3 administrative, or any other professionals or
4 personnel similarly involved in the legal process;
5 ''(B) court security personnel;
6 ''(C) personnel working in related, supple-
7 mentary offices or programs (such as child sup-
8 port enforcement); and
9 ''(D) any other court-based or community-
10 based personnel having responsibilities or au-
11 thority to address domestic violence, dating vio-
12 lence, sexual assault, or stalking in the court
13 system.
14 ''(5) DOMESTIC VIOLENCE.—The term 'domes-
15 tic violence' includes felony or misdemeanor crimes
16 of violence committed by a current or former spouse
17 of the victim, by a person with whom the victim
18 shares a child in common, by a person who is co-
19 habitating with or has cohabitated with the victim as
20 a spouse, by a person similarly situated to a spouse
21 of the victim under the domestic or family violence
22 laws of the jurisdiction receiving grant monies, or by
23 any other person against an adult, youth, or minor
24 victim who is protected from that person's acts

1 under the domestic or family violence laws of the ju-
2 risdiction receiving grant monies.
3 "(6) DATING PARTNER.—The term 'dating
4 partner' refers to a person who is or has been in an
5 ongoing social relationship of a romantic or intimate
6 nature with the abuser, and existence of such a rela-
7 tionship based on a consideration of—
8 "(A) the length of the relationship;
9 "(B) the type of relationship; and
10 "(C) the frequency of interaction between
11 the persons involved in the relationship.
12 "(7) DATING VIOLENCE.—The term 'dating vio-
13 lence' means violence committed by a person—
14 "(A) who is or has been in an ongoing so-
15 cial relationship of a romantic or intimate na-
16 ture with the victim; and
17 "(B) where the existence of such a rela-
18 tionship shall be determined based on a consid-
19 eration of the following factors:
20 "(i) The length of the relationship.
21 "(ii) The type of relationship.
22 "(iii) The frequency of interaction be-
23 tween the persons involved in the relation-
24 ship.

1 "(8) ELDER ABUSE.—The term 'elder abuse'
2 means any action against a person who is 60 years
3 of age or older that constitutes the willful—
4 "(A) infliction of injury, unreasonable con-
5 finement, intimidation, or cruel punishment
6 with resulting physical harm, pain, or mental
7 anguish; or
8 "(B) deprivation by a person, including a
9 caregiver, of goods or services that are nec-
10 essary to avoid physical harm, mental anguish,
11 or mental illness.
12 "(9) INDIAN.—The term 'Indian' means a
13 member of an Indian tribe.
14 "(10) INDIAN HOUSING.—The term 'Indian
15 housing' means housing assistance described in the
16 Native American Assistance and Self-Determination
17 Act of (25 U.S.C. 4101 et seq., as amended).
18 "(11) INDIAN TRIBE.—The term 'Indian tribe'
19 means a tribe, band, pueblo, nation, or other orga-
20 nized group or community of Indians, including any
21 Alaska Native village or regional or village corpora-
22 tion (as defined in, or established pursuant to, the
23 Alaska Native Claims Settlement Act (43 U.S.C.
24 1601 et seq.)), that is recognized as eligible for the
25 special programs and services provided by the

United States to Indians because of their status as Indians.

"(12) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

"(13) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

"(14) LEGAL ASSISTANCE.—The term 'legal assistance'—

"(A) includes assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

"(i) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

"(ii) criminal justice investigations, prosecutions and post-trial matters (includ-

ing sentencing, parole, and probation) that impact the victim's safety and privacy, subject to subparagraph (B); and

"(B) does not include representation of a defendant in a criminal or juvenile proceeding.

"(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

"(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(A) a first and last name;

"(B) a home or other physical address;

1 "(C) contact information (including a post-
2 al, e-mail or Internet protocol address, or tele-
3 phone or facsimile number);
4 "(D) a social security number; and
5 "(E) any other information, including date
6 of birth, racial or ethnic background, or reli-
7 gious affiliation, that, in combination with any
8 of subparagraphs (A) through (D), would serve
9 to identify any individual.
10 "(17) PROSECUTION.—The term 'prosecution'
11 means any public agency charged with direct respon-
12 sibility for prosecuting criminal offenders, including
13 such agency's component bureaus (such as govern-
14 mental victim services programs).
15 "(18) PROTECTION ORDER OR RESTRAINING
16 ORDER.—The term 'protection order' or 'restraining
17 order' includes—
18 "(A) any injunction, restraining order, or
19 any other order issued by a civil or criminal
20 court for the purpose of preventing violent or
21 threatening acts or harassment against, sexual
22 violence or contact or communication with or
23 physical proximity to, another person, including
24 any temporary or final orders issued by civil or
25 criminal courts whether obtained by filing an

independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

"(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

"(19) RURAL AREA AND RURAL COMMUNITY.—The terms 'rural area' and 'rural community' mean—

"(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

"(B) any area or community, respectively, that is—

"(i) within an area designated as a metropolitan statistical area or considered

as part of a metropolitan statistical area; and

"(ii) located in a rural census tract.

"(20) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

"(21) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

"(22) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

"(A) fear for his or her safety or the safety of others; or

"(B) suffer substantial emotional distress.

1 "(23) STATE.—The term 'State' means each of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, and except as other-
4 wise provided, Guam, American Samoa, the Virgin
5 Islands, and the Northern Mariana Islands.
6 "(24) STATE DOMESTIC VIOLENCE COALI-
7 TION.—The term 'State domestic violence coalition'
8 means a program determined by the Administration
9 for Children and Families under the Family Violence
10 Prevention and Services Act (42 U.S.C. 10410(b)).
11 "(25) STATE SEXUAL ASSAULT COALITION.—
12 The term 'State sexual assault coalition' means a
13 program determined by the Center for Injury Pre-
14 vention and Control of the Centers for Disease Con-
15 trol and Prevention under the Public Health Service
16 Act (42 U.S.C. 280b et seq.).
17 "(26) TERRITORIAL DOMESTIC VIOLENCE OR
18 SEXUAL ASSAULT COALITION.—The term 'territorial
19 domestic violence or sexual assault coalition' means
20 a program addressing domestic violence that is—
21 "(A) an established nonprofit, nongovern-
22 mental territorial coalition addressing domestic
23 violence or sexual assault within the territory;
24 or

1 "(B) a nongovernmental organization with
2 a demonstrated history of addressing domestic
3 violence or sexual assault within the territory
4 that proposes to incorporate as a nonprofit,
5 nongovernmental territorial coalition.
6 "(27) TRIBAL COALITION.—The term 'tribal co-
7 alition' means—
8 "(A) an established nonprofit, nongovern-
9 mental tribal coalition addressing domestic vio-
10 lence and sexual assault against American In-
11 dian and Alaskan Native women; or
12 "(B) individuals or organizations that pro-
13 pose to incorporate as nonprofit, nongovern-
14 mental tribal coalitions to address domestic vio-
15 lence and sexual assault against American In-
16 dian and Alaskan Native women.
17 "(28) TRIBAL GOVERNMENT.—The term 'tribal
18 government' means—
19 "(A) the governing body of an Indian
20 tribe; or
21 "(B) a tribe, band, pueblo, nation, or other
22 organized group or community of Indians, in-
23 cluding any Alaska Native village or regional or
24 village corporation (as defined in, or established
25 pursuant to, the Alaska Native Claims Settle-

1 ment Act (43 U.S.C. 1601 et seq.)), that is rec-
2 ognized as eligible for the special programs and
3 services provided by the United States to Indi-
4 ans because of their status as Indians.
5 ''(29) TRIBAL ORGANIZATION.—The term 'trib-
6 al organization' means—
7 ''(A) the governing body of any Indian
8 tribe;
9 ''(B) any legally established organization
10 of Indians which is controlled, sanctioned, or
11 chartered by such governing body of a tribe or
12 tribes to be served, or which is democratically
13 elected by the adult members of the Indian
14 community to be served by such organization
15 and which includes the maximum participation
16 of Indians in all phases of its activities; or
17 ''(C) any tribal nonprofit organization.
18 ''(30) UNDERSERVED POPULATIONS.—The
19 term 'underserved populations' includes populations
20 underserved because of geographic location, under-
21 served racial and ethnic populations, populations un-
22 derserved because of special needs (such as language
23 barriers, disabilities, alienage status, or age), and
24 any other population determined to be underserved
25 by the Attorney General.

1 "(31) VICTIM ADVOCATE.—The term 'victim
2 advocate' means a person, whether paid or serving
3 as a volunteer, who provides services to victims of
4 domestic violence, sexual assault, stalking, or dating
5 violence under the auspices or supervision of a vic-
6 tim services program.
7 "(32) VICTIM ASSISTANT.—The term 'victim
8 assistant' means a person, whether paid or serving
9 as a volunteer, who provides services to victims of
10 domestic violence, sexual assault, stalking, or dating
11 violence under the auspices or supervision of a court
12 or a law enforcement or prosecution agency.
13 "(33) VICTIM SERVICES OR VICTIM SERVICE
14 PROVIDER.—The term 'victim services' or 'victim
15 service provider' means a nonprofit, nongovern-
16 mental organization that assists domestic violence,
17 dating violence, sexual assault, or stalking victims,
18 including rape crisis centers, domestic violence shel-
19 ters, faith-based organizations, and other organiza-
20 tions, with a documented history of effective work,
21 or a demonstrated capacity to work effectively, con-
22 cerning domestic violence, dating violence, sexual as-
23 sault, or stalking.

"(34) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

"(b) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term 'violence against women provision' means any provision required by law to be carried out by or through the Violence Against Women Office.

"SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

"(a) IN GENERAL.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

"(1) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

"(A) IN GENERAL.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking, and their families, each grantee and subgrantee shall reasonably protect the confidentiality and privacy of persons receiving services.

1 "(B) NONDISCLOSURE.—Subject to sub-
2 paragraph (C), grantees and subgrantees shall
3 not—
4 "(i) disclose any personally identifying
5 information or individual information col-
6 lected in connection with services re-
7 quested, utilized, or denied through grant-
8 ees' and subgrantees' programs; or
9 "(ii) reveal individual client informa-
10 tion without the informed, written, reason-
11 ably time-limited consent of the person (or
12 in the case of an unemancipated minor, the
13 minor and the parent or guardian or in the
14 case of persons with disabilities, the guard-
15 ian) about whom information is sought,
16 whether for this program or any other
17 Federal, State, tribal, or territorial grant
18 program.
19 "(C) RELEASE.—If release of information
20 described in subparagraph (B) is compelled by
21 statutory or court mandate or is requested by
22 a Member of Congress—
23 "(i) grantees and subgrantees shall
24 make reasonable attempts to provide notice

to victims affected by the disclosure of information; and

"(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"(D) INFORMATION SHARING.—Grantees and subgrantees may share—

"(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; and

"(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for investigation, prosecution, and enforcement purposes.

"(2) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and imple-

1 ment policies to reduce or eliminate domestic vio-
2 lence, dating violence, sexual assault, and stalking.
3 "(3) NON-SUPPLANTATION.—Any Federal
4 funds received under the grant program shall be
5 used to supplement, not supplant, non-Federal funds
6 that would otherwise be available for the activities
7 carried out under the grant.
8 "(4) USE OF FUNDS.—Funds authorized and
9 appropriated under the grant program may be used
10 only for the specific purposes described in the grant
11 program and shall remain available until expended.
12 "(5) EVALUATION.—Grantees must collect data
13 for use to evaluate the effectiveness of the program
14 (or for use to carry out related research), pursuant
15 to the requirements described in paragraph (1)(D).
16 "(6) PROHIBITION ON LOBBYING.—Any funds
17 appropriated for the grant program shall be subject
18 to the prohibition in section 1913 of title 18, United
19 States Code, relating to lobbying with appropriated
20 moneys.
21 "(7) PROHIBITION ON TORT LITIGATION.—
22 Funds appropriated for the grant program may not
23 be used to fund civil representation in a lawsuit
24 based on a tort claim. This paragraph shall not be
25 construed as a prohibition on providing assistance to

obtain restitution in a protection order or criminal case.

"(b) VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term 'violence against women grant program' means any grant program required by law to be carried out by or through the Violence Against Women Office.".

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

SEC. 501. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(8)) is amended by striking "$185,000,000 for each of fiscal years 2001 through 2005" and inserting "$215,000,000 for each of fiscal years 2006 through 2010".

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) by striking ", and specifically, for the purposes of—" and inserting ", including collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual

assault, and stalking, and specifically only for the purposes of—'';

(2) in paragraph (5), by inserting after ''protection orders are granted,'' the following: ''supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking,'';

(3) in paragraph (10), by striking ''and'' after the semicolon;

(4) in paragraph (11), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.''.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State

will address the needs of racial and ethnic minorities and other underserved populations''; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

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

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by subsection (c), is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

(B) in paragraph (2), by striking ''1/54'' and inserting ''1/56'';

(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''Guam, American Samoa, the United States Virgin Islands, and the Com-

monwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56''; (D) in paragraph (4), by striking ''1/54'' and inserting ''1/56''; (E) in paragraph (5), by striking ''and'' after the semicolon; (F) in paragraph (6), by striking the period and inserting ''; and''; and (G) by adding at the end:

''(7) such funds shall remain available until expended.''; (2) in subsection (c)(3)(B), by inserting after ''victim services'' the following: '', of which at least 10 percent shall be distributed to culturally specific community-based organizations''; and (3) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon; (B) in paragraph (3), by striking the period and inserting ''; and''; and (C) by adding at the end the following:

''(4) a memorandum of understanding showing that tribal, territorial, State, or local prosecution, law enforcement, and court and victim service provider subgrantees have consulted with tribal, terri-

1 torial, State, or local victim services programs dur-
2 ing the course of developing their grant applications
3 in order to ensure that proposed services, activities
4 and equipment acquisitions are designed to promote
5 the safety, confidentiality, and economic independ-
6 ence of victims of domestic violence, sexual assault,
7 stalking, and dating violence.''.

8 (e) TRAINING, TECHNICAL ASSISTANCE, AND DATA
9 COLLECTION.—Section 2007 of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
11 1), as amended by this section, is further amended by add-
12 ing at the end the following:

13 ''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA
14 COLLECTION.—

15 ''(1) IN GENERAL.—Of the total amounts ap-
16 propriated under this part, not less than 3 percent
17 and up to 8 percent shall be available for providing
18 training, technical assistance, and data collection re-
19 lating to the purpose areas of this part to improve
20 the capacity of grantees, subgrantees, and other en-
21 tities to offer services and assistance to victims of
22 domestic violence, sexual assault, stalking, and dat-
23 ing violence.

24 ''(2) INDIAN TRAINING.—The Director of the
25 Violence Against Women Office shall ensure that

1 training, technical assistance, and data collection re-
2 garding violence against Indian women will be devel-
3 oped and provided by entities having expertise in
4 tribal law and culture.

5 ''(j) LIMITS ON INTERNET PUBLICATION OF
6 REGISTRATION INFORMATION.—As a condition of
7 receiving grant amounts under this part, the recipi-
8 ent shall not make available publicly on the Internet
9 any information regarding the registration or filing
10 of a protection order, restraining order, or injunction
11 in either the issuing or enforcing State, tribal, or
12 territorial jurisdiction, if such publication would be
13 likely to publicly reveal the identity or location of the
14 party protected under such order. A State, Indian
15 tribe, or territory may share court-generated law en-
16 forcement generated information contained in se-
17 cure, governmental registries for protection order en-
18 forcement purposes.''.

19 (f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—
20 Section 2010 of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by
22 adding at the end the following:

23 ''(c) USE OF FUNDS.—A State or Indian tribal gov-
24 ernment may use Federal grant funds under this part to
25 pay for forensic medical exams performed by trained ex-

1 aminers for victims of sexual assault, except that such
2 funds may not be used to pay for forensic medical exams
3 by any State or Indian tribal government that requires
4 victims of sexual assault to seek reimbursement for such
5 exams from their insurance carriers.

6 ''(d) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to permit a State to require a vic-
8 tim of sexual assault to participate in the criminal justice
9 system or cooperate with law enforcement in order to be
10 provided with a forensic medical exam, reimbursement for
11 charges incurred on account of such an exam, or both.''.

12 (g) POLYGRAPH TESTING PROHIBITION.—Part T of
13 the Omnibus Crime Control and Safe Streets Act of 1968
14 (42 U.S.C. 3796gg et seq.) is amended by adding at the
15 end the following new section:

16 **''SEC. 2012. POLYGRAPH TESTING PROHIBITION.**

17 ''In order to be eligible for grants under this part,
18 a State, Indian tribal government, or unit of local govern-
19 ment must certify within three years of enactment of the
20 Violence Against Women Reauthorization Act of 2005
21 that their laws, policies, or practices ensure that no law
22 enforcement officer, prosecuting officer, or other govern-
23 ment official shall ask or require an adult, youth, or minor
24 victim of a sex offense as defined under Federal, tribal,
25 State, territorial or local law to submit to a polygraph ex-

amination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case.''.

(h) NO MATCHING REQUIREMENT.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is further amended by adding at the end the following new section:

''SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEES.

''No matching funds shall be required for a grant or subgrant made under this part, if made—

''(1) to a law enforcement agency having fewer than 20 officers;

''(2) to a victim service provider having an annual operating budget of less than $5,000,000; or

''(3) to any entity that the Attorney General determines has adequately demonstrated financial need.''.

SEC. 502. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended

by striking ''$65,000,000 for each of fiscal years 2001 through 2005.'' and inserting ''$75,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.''.

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

(B) in paragraph (1), by striking ''mandatory arrest or'';

(C) in paragraph (2), by—

(i) inserting after ''educational programs,'' the following: ''protection order registries,'';

(ii) striking ''domestic violence and dating violence.'' and inserting ''domestic violence, dating violence, sexual assault,

and stalking. Such policies, educational programs, registries, and training shall incorporate confidentiality and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.''; (D) in paragraph (3), by—

(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

(ii) striking ''groups'' and inserting ''teams''; (E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; (F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and (G) by adding at the end the following:

1 "(9) To enhance and support the capacity of
2 victims services programs to collaborate with and in-
3 form efforts by State and local jurisdictions and
4 public officials and agencies to develop best practices
5 and policies regarding arrest of domestic violence,
6 dating violence, sexual assault, and stalking offend-
7 ers and to strengthen protection order enforcement
8 and to reduce or eliminate domestic violence, dating
9 violence, sexual assault, and stalking.
10 "(10) To develop State, tribal, territorial, or
11 local policies, procedures, and protocols for pre-
12 venting dual arrests and prosecutions in cases of do-
13 mestic violence, dating violence, sexual assault, and
14 stalking and to develop effective methods for identi-
15 fying the pattern and history of abuse that indicates
16 which party is the actual perpetrator of abuse.
17 "(11) To plan, develop and establish com-
18 prehensive victim service and support centers, such
19 as family justice centers, designed to bring together
20 victim advocates from non-profit, non-governmental
21 victim services organizations, law enforcement offi-
22 cers, prosecutors, probation officers, governmental
23 victim assistants, forensic medical professionals, civil
24 legal attorneys, chaplains, legal advocates, represent-
25 atives from community-based organizations and

other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.

''(12) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.'';

(3) in subsection (c)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that—

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to

a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging or prosecution of such an offense; and

"(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense."; and

(4) by striking subsections (d) and (e) and inserting the following:

"(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribe governments.".

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after "involving domestic violence" the following: ", dating violence, sexual assault, or stalking".

(d) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

"Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence and dating violence.".

SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before "legal assistance" the following: "civil and criminal";

(B) inserting after "effective aid to" the following: "adult, youth, and minor"; and

(C) striking "domestic violence, stalking, or sexual assault" and inserting "domestic violence, dating violence, sexual assault, or stalking";

(2) in subsection (c), by striking "private nonprofit entities, Indian tribal governments," and inserting "nonprofit, nongovernmental organizations,

Indian tribal governments and tribal organizations, territorial organizations,'';

(3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking ''victims of domestic violence, stalking, and sexual assault'' and inserting ''victims of domestic violence, dating violence, sexual assault, and stalking'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''domestic violence or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking'';

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

''(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform

tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and''; and

(C) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

(5) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(6) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by—

(I) striking ''5 percent'' and inserting ''10 percent'';

(II) striking ''programs'' and inserting ''tribal governments or tribal organizations'';

(III) inserting ''adult, youth, and minor'' after ''that assist''; and

(IV) striking ''domestic violence, stalking, and sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; and

(ii) in subparagraph (B), by striking ''technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault'' and inserting ''technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault''.

SEC. 504. COURT TRAINING AND IMPROVEMENTS.

The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 14042) the following:

"Subtitle J—Violence Against Women Act Court Training and Improvements

"SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

"SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

''(a) PURPOSE.—The purpose of this section is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, and local public agencies and officials and

1 nonprofit, non-governmental organizations to im-
2 prove implementation and enforcement of relevant
3 Federal, State, tribal, territorial and local law;
4 ''(4) to enable courts or court-based or court-re-
5 lated programs to develop new or enhance current—
6 ''(A) court infrastructure (such as special-
7 ized courts, dockets, intake centers, or inter-
8 preter services and linguistically and culturally
9 specific services);
10 ''(B) community-based initiatives within
11 the court system (such as court watch pro-
12 grams, victim advocates, or community-based
13 supplementary services);
14 ''(C) offender management, monitoring,
15 and accountability programs;
16 ''(D) safe and confidential information-
17 storage and -sharing databases within and be-
18 tween court systems;
19 ''(E) education and outreach programs
20 (such as interpreters) to improve community
21 access, including enhanced access for racial and
22 ethnic communities and racial and ethnic and
23 other underserved populations (as defined in
24 section 2000B of the Omnibus Crime Control
25 and Safe Streets Act of 1968); and

1 "(F) other projects likely to improve court
2 responses to domestic violence, dating violence,
3 sexual assault, and stalking; and
4 "(5) to provide training, technical assistance,
5 and data collection to tribal, Federal, State, terri-
6 torial or local courts wishing to improve their prac-
7 tices and procedures or to develop new programs.
8 "(b) GRANT REQUIREMENTS.—Grants awarded
9 under this section shall be subject to the following condi-
10 tions:
11 "(1) ELIGIBLE GRANTEES.—Eligible grantees
12 may include—
13 "(A) tribal, Federal, State, territorial or
14 local courts or court-based programs, provided
15 that the court's internal organizational policies,
16 procedures, or rules do not require mediation or
17 counseling between offenders and victims phys-
18 ically together in cases where domestic violence,
19 dating violence, sexual assault, or stalking is an
20 issue; and
21 "(B) national, tribal, State, or local pri-
22 vate, nonprofit organizations with demonstrated
23 expertise in developing and providing judicial
24 education about domestic violence, dating vio-
25 lence, sexual assault, or stalking.

"(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

"(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

"(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

"(c) EVALUATION.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

"(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

"(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

"SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

"(a) NATIONAL CURRICULA.—

"(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

1 "(2) ELIGIBLE ENTITIES.—Any curricula devel-
2 oped under this subsection—
3 "(A) shall be developed by an entity or en-
4 tities having demonstrated expertise in devel-
5 oping judicial education curricula on issues re-
6 lating to domestic violence, dating violence, sex-
7 ual assault, and stalking; or
8 "(B) if the primary grantee does not have
9 demonstrated expertise such issues, the cur-
10 ricula shall be developed by the primary grantee
11 in partnership with an organization having such
12 expertise.
13 "(b) TRIBAL CURRICULA.—
14 "(1) IN GENERAL.—The Attorney General,
15 through the Office on Violence Against Women,
16 shall fund efforts to develop education curricula for
17 tribal court judges to ensure that all tribal courts
18 have relevant information about promising practices,
19 procedures, policies, and law regarding tribal court
20 responses to adult, youth, and minor domestic vio-
21 lence, dating violence, sexual assault, and stalking.
22 "(2) ELIGIBLE ENTITIES.—Any curricula devel-
23 oped under this subsection—
24 "(A) shall be developed by a tribal organi-
25 zation having demonstrated expertise in devel-

oping judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

"(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 to 2010.

"(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

"(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

"SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

"(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies,

1 procedures, and practices to protect and more comprehen-
2 sively and effectively serve youth victims of dating vio-
3 lence, domestic violence, sexual assault, and stalking be-
4 tween the ages of 12 and 24, and to engage, where nec-
5 essary, other entities addressing the safety, health, mental
6 health, social service, housing, and economic needs of
7 youth victims of domestic violence, dating violence, sexual
8 assault, and stalking.

9 "(b) GRANT AUTHORITY.—

10 "(1) IN GENERAL.—The Attorney General,
11 through the Director of the Office on Violence
12 Against Women (in this section referred to as the
13 'Director'), shall make grants to eligible entities to
14 enable entities to jointly carry out cross training and
15 other collaborative initiatives that seek to carry out
16 the purposes of this section. Amounts appropriated
17 under this section may only be used for programs
18 and activities described under subsection (c).

19 "(2) GRANT PERIODS.—Grants shall be award-
20 ed under this section for a period of 3 fiscal years.

21 "(3) ELIGIBLE ENTITIES.—To be eligible for a
22 grant under this section, a grant applicant shall es-
23 tablish a collaboration that shall include—

24 "(A) a Tribal, State, Territorial or local
25 juvenile, family, civil, criminal or other trial

1 court with jurisdiction over domestic violence,
2 dating violence, sexual assault or stalking cases
3 (hereinafter referred to as ''courts''); and
4 ''(B) a victim service provider that has ex-
5 perience in working on domestic violence, dating
6 violence, sexual assault, or stalking and the ef-
7 fect that those forms of abuse have on young
8 people.
9 ''(c) USES OF FUNDS.—An entity that receives a
10 grant under this section shall use the funds made available
11 through the grant for cross-training and collaborative ef-
12 forts to—
13 ''(1) assess and analyze currently available serv-
14 ices for youth victims of domestic violence, dating vi-
15 olence, sexual assault, and stalking, determine rel-
16 evant barriers to such services in a particular local-
17 ity;
18 ''(2) establish and enhance linkages and col-
19 laboration between courts, domestic violence or sex-
20 ual assault service providers, and, where applicable,
21 law enforcement agencies, and other entities ad-
22 dressing the safety, health, mental health, social
23 service, housing, and economic needs of youth vic-
24 tims of domestic violence, dating violence, sexual as-
25 sault or stalking, including community-based sup-

ports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

"(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

"(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

"(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

1 "(e) PRIORITY.—In awarding grants under this sec-
2 tion, the Director shall give priority to entities that have
3 submitted applications in partnership with law enforce-
4 ment agencies and religious and community organizations
5 and service providers that work primarily with youth, es-
6 pecially teens, and who have demonstrated a commitment
7 to coalition building and cooperative problem solving in
8 dealing with problems of dating violence, domestic vio-
9 lence, sexual assault, and stalking in teen populations.
10 "(f) DISTRIBUTION.—In awarding grants under this
11 section—
12 "(1) not less than 10 percent of funds appro-
13 priated under this section in any year shall be avail-
14 able for grants to collaborations involving tribal
15 courts, tribal coalitions, tribal organizations, or do-
16 mestic violence or sexual assault service providers
17 the primary purpose of which is to provide culturally
18 relevant services to American Indian or Alaska Na-
19 tive women or youth;
20 "(2) the Attorney General shall not use more
21 than 2.5 percent of funds appropriated under this
22 section in any year for monitoring and evaluation of
23 grants made available under this section;
24 "(3) the Attorney General shall not use more
25 than 2.5 percent of funds appropriated under this

1 section in any year for administration of grants
2 made available under this section; and
3 "(4) up to 8 percent of funds appropriated
4 under this section in any year shall be available to
5 provide training, technical assistance, and data col-
6 lection for programs funded under this section.
7 "(g) REPORTS.—
8 "(1) REPORTS.—Each of the entities that are
9 members of the applicant collaboration described in
10 subsection (b)(3) and that receive a grant under this
11 section shall jointly prepare and submit a report to
12 the Attorney General every 18 months detailing the
13 activities that the entities have undertaken under
14 the grant and such additional information as the At-
15 torney General may require. Each such report shall
16 contain information on—
17 "(A) the activities implemented by the re-
18 cipients of the grants awarded under this sec-
19 tion; and
20 "(B) related initiatives undertaken by the
21 Director to promote attention to dating vio-
22 lence, domestic violence, sexual assault, and
23 stalking and their impact on young victims
24 by—
25 "(i) the staffs of courts;

"(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

"(iii) law enforcement agencies and community organizations.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended—

(1) by striking "State or Indian tribe" each place it appears and inserting "State, Indian tribe, or territory";

(2) by striking "State or tribal" each place it appears and inserting "State, tribal, or territorial"; and

(3) in subsection (a) by striking "State or tribe" and inserting "State, Indian tribe, or territory".

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking "and enforced as if it were" and inserting "and

1 enforced by the court and law enforcement personnel of
2 the other State, Indian tribal government, or Territory as
3 if it were''.

4 (c) PROTECTION ORDERS.—Sections 2265 and 2266
5 of title 18, United States Code, are both amended by strik-
6 ing ''protection order'' each place it appears and inserting
7 ''protection order, restraining order, or injunction''.

8 (d) DEFINITIONS.—Section 2266 of title 18, United
9 States Code, is amended by striking paragraph (5) and
10 inserting the following:

11 ''(5) PROTECTION ORDER, RESTRAINING
12 ORDER, OR INJUNCTION.—The term 'protection
13 order, restraining order, or injunction' includes—

14 ''(A) any injunction or other order issued
15 by a civil or criminal court for the purpose of
16 preventing violent or threatening acts or har-
17 assment against, sexual violence, or contact or
18 communication with or physical proximity to,
19 another person, including any temporary or
20 final order issued by a civil or criminal court
21 whether obtained by filing an independent ac-
22 tion or as a pendente lite order in another pro-
23 ceeding so long as any civil or criminal order
24 was issued in response to a complaint, petition,

or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''.

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

"Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

"SEC. 41101. TASK FORCE.

''The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confiden-

tiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

"SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

"(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.".

SEC. 507. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2006''; and

(2) by striking ''2006'' and inserting ''2010''.

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.

Section 40114 of the Violence Against Women Act of 1994 is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 509. PREVENTING CYBERSTALKING.

Section 2261A of title 18, United States Code, is amended—

(1) in paragaph (1)—

(A) by inserting after ''intimidate'' the following: '', or places under surveillance with the intent to kill, injure, haras, or intimidate,''; and

(B) by inserting after ''or serious bodily injury to,'' the following: ''or causes substantial emotional harm to,'';

(2) in paragraph (2)(A), by striking ''to kill or injure'' and inserting ''to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emtional harm to,''; and

(3) in paragraph (2), in the matter following clause (iii) of subparagraph (B)—

(A) by inserting after ''uses the mail'' the following: '', any interactive computer service,''; and

(B) by inserting after ''course of conduct that'' the following: ''causes substantial emotional harm to that person or''.

SEC. 510. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offender provision

''The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.''.

SEC. 511. PROHIBITING DATING VIOLENCE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''.

SEC. 512. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any re-

cipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

"(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.".

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2013 (as added by section 501 of this Act) the following:

"SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

"(a) PURPOSES.—The purposes of this section are—

"(1) to assist States, tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

"(A) adult, youth, and minor victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

"(2) to provide for training, technical assistance, and data collection relating to sexual assault to—

1 "(A) Federal, State, tribal, territorial and
2 local governments, law enforcement agencies,
3 and courts;
4 "(B) professionals working in legal, social
5 service, and health care settings;
6 "(C) nonprofit organizations;
7 "(D) faith-based organizations; and
8 "(E) other individuals and organizations
9 seeking such assistance.
10 "(b) GRANTS TO STATES AND TERRITORIES.—
11 "(1) GRANTS AUTHORIZED.—The Attorney
12 General shall award grants to States and territories
13 to support the establishment, maintenance, and ex-
14 pansion of rape crisis centers and other programs
15 and projects to assist those victimized by sexual as-
16 sault.
17 "(2) ALLOCATION AND USE OF FUNDS.—
18 "(A) ADMINISTRATIVE COSTS.—Not more
19 than 5 percent of the grant funds received by
20 a State or territory governmental agency under
21 this subsection for any fiscal year may be used
22 for administrative costs.
23 "(B) GRANT FUNDS.—Any funds received
24 by a State or territory under this subsection
25 that are not used for administrative costs shall

be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance and that provide training, technical assistance, and data collection.

"(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

"(i) 24 hour hotline services providing crisis intervention services and referral;

"(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

"(iv) support mechanisms that are culturally relevant to the community;

1 ''(v) information and referral to assist
2 the sexual assault victim and family or
3 household members;
4 ''(vi) community-based, linguistically,
5 and culturally-specific service including
6 outreach activities for racial and ethnic
7 and other underserved populations and
8 linkages to existing services in these popu-
9 lations; and
10 ''(vii) the development and distribu-
11 tion of educational materials on issues re-
12 lated to sexual assault and the services de-
13 scribed in clauses (i) through (vii).
14 ''(3) APPLICATION.—
15 ''(A) IN GENERAL.—Each eligible entity
16 desiring a grant under this subsection shall
17 submit an application to the Attorney General
18 at such time and in such manner as the Attor-
19 ney General may reasonably require.
20 ''(B) CONTENTS.—Each application sub-
21 mitted under subparagraph (A) shall—
22 ''(i) set forth procedures designed to
23 assure meaningful involvement of the State
24 or territorial sexual assault coalition and
25 representatives from racial and ethnic and

other underserved populations in the development of the application and the implementation of the plans;

"(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

"(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

"(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

"(4) REPORTING.—Each State and territory receiving a grant under this subsection shall submit an annual report to the Attorney General that describes the activities carried out with such grant funds.

"(5) ALLOCATION OF FUNDS.—The Attorney General shall allocate to each State, to the District of Columbia, and to the Commonwealth of Puerto Rico not less than 0.50 percent of the total amount so appropriated in a fiscal year for grants under this section, except that the United States Virgin Is-

lands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations.

"(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(A) be a private nonprofit organization that focuses primarily on racial and ethnic communities;

"(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

"(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or

have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

"(D) have an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

"(3) USE OF FUNDS.—Funds appropriated under this section may be used only for the purposes described in this section.

"(4) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

"(5) DISTRIBUTION.—

"(A) The Attorney General shall not use more than the 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

"(B) Up to 5 percent of funds appropriated under this section in any year shall be available for training, technical assistance, and data collection by a national organization or organizations whose primary focus and expertise is in addressing sexual assault within racial and ethnic communities.

"(6) TERM.—The Attorney General shall make grants under this section for a period of no less than 3 fiscal years.

"(7) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities out with such grant funds.

"(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

"(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

"(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions as determined by the National Center for Injury Prevention and Control in collaboration with the Violence Against Women Office of the Department of Justice.

1 "(2) USE OF FUNDS.—Grant funds received
2 under this subsection may be used to—
3 "(A) work with local sexual assault pro-
4 grams and other providers of direct services to
5 encourage appropriate responses to sexual as-
6 sault within the State, territory, or tribe;
7 "(B) work with judicial and law enforce-
8 ment agencies to encourage appropriate re-
9 sponses to sexual assault cases;
10 "(C) work with courts, child protective
11 services agencies, and children's advocates to
12 develop appropriate responses to child custody
13 and visitation issues when sexual assault has
14 been determined to be a factor;
15 "(D) design and conduct public education
16 campaigns;
17 "(E) plan and monitor the distribution of
18 grants and grant funds to their State, territory,
19 or tribe; or
20 "(F) collaborate with and inform Federal,
21 State, or local public officials and agencies to
22 develop and implement policies to reduce or
23 eliminate sexual assault.

"(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

"(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

"(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to the Territories as defined in section 4002(a)(20) of this Act.

"(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing by such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(5) REPORTING.—Each State or territorial sexual assault coalition receiving a grant under this subsection shall submit a report to the Attorney General that describes activities carried out with such grant funds.

"(6) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under

this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

"(e) GRANTS TO TRIBES.—

"(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations approved by an Indian tribe for the operation of a sexual assault programs or projects in Indian country and Alaskan native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

"(2) ALLOCATION AND USE OF FUNDS.—

"(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

"(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities

within Indian country and Alaskan native villages that provide direct intervention and related assistance.

"(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

"(i) 24-hour hotline services providing crisis intervention services and referral;

"(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

"(iii) crisis intervention, short-term individual and group support services, and case management and supervision to assist sexual assault victims and family or household members;

"(iv) information and referral to assist the sexual assault victim and family or household members;

"(v) support mechanisms that are culturally relevant to the community;

"(vi) collaborating with and informing public officials and agencies in order to de-

velop and implement policies to reduce or eliminate sexual assault; and

"(vii) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (i) through (vi).

"(3) REPORTING.—Each tribe receiving a grant under this subsection shall submit an annual report to the Attorney General that describes the activities carried out with such grant funds.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $60,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section. Any amounts so appropriated shall remain available until expended.

"(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

"(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

"(B) not more than 2.5 percent shall be used for the provision of training, technical as-

sistance, and data collection to grantees and subgrantees under this section;

"(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

"(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (c);

"(E) not less than 10 percent shall be used for grants to tribes under subsection (d); and

"(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).".

SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

"SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

"(a) PURPOSES.—The purposes of this section are—

"(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural

1 communities, by encouraging collaboration
2 between—
3 "(A) domestic violence, dating violence,
4 sexual assault, and stalking victim service pro-
5 viders;
6 "(B) law enforcement agencies;
7 "(C) prosecutors;
8 "(D) courts;
9 "(E) other criminal justice service pro-
10 viders;
11 "(F) human and community service pro-
12 viders;
13 "(G) educational institutions; and
14 "(H) health care providers;
15 "(2) to establish and expand nonprofit, non-
16 governmental, State, tribal, and local government
17 services in rural communities to adult, youth, and
18 minor victims; and
19 "(3) to increase the safety and well-being of
20 women and children in rural communities, by—
21 "(A) dealing directly and immediately with
22 domestic violence, sexual assault, dating vio-
23 lence, and stalking occurring in rural commu-
24 nities; and

1 "(B) creating and implementing strategies
2 to increase awareness and prevent domestic vio-
3 lence, sexual assault, dating violence, and stalk-
4 ing.
5 "(b) GRANTS AUTHORIZED.—The Attorney General,
6 acting through the Director of the Office on Violence
7 Against Women (referred to in this section as the 'Direc-
8 tor'), may award 3-year grants, with a possible extension
9 for an additional 3 years, to States, Indian tribes, local
10 governments, and nonprofit, public or private entities, in-
11 cluding tribal nonprofit organizations, to carry out pro-
12 grams serving rural areas or rural communities that ad-
13 dress domestic violence, dating violence, sexual assault,
14 and stalking by—
15 "(1) implementing, expanding, and establishing
16 cooperative efforts and projects between law enforce-
17 ment officers, prosecutors, victim advocacy groups,
18 and other related parties to investigate and pros-
19 ecute incidents of domestic violence, dating violence,
20 sexual assault, and stalking;
21 "(2) providing treatment, counseling, and other
22 long- and short-term assistance to adult, youth, and
23 minor victims of domestic violence, dating violence,
24 sexual assault, and stalking in rural communities;
25 and

"(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

"(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

"(d) ALLOTMENTS AND PRIORITIES.—

"(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

"(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

"(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

"(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

"(i) 30 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section;

"(ii) 35 percent, for any fiscal year for which $50,000,000 or more is made available to carry out this section; or

"(iii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

"(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

"(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

"(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so

used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

"(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

"(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.".

SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amend-

1 ed by adding after section 2014 (as added by section 602
2 of this Act) the following:

3 **"SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.**

4 "(a) GRANTS AUTHORIZED.—The Attorney General
5 may award grants to appropriate entities—

6 "(1) to provide services for victims of domestic
7 violence, abuse by caregivers, and sexual assault who
8 are 50 years of age or older;

9 "(2) to improve the physical accessibility of ex-
10 isting buildings in which services are or will be ren-
11 dered for victims of domestic violence and sexual as-
12 sault who are 50 years of age or older;

13 "(3) to provide training, consultation, and in-
14 formation on abuse by caregivers, domestic violence,
15 dating violence, stalking, and sexual assault against
16 individuals with disabilities (as defined in section 3
17 of the Americans with Disabilities Act of 1990 (42
18 U.S.C. 12102)), and to enhance direct services to
19 such individuals;

20 "(4) for training programs to assist law en-
21 forcement officers, prosecutors, governmental agen-
22 cies, victim assistants, and relevant officers of Fed-
23 eral, State, tribal, territorial, and local courts in rec-
24 ognizing, addressing, investigating, and prosecuting
25 instances of adult, youth, or minor domestic vio-

lence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

"(5) for multidisciplinary collaborative community responses to victims.

"(b) USE OF FUNDS.—Grant funds under this section may be used—

"(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

"(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

"(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

"(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals

with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

"(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

"(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

"(A) the Americans with Disabilities Act of 1990; and

"(B) section 504 of the Rehabilitation Act of 1973;

"(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

"(8) to provide advocacy and intervention services for disabled individuals who are victims of do-

1 mestic violence, dating violence, stalking, or sexual
2 assault through collaborative partnerships between—
3 "(A) nonprofit, nongovernmental agencies;
4 "(B) governmental agencies serving indi-
5 viduals with disabilities; and
6 "(C) victim service organizations; or
7 "(9) to develop model programs providing advo-
8 cacy and intervention services within organizations
9 serving disabled individuals who are victims of do-
10 mestic violence, dating violence, sexual assault, or
11 stalking.
12 "(c) ELIGIBLE ENTITIES.—
13 "(1) IN GENERAL.—An entity shall be eligible
14 to receive a grant under this section if the entity
15 is—
16 "(A) a State;
17 "(B) a unit of local government;
18 "(C) a nonprofit, nongovernmental organi-
19 zation such as a victim services organization, an
20 organization serving individuals with disabilities
21 or a community-based organization; and
22 "(D) a religious organization.
23 "(2) LIMITATION.—A grant awarded for the
24 purposes described in subsection (b) (9) shall be
25 awarded only to an eligible agency (as defined in

1 section 410 of the Rehabilitation Act of 1973 (29
2 U.S.C. 796f—5)).
3 ''(d) APPLICATION.—An eligible entity desiring a
4 grant under this section shall submit an application to the
5 Attorney General at such time, in such manner, and con-
6 taining such information as the Attorney General may re-
7 quire.
8 ''(e) REPORTING.—Not later than 1 year after the
9 last day of the first fiscal year commencing on or after
10 the date of enactment of this Act, and not later than 180
11 days after the last day of each fiscal year thereafter, the
12 Attorney General shall submit to Congress a report evalu-
13 ating the effectiveness of programs administered and oper-
14 ated pursuant to this section.
15 ''(f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated $20,500,000 for each
17 of the fiscal years 2006 through 2010 to carry out this
18 section.''.
19 **SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE**
20 **HOTLINE.**
21 (a) STUDY REQUIRED.—Not later than 6 months
22 after the date of enactment of this Act, the Comptroller
23 General shall conduct a study of the National Domestic
24 Violence Hotline to determine the effectiveness of the Hot-
25 line in assisting victims of domestic violence.

(b) ISSUES TO BE STUDIED.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1)—

(A) to determine the trends, gaps in services, and geographical areas of need; and

(B) to assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General,

1 acting through the Director of the Office on Violence
2 Against Women, shall award grants to eligible enti-
3 ties described in subsection (b) to carry out local, re-
4 gional, or national public information campaigns fo-
5 cused on addressing adult, youth, or minor domestic
6 violence, dating violence, sexual assault, stalking, or
7 trafficking within tribal, racial, and ethnic popu-
8 lations and immigrant communities, including infor-
9 mation on services available to victims and ways to
10 prevent or reduce domestic violence, dating violence,
11 sexual assault, and stalking.
12 (2) TERM.—The Attorney General shall award
13 grants under this section for a period of 1 fiscal
14 year.
15 (b) ELIGIBLE ENTITIES.—Eligible entities under this
16 section are—
17 (1) nonprofit, nongovernmental organizations or
18 coalitions that represent the targeted tribal, racial,
19 and ethnic populations or immigrant community
20 that—
21 (A) have a documented history of creating
22 and administering effective public awareness
23 campaigns addressing domestic violence, dating
24 violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal, racial, or ethnic populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

1 (d) USE OF FUNDS.—Funds appropriated under this
2 section shall be used to conduct a public information cam-
3 paign and build the capacity and develop leadership of ra-
4 cial, ethnic populations, or immigrant community mem-
5 bers to address domestic violence, dating violence, sexual
6 assault, and stalking.
7 (e) APPLICATION.—An eligible entity desiring a grant
8 under this section shall submit an application to the Direc-
9 tor of the Office on Violence Against Women at such time,
10 in such form, and in such manner as the Director may
11 prescribe.
12 (f) CRITERIA.—In awarding grants under this sec-
13 tion, the Attorney General shall ensure—
14 (1) reasonable distribution among eligible
15 grantees representing various racial, ethnic, and im-
16 migrant communities;
17 (2) reasonable distribution among State, re-
18 gional, territorial, tribal, and local campaigns;
19 (3) that not more than 8 percent of the total
20 amount appropriated under this section for each fis-
21 cal year is set aside for training, technical assist-
22 ance, and data collection.
23 (g) REPORTS.—Each eligible entity receiving a grant
24 under this section shall submit to the Director of the Of-

fice of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations to develop collaborative responses and

1 services and provide cross-training to enhance community
2 responses to families where there is both child maltreat-
3 ment and domestic violence.

4 "(b) GRANTS AUTHORIZED.—The Attorney General,
5 through the Violence Against Women Office, shall award
6 grants on a competitive basis to eligible entities for the
7 purposes and in the manner described in this section.

8 "(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 $8,000,000 for each of fiscal years 2006 through 2010.
11 Funds appropriated under this section shall remain avail-
12 able until expended. Of the amounts appropriated to carry
13 out this section for each fiscal year, the Attorney General
14 shall—

15 "(1) use not more than 3 percent for evalua-
16 tion, monitoring, site visits, grantee conferences, and
17 other administrative costs associated with con-
18 ducting activities under this section;

19 "(2) set aside not more than 10 percent for
20 grants to programs addressing child maltreatment
21 and domestic violence or dating violence that are op-
22 erated by, or in partnership with, a tribal organiza-
23 tion; and

24 "(3) set aside up to 8 percent for training and
25 technical assistance, to be provided—

1 "(A) to organizations that are establishing
2 or have established collaborative responses and
3 services; and
4 "(B) by organizations having demonstrated
5 expertise in developing collaborative community
6 and system responses to families in which there
7 is both child maltreatment and domestic vio-
8 lence or dating violence, whether or not they
9 are receiving funds under this section.
10 "(d) UNDERSERVED POPULATIONS.—In awarding
11 grants under this section, the Attorney General shall con-
12 sider the needs of racial and ethnic and other underserved
13 populations (as defined in section 2000B of the Omnibus
14 Crime Control and Safe Streets Act of 1968).
15 "(e) GRANT AWARDS.—The Attorney General shall
16 award grants under this section for periods of not more
17 than 3 fiscal years.
18 "(f) USES OF FUNDS.—Entities receiving grants
19 under this section shall use amounts provided to develop
20 collaborative responses and services and provide cross-
21 training to enhance community responses to families
22 where there is both child maltreatment and domestic vio-
23 lence or dating violence. Amounts distributed under this
24 section may only be used for programs and activities de-
25 scribed in subsection (g).

1 "(g) PROGRAMS AND ACTIVITIES.—The programs
2 and activities developed under this section shall—
3 "(1) encourage cross training, education, serv-
4 ice development, and collaboration among child wel-
5 fare agencies, domestic violence victim service pro-
6 viders, and courts, law enforcement agencies, com-
7 munity-based programs, and other entities, in order
8 to ensure that such entities have the capacity to and
9 will identify, assess, and respond appropriately to—
10 "(A) domestic violence or dating violence
11 in homes where children are present and may
12 be exposed to the violence;
13 "(B) domestic violence or dating violence
14 in child protection cases; and
15 "(C) the needs of both the child and non-
16 abusing parent;
17 "(2) establish and implement policies, proce-
18 dures, programs, and practices for child welfare
19 agencies, domestic violence victim service providers,
20 courts, law enforcement agencies, and other entities,
21 that are consistent with the principles of protecting
22 and increasing the immediate and long-term safety
23 and well being of children and non-abusing parents
24 and caretakers by—

1 "(A) increasing the safety, autonomy, ca-
2 pacity, and financial security of non-abusing
3 parents or caretakers, including developing
4 service plans and utilizing community-based
5 services that provide resources and support to
6 non-abusing parents;
7 "(B) protecting the safety, security, and
8 well-being of children by preventing their un-
9 necessary removal from a non-abusing parent,
10 or, in cases where removal of the child is nec-
11 essary to protect the child's safety, taking the
12 necessary steps to provide appropriate and com-
13 munity-based services to the child and the non-
14 abusing parent to promote the safe and appro-
15 priately prompt reunification of the child with
16 the non-abusing parent;
17 "(C) recognizing the relationship between
18 child maltreatment and domestic violence or
19 dating violence in a family, as well as the im-
20 pact of and danger posed by the perpetrators'
21 behavior on adult, youth, and minor victims;
22 and
23 "(D) holding adult, youth, and minor per-
24 petrators of domestic violence or dating vio-
25 lence, not adult, youth, and minor victims of

abuse or neglect, accountable for stopping the perpetrators' abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

"(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

"(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

"(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

"(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing as-

sistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

''(h) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

1 "(B) describe how the training and col-
2 laboration activities will enhance or ensure the
3 safety and economic security of families where
4 both child maltreatment and domestic violence
5 or dating violence occurs by providing appro-
6 priate resources, protection, and support to the
7 victimized parents of such children and to the
8 children themselves; and
9 "(C) outline methods and means partici-
10 pating entities will use to ensure that all serv-
11 ices are provided in a developmentally, linguis-
12 tically and culturally competent manner and
13 will utilize community-based supports and re-
14 sources.
15 "(2) ELIGIBLE ENTITIES.—To be eligible for a
16 grant under this section, an entity shall be a collabo-
17 ration that—
18 "(A) shall include a State or local child
19 welfare agency or Indian Tribe;
20 "(B) shall include a domestic violence or
21 dating violence victim service provider;
22 "(C) may include a court;
23 "(D) may include a law enforcement agen-
24 cy, or Bureau of Indian Affairs providing tribal
25 law enforcement; and

"(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

"(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General every 18 months, detailing how the funds have been used.

"SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

"(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

"(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

"(2) a religious or community-based organization that specializes in working with youth victims of

1 domestic violence, dating violence, sexual assault, or
2 stalking;
3 ''(3) an Indian Tribe or tribal organization pro-
4 viding services primarily to tribal youth or tribal vic-
5 tims of domestic violence, dating violence, sexual as-
6 sault or stalking; or
7 ''(4) a nonprofit, nongovernmental entity pro-
8 viding services for runaway or homeless youth.
9 ''(c) USE OF FUNDS.—
10 ''(1) IN GENERAL.—An entity that receives a
11 grant under this section shall use amounts provided
12 under the grant to design or replicate, and imple-
13 ment, programs and services, using domestic vio-
14 lence, dating violence, sexual assault, and stalking
15 intervention models to respond to the needs of youth
16 who are victims of domestic violence, dating violence,
17 sexual assault or stalking.
18 ''(2) TYPES OF PROGRAMS.—Such a program—
19 ''(A) shall provide direct counseling and
20 advocacy for teens and young adults, who have
21 experienced domestic violence, dating violence,
22 sexual assault or stalking;
23 ''(B) shall include linguistically, culturally,
24 and community relevant services for racial and
25 ethnic and other underserved populations or

linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

"(C) may include mental health services;

"(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

"(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

"(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

"(d) AWARDS BASIS.—

"(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

"(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

"(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

"(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

"(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 18 months a report of how grant funds have been used.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2006 through 2010.".

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia

consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual

1 assault, and stalking on campus, for all campus se-
2 curity personnel and personnel serving on campus
3 disciplinary or judicial boards.
4 (3) To implement and operate education pro-
5 grams for the prevention of domestic violence, dating
6 violence, sexual assault and stalking.
7 (4) To develop, enlarge, or strengthen victim
8 services programs on the campuses of the institu-
9 tions involved, including programs providing legal,
10 medical, or psychological counseling, for victims of
11 domestic violence, dating violence, sexual assault,
12 and stalking, and to improve delivery of victim as-
13 sistance on campus. To the extent practicable, such
14 an institution shall collaborate with any entities car-
15 rying out nonprofit and other victim services pro-
16 grams, including domestic violence, dating violence,
17 sexual assault, and stalking victim services programs
18 in the community in which the institution is located.
19 If appropriate victim services programs are not
20 available in the community or are not accessible to
21 students, the institution shall, to the extent prac-
22 ticable, provide a victim services program on campus
23 or create a victim services program in collaboration
24 with a community-based organization. The institu-
25 tion shall use not less than 20 percent of the funds

1 made available through the grant for a victim serv-
2 ices program provided in accordance with this para-
3 graph.

4 (5) To create, disseminate, or otherwise provide
5 assistance and information about victims' options on
6 and off campus to bring disciplinary or other legal
7 action, including assistance to victims in immigra-
8 tion matters.

9 (6) To develop, install, or expand data collec-
10 tion and communication systems, including comput-
11 erized systems, linking campus security to the local
12 law enforcement for the purpose of identifying and
13 tracking arrests, protection orders, violations of pro-
14 tection orders, prosecutions, and convictions with re-
15 spect to the crimes of domestic violence, dating vio-
16 lence, sexual assault, and stalking on campus.

17 (7) To provide capital improvements (including
18 improved lighting and communications facilities but
19 not including the construction of buildings) on cam-
20 puses to address the crimes of domestic violence,
21 dating violence, sexual assault, and stalking.

22 (8) To support improved coordination among
23 campus administrators, campus security personnel,
24 and local law enforcement to reduce domestic vio-

lence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any nonprofit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) CONFIDENTIALITY.—

(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees under this section shall reasonably—

(i) protect the confidentiality and privacy of persons receiving services under the grants and subgrants; and

(ii) not disclose and personally identifying information, or individual client information, collected in connection with services requested, utilized, or denied through programs provided by such grantees and subgrantees under this section.

(B) CONSENT.—A grantee or subgrantee under this section shall not reveal personally any identifying information or individual client information collected as described in subparagraph (A) without the informed, written, and reasonably time-limited consent of the person (or, in the case of an unemancipated minor, the minor and the parent or guardian of the minor) about whom information is sought, whether for the program carried out under this section or any other Federal, State, tribal, or territorial assistance program.

(C) COMPELLED RELEASE AND NOTICE.—If a grantee or subgrantee under this section is compelled by statutory or court mandate to disclose information described in subparagraph (A), the grantee or subgrantee—

(i) shall make reasonable attempts to provide notice to individuals affected by the disclosure of information; and

(ii) shall take steps necessary to protect the privacy and safety of the individual affected by the disclosure.

(D) PERMISSIVE SHARING.—Grantees and subgrantees under this section may share with

each other, in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements—

(i) aggregate data, that is not personally identifying information, regarding services provided to their clients; and

(ii) demographic information that is not personally identifying information.

(E) COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.—Grantees and subgrantees under this section may share with each other—

(i) court-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) DEFINITION.—As used in this paragraph, the term ''personally identifying information'' means individually identifying information from or about an individual, including—

(i) first and last name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant- messaging user identifier or a screen name that reveals an individual's email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol (''IP'') address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number held in a ''cookie'' or processor serial number, that is combined with other available data that identities an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(I) grade point average;

(II) date of birth;

(III) academic or occupational interests;

(IV) athletic or extracurricular interests;

(V) racial or ethnic background; or

(VI) religious affiliation.

(3) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(4) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney

General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

1 **"SEC. 10402. SAFE HAVENS FOR CHILDREN."**;

2 (2) in subsection (a)—

3 (A) by inserting ", through the Director of
4 the Office on Violence Against Women," after
5 "Attorney General";

6 (B) by inserting "public or nonprofit non-
7 governmental entities, and to" after "may
8 award grants to";

9 (C) by inserting "dating violence," after
10 "domestic violence,";

11 (D) by striking "to provide" and inserting
12 the following:

13 "(1) to provide";

14 (E) by striking the period at the end and
15 inserting a semicolon; and

16 (F) by adding at the end the following:

17 "(2) to protect children from the trauma of wit-
18 nessing domestic or dating violence or experiencing
19 abduction, injury, or death during parent and child
20 visitation exchanges;

21 "(3) to protect parents or caretakers who are
22 victims of domestic and dating violence from experi-
23 encing further violence, abuse, and threats during
24 child visitation exchanges; and

25 "(4) to protect children from the trauma of ex-
26 periencing sexual assault or other forms of physical

assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of

safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the ''Supporting Teens through Education and Protection Act of 2005'' or the ''STEP Act''.

(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpe-

1 trating domestic violence, dating violence, sexual as-
2 sault, or stalking, including procedures for handling
3 the requirements of court protective orders issued to
4 or against students or school personnel, in a manner
5 that ensures the safety of the victim and holds the
6 perpetrator accountable;

7 (3) to provide support services for students and
8 school personnel, such as a resource person who is
9 either on-site or on-call, and who is an expert de-
10 scribed in subsections (i)(2) and (i)(3), for the pur-
11 pose of developing and strengthening effective pre-
12 vention and intervention strategies for students and
13 school personnel experiencing domestic violence, dat-
14 ing violence, sexual assault or stalking;

15 (4) to provide developmentally appropriate edu-
16 cational programming to students regarding domes-
17 tic violence, dating violence, sexual assault, and
18 stalking, and the impact of experiencing domestic vi-
19 olence, dating violence, sexual assault, and stalking
20 on children and youth by adapting existing curricula
21 activities to the relevant student population;

22 (5) to work with existing mentoring programs
23 and develop strong mentoring programs for stu-
24 dents, including student athletes, to help them un-
25 derstand and recognize violence and violent behavior,

how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' pro-

1 grams. Grantees and subgrantees shall not reveal indi-
2 vidual client information without the informed, written,
3 reasonably time-limited consent of the person (or in the
4 case of unemancipated minor, the minor and the parent
5 or guardian) about whom information is sought, whether
6 for this program or any other Tribal, Federal, State or
7 Territorial grant program. If release of such information
8 is compelled by statutory or court mandate, grantees and
9 subgrantees shall make reasonable attempts to provide no-
10 tice to victims affected by the disclosure of information.
11 If such personally identifying information is or will be re-
12 vealed, grantees and subgrantees shall take steps nec-
13 essary to protect the privacy and safety of the persons af-
14 fected by the release of the information. Grantees may
15 share non-personally identifying data in the aggregate re-
16 garding services to their clients and non-personally identi-
17 fying demographic information in order to comply with
18 Tribal, Federal, State or Territorial reporting, evaluation,
19 or data collection requirements. Grantees and subgrantees
20 may share court-generated information contained in se-
21 cure, governmental registries for protection order enforce-
22 ment purposes.

23 (f) GRANT TERM AND ALLOCATION.—

24 (1) TERM.—The Director shall make the grants
25 under this section for a period of 3 fiscal years.

(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

(g) DISTRIBUTION.—

(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent native American.

(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall

1 submit an application to the Director at such time and
2 in such manner as the Director shall prescribe.
3 (i) ELIGIBLE ENTITIES.—To be eligible to receive a
4 grant under this section, an entity shall be a partnership
5 that—
6 (1) shall include a public, charter, tribal, or na-
7 tionally accredited private middle or high school, a
8 school administered by the Department of Defense
9 under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of
10 schools, or a school district;
11 (2) shall include a domestic violence victim
12 service provider that has a history of working on do-
13 mestic violence and the impact that domestic vio-
14 lence and dating violence have on children and
15 youth;
16 (3) shall include a sexual assault victim service
17 provider, such as a rape crisis center, program serv-
18 ing tribal victims of sexual assault, or coalition or
19 other nonprofit nongovernmental organization car-
20 rying out a community-based sexual assault pro-
21 gram, that has a history of effective work concerning
22 sexual assault and the impact that sexual assault
23 has on children and youth; and
24 (4) may include a law enforcement agency, the
25 State, Tribal, Territorial or local court, nonprofit

1 nongovernmental organizations and service providers
2 addressing sexual harassment, bullying or gang-re-
3 lated violence in schools, and any other such agen-
4 cies or nonprofit nongovernmental organizations
5 with the capacity to provide effective assistance to
6 the adult, youth, and minor victims served by the
7 partnership.

8 (j) PRIORITY.—In awarding grants under this sec-
9 tion, the Director shall give priority to entities that have
10 submitted applications in partnership with relevant courts
11 or law enforcement agencies.

12 (k) REPORTING AND DISSEMINATION OF INFORMA-
13 TION.—

14 (1) REPORTING.—Each of the entities that are
15 members of the applicant partnership described in
16 subsection (i), that receive a grant under this section
17 shall jointly prepare and submit to the Director
18 every 18 months a report detailing the activities that
19 the entities have undertaken under the grant and
20 such additional information as the Director shall re-
21 quire.

22 (2) DISSEMINATION OF INFORMATION.—Within
23 9 months of the completion of the first full grant
24 cycle, the Director shall publicly disseminate, includ-
25 ing through electronic means, model policies and

procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

SEC. 801. PREVENTING VIOLENCE IN THE HOME.

The Violence Against Women Act of 1994 is amended by adding after subtitle L (as added by section 701) the following:

"Subtitle M—Strengthening America's Families by Preventing Violence in the Home

"SEC. 41301. PURPOSE.

''The purpose of this subtitle is to—

1 "(1) prevent crimes involving domestic violence,
2 dating violence, sexual assault, and stalking, includ-
3 ing when committed against children and youth;
4 "(2) increase the resources and services avail-
5 able to prevent domestic violence, dating violence,
6 sexual assault, and stalking, including when com-
7 mitted against children and youth;
8 "(3) reduce the impact of exposure to violence
9 in the lives of children and youth so that the
10 intergenerational cycle of violence is interrupted;
11 "(4) develop and implement education and serv-
12 ices programs to prevent children in vulnerable fami-
13 lies from becoming victims or perpetrators of domes-
14 tic violence, dating violence, sexual assault, or stalk-
15 ing;
16 "(5) promote programs to ensure that children
17 and youth receive the assistance they need to end
18 the cycle of violence and develop mutually respectful,
19 nonviolent relationships; and
20 "(6) encourage collaboration among community-
21 based organizations and governmental agencies serv-
22 ing children and youth, providers of health and men-
23 tal health services and providers of domestic vio-
24 lence, dating violence, sexual assault, and stalking
25 victim services to prevent violence.

"SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

"(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of racial and ethnic and other underserved populations, as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

"(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs from the amounts made available under this section for a fiscal year; and

"(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

"(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

"(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

"(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer

them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

"(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

"(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

"(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

"(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

1 "(e) GRANTEE REQUIREMENTS.—Under this section,
2 an entity shall—
3 "(1) prepare and submit to the Director an ap-
4 plication at such time, in such manner, and con-
5 taining such information as the Director may re-
6 quire; and
7 "(2) at a minimum, describe in the application
8 the policies and procedures that the entity has or
9 will adopt to—
10 "(A) enhance or ensure the safety and se-
11 curity of children who have been exposed to vio-
12 lence and their nonabusing parent, enhance or
13 ensure the safety and security of children and
14 their nonabusing parent in homes already expe-
15 riencing domestic violence, dating violence, sex-
16 ual assault, or stalking; and
17 "(B) ensure linguistically, culturally, and
18 community relevant services for racial and eth-
19 nic and other underserved populations.
20 "(f) REPORTS.—An entity receiving a grant under
21 this section shall prepare and submit to the Director every
22 18 months a report detailing the activities undertaken
23 with grant funds, providing additional information as the
24 Director shall require.

"SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

"(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

"(3) AWARD BASIS.—The Director shall award grants—

"(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

"(B) with respect to gender-specific programs described under subsection (c)(1)(A), en-

suring reasonable distribution of funds to programs for boys and programs for girls;

"(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

"(c) USE OF FUNDS.—

"(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

"(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

"(i) to encourage children and youth to pursue only mutually respectful, non-violent relationships and empower them to

reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

"(ii) that include at a minimum—

"(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

"(II) strategies to help participants be as safe as possible; or

"(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

"(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

"(d) ELIGIBLE ENTITIES.—

1 "(1) RELATIONSHIPS.—Eligible entities under
2 subsection (c)(1)(A) are—
3 "(A) nonprofit, nongovernmental domestic
4 violence, dating violence, sexual assault, or
5 stalking victim service providers or coalitions;
6 "(B) community-based child or youth serv-
7 ices organizations with demonstrated experience
8 and expertise in addressing the needs and con-
9 cerns of young people;
10 "(C) a State, territorial, tribal, or unit of
11 local governmental entity that is partnered with
12 an organization described in subparagraph (A)
13 or (B); or
14 "(D) a program that provides culturally
15 specific services.
16 "(2) AWARENESS CAMPAIGN.—Eligible entities
17 under subsection (c)(1)(B) are—
18 "(A) nonprofit, nongovernmental organiza-
19 tions or coalitions that have a documented his-
20 tory of creating and administering effective
21 public education campaigns addressing the pre-
22 vention of domestic violence, dating violence,
23 sexual assault or stalking; or

"(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

"(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

"(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

"(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

"(D) ensure that State and local domestic violence, dating violence, sexual assault, and

stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

"(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain

safety, improve parenting skills, and break intergenerational cycles of violence.

"(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

"(3) AWARD BASIS.—The Director shall—

"(A) consider the needs of underserved populations;

"(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

"(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

"(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are pro-

vided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

"(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

"(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

"(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

"(2) describe in the application the policies and procedures that the entity has or will adopt to—

"(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

"(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

"(C) ensure the adequate training by domestic violence, dating violence, sexual assault

or stalking victim service providers of home visitation grantee program staff to—

"(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

"(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a non-abusing parent or caretaker in response to violence against anyone in the household; and

"(iii) link new parents with existing community resources in communities where resources exist; and

"(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.".

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

SECTION 900. SHORT TITLE OF TITLE; REFERENCES TO VAWA–2000; REGULATIONS.

(a) SHORT TITLE OF TITLE.—This title may be cited as ''Immigrant Victims of Violence Protection Act of 2005''.

(b) REFERENCES TO VAWA–2000.—In this title, the term ''VAWA–2000'' means the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) REGULATIONS.— Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA–2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions or applications filed on or before the effective date of publication of such regulations for relief covered by such regulations, there shall be no requirement to submit an additional petition or application and any priority or similar date with respect to such a petition or application shall

relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

"(ii) if accompanying, or following to join, the alien described in clause (i)—

"(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;".

(b) DURATION OF U AND T VISAS.—

(1) U VISAS.—Section 214(p) of such Act (8 U.S.C. 1184(p)) is amended by adding at the end the following new paragraph:

"(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but shall be extended—

"(A) on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's continued presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

"(B) if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.".

(2) T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), is amended by adding at the end the following:

"(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but shall be extended—

"(A) on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien's continued presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

"(B) if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.".

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO U AND T NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking "The Attorney General" and inserting "(a) The Secretary of Homeland Security";

(B) by inserting "(subject to subsection (b))" after "except"; and

(C) by adding at the end the following new subsection:

"(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a

1 change of nonimmigrant classification to that of a non-
2 immigrant under subparagraph (T) or (U) of section
3 101(a)(15), other than from such classification under sub-
4 paragraph (C) or (D) of such section.''.

5 (2) CONFORMING AMENDMENT.—Section
6 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is
7 amended by striking ''248(2)'' and inserting
8 ''248(a)(2)''.

9 (d) CERTIFICATION PROCESS FOR VICTIMS OF TRAF-
10 FICKING.—

11 (1) VICTIM ASSISTANCE IN INVESTIGATION OR
12 PROSECUTION.—Section 107(b)(1)(E) of the Traf-
13 ficking Victims Protection Act of 2000 (division A of
14 Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is
15 amended—

16 (A) in clause (i)(I), by striking ''investiga-
17 tion and prosecution'' and inserting ''investiga-
18 tion or prosecution, by the United States or a
19 State or local government''; and

20 (B) in clause (iii)—

21 (i) by striking ''INVESTIGATION AND
22 PROSECUTION'' and ''investigation and
23 prosecution'' and inserting ''INVESTIGA-
24 TION OR PROSECUTION'' and ''investigation
25 or prosecution'', respectively;

(ii) in subclause (II), by striking "and" at the end;

(iii) in subclause (III), by striking the period and inserting "; or"; and

(iv) by adding at the end the following new subclause:

"(IV) responding to and cooperating with requests for evidence and information.".

(2) CLARIFYING ROLES OF ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY.—

(A) Section 107 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105) is amended—

(i) in subsections (b)(1)(E)(i)(II)(bb), (b)(1)(E)(ii), (e)(5), and (g), by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(ii) in subsection (c), by inserting ", Secretary of Homeland Security," after "Attorney General".

(B) Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended by striking "Attor-

ney General'' and inserting ''Secretary of Homeland Security'' each place it appears.

(C) Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) in subparagraph (B), by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security''; and

(iii) in subparagraph (B), by striking ''Attorney General, in the Attorney General's discretion'' and inserting ''Secretary, in the Secretary's discretion''.

(D) Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(i) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(ii) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(E) Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' the first place it appears in paragraphs (1) and (2) and in paragraph (4);

(ii) by striking ''Attorney General'' and inserting ''Secretary '' the second place it appears in paragraphs (1) and (2); and

(iii) in paragraph (2), by striking ''Attorney General's'' and inserting ''Secretary's''.

(3) REQUEST BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is amended by adding at the end the following: ''State or local law enforcement officials may request such Federal law enforcement officials for the continued presence of trafficking victims. If such a request

contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (c), and (d)(3) shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR DURATION OF T VISAS.—In the case of an alien who is classified as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) before the the date of implementation of the amendment made by subsection (b)(2) and whose period of authorized stay was less than 4 years, the authorized period of status of the alien as such a nonimmigrant shall be extended to be 4 years and shall be further extended on a year-by-year basis as provided in section 214(o)(7) of such Act, as added by such amendment.

(3) CERTIFICATION PROCESS.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA–2000.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107–296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by adding at the end the following: ''An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for such relief without the application being resubmitted.''.

(b) APPEALS.—Such section is further amended by adding at the end the following: ''Such an application may not be considered if there is a final removal order in effect with respect to the alien.''

(c) CONFORMING AMENDMENT.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by inserting before the period at the end the following: ''or qualifies for a waiver under section 216(c)(4)''.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendment made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(a) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraph (1)(A), by inserting ''subject to paragraph (6),'' after ''(A)'';

(B) in paragraph (1)(A), by inserting after ''since'' the following: ''the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)''; and

(C) by adding at the end the following new paragraph:

''(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under

1 paragraph (1)(A) for an alien's adjustment of status
2 under this subsection if a Federal, State, or local law en-
3 forcement official investigating or prosecuting trafficking
4 described in section 101(a)(15)(T)(i) in relation to the
5 alien or the alien's spouse, child, parent, or sibling certifies
6 that the official has no objection to such waiver or reduc-
7 tion.''.

8 (2) CONFORMING AMENDMENT.—Section
9 107(c) of the Trafficking Victims Protection Act of
10 2000 (division A of Public Law 106–386; 22 U.S.C.
11 7105(c)) is amended by adding at the end the fol-
12 lowing new paragraph:

13 ''(5) CERTIFICATION OF NO OBJECTION FOR
14 WAIVER OR REDUCTION OF PERIOD OF REQUIRED
15 PHYSICAL PRESENCE FOR ADJUSTMENT OF STA-
16 TUS.—In order for an alien to have the required pe-
17 riod of physical presence under paragraph (1)(A) of
18 section 245(l) of the Immigration and Nationality
19 Act waived or reduced under paragraph (6) of such
20 section, a Federal, State, and local law enforcement
21 official investigating or prosecuting trafficking de-
22 scribed in section 101(a)(15)(T)(i) in relation to the
23 alien or the alien's spouse, child, parent, or sibling
24 may provide for a certification of having no objection
25 to such waiver or reduction.''.

(b) TREATMENT OF GOOD MORAL CHARACTER .—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)), as amended by subsection (a)(1), is amended—

(1) in paragraph (1)(B), by inserting ''subject to paragraph (7),'' after ''(B)''; and

(2) by adding at the end the following new paragraph:

''(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).''.

(c) ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(g)) is amended by adding at the end the following: ''Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as

nonimmigrants under section 101(a)(15)(T) of such Act.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with the report for fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 911. DEFINITION OF VAWA PETITIONER.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

''(51) The term 'VAWA petitioner' means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

''(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

''(B) Clause (ii) or (iii) of section 204(a)(1)(B).

''(C) Subparagraph (C) or (D) of section 216(c)(4).

''(D) The first section of Public Law 89–732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

"(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277).

"(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100).

"(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note).".

(b) CONFORMING AMENDMENTS.—

(1) Section 212(a)(6)(A)(ii)(I) of such Act (8 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking "qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)" and inserting "is a VAWA petitioner".

(2) Section 212(a)(9)(C)(ii) of such Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking "to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)" and inserting "is a VAWA petitioner".

(3) Subsections (h)(1)(C) and (g)(1)(C) of section 212 (8 U.S.C. 1182) is amended by striking

"qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "is a VAWA petitioner".

(4) Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by striking "an alien granted classification under clause (iii) or (iv) of section 201(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "a VAWA petitioner".

(5) Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking "is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)" and inserting "is a VAWA petitioner".

(6) Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking "they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) of such Act" and inserting "the applicants were VAWA petitioners".

(7) Section 245(a) of such Act (8 U.S.C. 1255(a)) is amended by striking "under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" and inserting "as a VAWA petitioner".

(8) Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)'' and inserting ''as a VAWA petitioner''.

(9) For additional conforming amendments to sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act, see sections 832(b)(2) and 817(a) of this Act.

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(A) by striking ''or who'' and inserting ''who''; and

(B) by inserting after ''domestic violence,'' the following: ''or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) IN GENERAL.—Section 204(a)(1)(B)(iii) of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended—

(i) by striking ''or who'' and inserting ''who''; and

(ii) by inserting after ''domestic violence,'' the following: ''or who was a child of a lawful permanent resident resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(B) CONFORMING TREATMENT OF DECEASED SPOUSES.—Section 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is amended—

(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subitem (bbb), as so redesignated, the following:

"(aaa) whose spouse died within the past 2 years;".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen parent or lawful permanent resident parent died or whose parent-child relationship with such parent terminated during the period beginning on October 28, 1998, and ending on the date of the enactment of this Act, the following rules apply:

(i) The reference to "within the past 2 years" in section 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii), respectively, of the Immigration and Nationality Act in the matter inserted by such paragraph is deemed to be a reference to such period.

(ii) The petition must be filed under such section within 2 years after the date

of the enactment of this Act (or, if later, 2 years after the alien's 18th birthday).

(iii) The determination of eligibility for benefits as a child under such section (including under section 204(a)(1)(D) of the Immigration and Nationality Act by reason of a petition authorized under such section) shall be determined as of the date of the death of the citizen parent or lawful permanent resident parent or the termination of the parent-child relationship.

(b) PROTECTING VICTIMS OF CHILD ABUSE FROM AGING OUT.—

(1) CLARIFICATION REGARDING CONTINUATION OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(i)(I)) is amended—

(A) by striking ''clause (iv) of section 204(a)(1)(A)'' and inserting ''subparagraph (A)(iv)''; and

(B) by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable'' and inserting ''to continue to be treated as an

immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married,''.

(2) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended——

(A) in clause (i)(I)—

(i) by inserting after the first sentence the following new sentence: ''Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph.''; and

(ii) in the last sentence, by inserting ''in either such case'' after ''shall be required to be filed'';

(B) in clause (i)(III), by striking ''paragraph (1), (2), or (3) of section 203(a)'' and inserting ''section 203(a)(2)(A)''; and

(C) in clause (ii), by striking ''(A)(iii), (A)(iv),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(c) CLARIFICATION OF NO SEPARATE ADJUSTMENT APPLICATION FOR DERIVATIVE CHILDREN.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended by adding at the end the following: ''In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (b)(1), is amended by adding at the end the following new clause:

''(v) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) IN GENERAL.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

"(vii) An alien who—

"(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

"(II) is a person of good moral character;

"(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i); and

"(IV) resides, or has resided in the past, with the citizen daughter or son;

may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen son or daughter.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by the United States citizen spouse'';

(2) in subparagraph (A)(iv), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by such parent'';

(3) in subparagraph (B)(ii)(II)(aa)(CC)(aaa), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by the lawful permanent resident spouse''; and

(4) in subparagraph (B)(iii), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by such parent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

''(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

''(2) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred ac-

1 tion until the application is approved or the application
2 is denied after exhaustion of administrative appeals.
3 "(3) During a period in which an alien is provided
4 deferred action under this subsection, the alien shall not
5 be removed or deported. ".
6 (2) LIMITATION ON DETENTION.—Section 236
7 of such Act (8 U.S.C. 1226) is amended by adding
8 at the end the following new subsection:
9 "(f) LIMITATION ON DETENTION OF CERTAIN VIC-
10 TIMS OF VIOLENCE.—(1) An alien for whom a petition
11 as a VAWA petitioner has been approved or for whom an
12 application for nonimmigrant status (whether as a prin-
13 cipal or derivative child) under subparagraph (T) or (U)
14 of section 101(a)(15) has been approved, subject to para-
15 graph (2), the alien shall not be detained if the only basis
16 for detention is a ground for which—
17 "(A) a waiver is provided under section 212(h),
18 212(d)(13), 212(d)(14), 237(a)(7), or
19 237(a)(2)(a)(V); or
20 "(B) there is an exception under section
21 204(a)(1)(C).
22 "(2) Paragraph (1) shall not apply in the case of de-
23 tention that is required under subsection (c) or section
24 236A.".
25 (3) EMPLOYMENT AUTHORIZATION.—

(A) FOR VAWA PETITIONERS.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

''(K) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(B) FOR ALIENS WITH APPROVED T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)) is amended by adding at the end the following new paragraph:

''(7) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(4) PROCESSING OF APPLICATIONS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

"(K) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended by adding at the end the following new subparagraph:

"(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

"(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all

opportunities for appeal of the denial have been exhausted; and

"(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCEES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in subclause (I)(bb), by inserting after "during the marriage" the following: "or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage";

(B) in subclause (II)(aa)—

(i) by striking "or" at the end of subitem (BB);

(ii) by inserting "or" at the end of subitem (CC); and

(iii) by adding at the end the following new subitem:

"(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;";

(C) in subclause (II)(cc), by striking "or who" and inserting ", who" and by inserting before the semicolon at the end the following: ", or who is described in subitem (aa)(DD)"; and

(D) in subclause (II)(dd), by inserting "or who is described in subitem (aa)(DD)" before the period at the end.

(2) EXCEPTION FROM REQUIREMENT TO DEPART.—Section 214(d) of such Act (8 U.S.C. 1184(d)) is amended by inserting before the period

at the end the following: ''unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) SPOUSES WHO ARE CONDITIONAL PERMANENT RESIDENTS.—

(1) IN GENERAL.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.''.

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) of such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking ''or'' at the end of subclause (II);

(B) by adding ''or'' at the end of subclause (III); and

(C) by adding at the end the following new subclause:

''(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;''.

(3) EXCEPTION TO RESTRICTION ON ADJUSTMENT OF STATUS.—The second sentence of section 245(d) of such Act (8 U.S.C. 1255(d)) is amended by inserting ''who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)'' after ''alien described in section 101(a)(15)(K)''.

(4) APPLICATION UNDER SUSPENSION OF DEPORTATION.—Section 244(a)(3) of such Act (as in effect on March 31, 1997) shall be applied (as if in effect on such date) as if the phrase ''is described in section 240A(b)(2)(A)(i)(IV) or'' were inserted before ''has been battered'' the first place it appears.

(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(c) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking ''(d)'' and inserting ''(d)(1)'';

(2) by inserting after the second sentence the following: ''Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.''; and

(3) by adding at the end the following:

1 "(2)(A) Subject to subparagraph (B), a consular offi-
2 cer may not approve a petition under paragraph (1) unless
3 the officer has verified that—
4 "(i) the petitioner has not, previous to the
5 pending petition, petitioned under paragraph (1)
6 with respect to more than 2 applying aliens; and
7 "(ii) if the petitioner has had such a petition
8 previously approved, 2 years have elapsed since the
9 filing of such previously approved petition.
10 "(B) The Attorney General may, in the discretion of
11 the Attorney General, waive the limitation in subpara-
12 graph (A), if justification exists for such a waiver.
13 "(3) For purposes of this subsection—
14 "(A) the term 'child abuse' means a felony or
15 misdemeanor crime, as defined by Federal or State
16 law, committed by an offender who is a stranger to
17 the victim, or committed by an offender who is
18 known by, or related by blood or marriage to, the
19 victim, against a victim who has not attained the
20 lesser of—
21 "(i) 18 years of age; or
22 "(ii) except in the case of sexual abuse, the
23 age specified by the child protection law of the
24 State in which the child resides;

"(B) the terms 'domestic violence' and 'sexual assault' have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).".

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following:

"(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

"(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee,".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act, as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act, as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) of such Act (8 U.S.C. 1187(b)(2)) is amended by inserting after ''asylum,'' the following: ''as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997),''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration

and Nationality Act before, on, or after such date as if it had been included in such waivers.

(f) EXCEPTION FROM FOREIGN RESIDENCE REQUIREMENT FOR EDUCATIONAL VISITORS.—

(1) IN GENERAL.—Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by inserting ''unless the alien is a VAWA petitioner or a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15)'' after ''following departure from the United States''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status under section 101(a)(15)(J) of such Act before, on, or after the date of the enactment of this Act.

SEC. 917. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)

of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended —

(1) in subclause (I), by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner''; and

(2) in subclause (II), by inserting ''or adjustment of status'' after ''cancellation of removal''.

(b) APPLICATION OF VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—

(1) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(A) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(B) in subparagraph (E), by inserting after ''April 1, 2000'' the following: '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' .

(2) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (2) shall take effect as if included in the enactment of VAWA–2000.

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.—

(1) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(A) in the last sentence, by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''; and

(B) by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall take effect as if included in the enactment of VAWA–2000.

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—

(1) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as amended by section 1511(a) of VAWA–2000, is amended—

(A) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification'';

(B) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(C) in clause (iii), by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)'' .

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)(C) shall take effect as if included in the enactment of VAWA–2000.

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as amended by section 1510(b) of VAWA–2000—

(A) by striking ''or'' at the end of subitem (BB);

(B) by striking ''and'' at the end of subitem (CC) and inserting ''or''; and

(C) by adding at the end the following new subitem:

''(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and''; and

(2) in subsection (g)—

(A) by inserting ''(1)'' before ''Notwithstanding'';

(B) by inserting ''subject to paragraph (2),'' after ''section 101(a) of the Immigration and Nationality Act)),''; and

(C) by adding at the end the following new paragraph:

''(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.''.

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following new subparagraph:

''(J) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individ-

1 ual's child's) eligibility as a VAWA petitioner or for such
2 nonimmigrant status.''.
3 (h) EFFECTIVE DATE.—Except as otherwise pro-
4 vided in this section, the amendments made by this section
5 shall take effect on the date of the enactment of this Act.

6 **SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DE-**
7 **RIVATIVES OF TRAFFICKING VICTIMS.**

8 (a) IN GENERAL.—Section 240A(b)(4) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1229b(b)(4)) is
10 amended—
11 (1) in the heading, by striking ''CHILDREN OF
12 BATTERED ALIENS'' inserting ''BATTERED ALIENS,
13 CHILDREN OF BATTERED ALIENS, AND DERIVATIVE
14 FAMILY MEMBERS OF TRAFFICKING VICTIMS,'';
15 (2) in subparagraph (A)—
16 (A) by striking ''or'' at the end of clause
17 (i);
18 (B) by striking the period at the end of
19 clause (ii) and inserting a semicolon; and
20 (C) by adding at the end the following new
21 clauses:
22 ''(iii) VAWA petitioner whose petition
23 was approved based on having been bat-
24 tered or subjected to extreme cruelty by a
25 United States citizen spouse, parent, or

child and who is admissible and eligible for an immigrant visa;

''(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner's priority date; or

''(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).''; and

(3) in subparagraph (B)—

(A) in the first sentence, by striking ''The grant of parole'' and inserting ''(i) The grant of parole under subparagraph (A)(i) or (A)(ii)'';

(B) in the second sentence, by striking ''covered under this paragraph'' and inserting ''covered under such subparagraphs'';

(C) in the last sentence, by inserting ''of subparagraph (A)'' after ''clause (i) or (ii)''; and

(D) by adding at the end the following new clauses:

''(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

''(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to

the time the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to exercise due diligence in filing a visa petition on the alien's behalf may result in revocation of parole.''.

(b) CONFORMING REFERENCE.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

''(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended—

(1) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(2) by adding at the end the following new paragraph:

''(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) and shall apply to failures to depart voluntarily occurring before, on, or after the date of the enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting after ''extreme cruelty by a United States citizen spouse or parent'' the following: '', regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty''.

(b) USE OF CREDIBLE EVIDENCE.—Such section is further amended by adding at the end the following: ''The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) APPLICATION OF RESTRICTIONS ON ADDITIONAL DEPARTMENTS.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367) is amended—

(1) in subsection (a), as amended by section 1513(d) of VAWA–2000—

(A) in the matter before paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', or the Secretary of Homeland Security, the Secretary of

State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)''; and

(B) in paragraph (2), by striking ''of the Department,'' and inserting ''of any such Department,''; and

(2) in subsection (b)—

(A) in paragraphs (1), by striking ''the Attorney General may provide, in the Attorney General's discretion'' and inserting ''the Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each's discretion'';

(B) in paragraph (2), by striking ''the Attorney General may provide in the discretion of the Attorney General'' and inserting ''the Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each's discretion''; and

(C) in paragraph (5), by striking ''is authorized to disclose'' and inserting '', Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose''.

(b) INCREASING SCOPE OF ALIENS AND INFORMATION PROTECTED.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by striking ''furnished solely by'' and inserting ''furnished by or derived from information provided solely by'';

(B) by striking ''or'' at the end of subparagraph (D);

(C) by adding ''or'' at the end of subparagraph (E); and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration

and Nationality Act, the trafficker or perpetrator,''; and

(2) in paragraph (2)—

(A) by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under''; and

(B) by striking ''or section 240A(a)(3) of such Act as an alien (or the part of a child) who has been battered or subjected to extreme cruelty.'' and inserting the following: '', section 101(a)(15)(T), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien;''.

(c) PROVIDING FOR CONGRESSIONAL REVIEW.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Home-

land Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).''.

(d) APPLICATION TO JUVENILE SPECIAL IMMIGRANTS.—Subsection (a) of such section is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.''.

(e) IMPROVED ENFORCEMENT.—Subsection (c) of such section is amended by adding at the end the following: ''The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.''.

(f) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

''(1) No enforcement action was taken leading to such proceedings against the alien—

''(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

''(B) at a courthouse (or in connection with the appearance of the alien at a court-

house) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

''(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.''.

(2) COMPLIANCE.—Section 384(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367(c)) is amended by inserting ''or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act'' after ''in violation of this section''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations or disclosures made on or after such date.

SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop consistent and accurate materials, including an information pamphlet described in subsection (b), on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K nonimmigrant visas. In preparing such materials, the Secretary shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault and other crimes.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(3) Domestic violence and sexual assault services in the United States, including the National Do-

1 mestic Violence Hotline and the National Sexual As-
2 sault Hotline.
3 (4) The legal rights of immigrant victims of
4 abuse and other crimes in immigration, criminal jus-
5 tice, family law, and other matters.
6 (5) The obligations of parents to provide child
7 support for children.
8 (6) Marriage fraud under United States immi-
9 gration laws and the penalties for committing such
10 fraud.
11 (7) A warning concerning the potential use of
12 K nonimmigrant visas by individuals who have a his-
13 tory of committing domestic violence, sexual assault,
14 or child abuse.
15 (c) SUMMARIES.—The Secretary of Homeland Secu-
16 rity, in consultation with the Attorney General and the
17 Secretary of State, shall develop summaries of the pam-
18 phlet developed under subsection (a) that shall be used
19 by consular officers when reviewing the pamphlet in inter-
20 views under section (e)(2).
21 (d) TRANSLATION.—
22 (1) IN GENERAL.—In order to best serve the
23 language groups having the greatest concentration of
24 K nonimmigrant visa applicants, the information
25 pamphlet under subsection (b) shall, subject to para-

graph (2), be translated by the Secretary of State into the following languages: Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, and Hindi.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine the specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(e) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be made available and distributed as follows:

(1) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(A) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no

translation into the applicant's primary language is available.

(B) In addition, in the case of an applicant for a nonimmigrant visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) the Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under subparagraph (A), a copy of the petition submitted by the petitioner for such applicant under section 214(d) of such Act (8 U.S.C. 1184(d)).

(C) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under such section 214(d). The Secretary of State, in turn, shall share any such criminal background information that is in the public record with the nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the dis-

1 closure of such criminal background informa-
2 tion to the visa applicant at the consular inter-
3 view in the primary language of the visa appli-
4 cant. Nothing in this subparagraph shall be
5 construed to authorize the Secretary of Home-
6 land Security to conduct any new or additional
7 criminal background check that is not otherwise
8 conducted in the course of adjudicating such
9 petitions.

10 (2) CONSULAR INTERVIEWS.— The pamphlet
11 shall be distributed directly to K nonimmigrant visa
12 applicants at all consular interviews for such visas.
13 The consular officer conducting the visa interview
14 shall review the pamphlet and summary with the ap-
15 plicant orally in the applicant's primary language, in
16 addition to distributing the pamphlet to the appli-
17 cant in English.

18 (3) CONSULAR ACCESS.—The pamphlet shall be
19 made available to the public at all consular posts.
20 Summaries of the pamphlets under subsection (c)
21 shall be made available to foreign service officers at
22 all consular posts.

23 (4) POSTING ON STATE DEPARTMENT
24 WEBSITE.—The pamphlet shall be posted on the
25 website of the Department of State as well as on the

websites of all consular posts processing K nonimmigrant visa applications.

(f) K NONIMMIGRANT DEFINED.—For purposes of this section, the term ''K nonimmigrant visa'' means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for adjudication of petitions of VAWA petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act, as added by section 911(a)), of aliens seeking status as nonimmigrants under subparagraph (T) or (U) of section 101(a)(15) of such Act, and of aliens seeking relief under section 240A(b)(2) of such Act or under section 244(a)(3) of such Act (as in effect on March 31, 1997).

Subtitle C—Miscellaneous Provisions

SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C.

1101(b)(1)(E)(i)) is amended by inserting after ''at least two years'' the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

(b) CONFORMING NATURALIZATION AMENDMENT.—Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is amended by inserting before the period at the end the following: ''or the child is residing in the United States pursuant to a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household ''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications pending or filed on or after such date.

SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY FOR VAWA PETITIONERS.

(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—

(1) IN GENERAL.—Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by inserting ''(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of

United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))'' after ''clause (i)''.

(2) CONFORMING REFERENCE.—Section 212(a)(6)(C)(iii) of such Act (8 U.S.C. 1182(a)(6)(C)(iii)) is amended by striking ''clause (i)''and inserting ''clauses (i) and (ii)''.

(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.''.

(2) CONFORMING AMENDMENT.—Section 212(a)(4)(C)(i) of such Act (8 U.S.C. 1182(a)(4)(C)(i)) is amended to read as follows:

''(i) the alien is described in subparagraph (E); or''.

(c) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall

1 apply regardless of whether the conviction was entered,
2 crime, or disqualifying event occurred before, on, or after
3 such date.

4 **SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED**
5 **SPOUSES OF CERTAIN NONIMMIGRANTS.**

6 (a) IN GENERAL.—Section 214(c) of the Immigration
7 and Nationality Act (8 U.S.C. 1184(c)), as amended by
8 sections 403(a) and 404(a) of the REAL ID Act of 2005
9 (division B of Public Law 109–13), is amended by adding
10 at the end the following new paragraph:

11 ''(15) In the case of an alien spouse admitted under
12 subparagraph (A), (E)(iii), (G), or (H) of section
13 101(a)(15) who is accompanying or following to join a
14 principal alien admitted under subparagraph (A), (E)(iii),
15 (G), or (H)(i) of such section, respectively, the Secretary
16 of Homeland Security shall authorize the alien spouse to
17 engage in employment in the United States and provide
18 the spouse with an 'employment authorized' endorsement
19 or other appropriate work permit if the alien spouse dem-
20 onstrates that during the marriage the alien spouse or a
21 child of the alien spouse has been battered or has been
22 the subject to extreme cruelty perpetrated by the spouse
23 of the alien spouse.''.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on the date of the enact-

ment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting '', or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting ''subject to paragraph (5),'' after ''(C)''; and

(ii) by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'';

(B) in paragraph (2)(A), by amending clause (iv) to read as follows:

''(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and ''; and

(C) by adding at the end the following new paragraph:

"(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 1504(a) of VAWA–2000.

(b) CLARIFYING NONAPPLICATION OF CANCELLATION CAP.—

(1) IN GENERAL.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) Aliens with respect to their cancellation of removal under subsection (b)(2).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cancellations of removal occurring on or after October 1, 2004.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(A) in subparagraph (A), by inserting ", except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in clause (iv)" before the period at the end; and

(B) in subparagraph (C)—

(i) in the heading of clause (iv), by striking "SPOUSES AND CHILDREN" and

inserting ''SPOUSES, CHILDREN, AND PARENTS,'';

(ii) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(iii) in clause (iv)(I), by striking ''or (iv)'' and inserting '', (iv), or (vii)'';

(iv) in clause (iv)(I), by inserting ''or section 244(a)(3) (as in effect on March 31, 1997)'' after ''section 240A(b)(2)'';

(v) by striking ''and'' at the end of clause (iv)(II);

(vi) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(vii) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) DEPORTATION PROCEEDINGS.—

(1) IN GENERAL.—Section 1506(c)(2) of VAWA–2000 is amended—

(A) in the matter before clause (i) of subparagraph (A), by striking ''Notwithstanding any limitation imposed by law on motions'' inserting ''Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III–A effective date),'';

(B) in the matter before clause (i) of subparagraph (A), by striking ''there is no time limit on the filing of a motion'' and all that follows through ''does not apply'' and inserting

"such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings"; and

(C) by adding at the end of subparagraph (A) the following:

"The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for. "; and

(D) in subparagraph (B), by inserting "who are physically present in the United States and" after "filed by aliens".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended by inserting "battery or extreme cruelty of the alien or any child or parent of the alien or" after "exceptional circumstances (such as".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPORTATION PARALLEL TO THE RELIEF AVAILABLE IN VAWA–2000 CANCELLATION FOR BIGAMY.

Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall be applied as if ''or by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or permanent resident's bigamy'' were inserted after ''by a spouse or parent who is a United States citizen or lawful permanent resident''.

SEC. 939. CORRECTION OF CROSS-REFERENCE TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), as amended by section 1510(a)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) IIARAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(d) HRIFA.—Section 902(d)(1)(B)(iii) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538), as amended by section 1511(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of VAWA–2000.

SEC. 940. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(A) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(B) in the fourth sentence, by striking ''section 240A(b)(2)(B)'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(2) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(b) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform

and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 5(c)(2) of VAWA–2000, section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking the period at the end and inserting "; or".

(d) CORRECTION OF DESIGNATION AND INDENTATION.—The last sentence of section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA–2000, is amended—

(1) by striking "section 212(a)(9)(C)(i)" and inserting "clause (i)";

(2) by redesignating paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (aa) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such paragraphs and subparagraphs 6 ems to the right.

(e) ADDITIONAL TECHNICAL CORRECTIONS.—(1) Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking "is self-defense" and inserting "in self-defense".

(2) Section 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking ''(10(E))'' and inserting ''(10)(E))''.

TITLE X—SAFETY ON TRIBAL LANDS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women under their jurisdiction; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall each conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including consultation concerning—

(1) the timeliness of the Federal grant application and award processes;

(2) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(3) determinations not to award grant funds;

(4) grant awards made in violation of the eligibility guidelines to a nontribal entity; and

(5) training, technical assistance, and data collection grants for tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the Director of the Office on Vio-

1 lence Against Women, shall conduct a national baseline
2 study to examine violence against Indian women.
3 (b) SCOPE.—
4 (1) IN GENERAL.—The study shall examine vio-
5 lence committed against Indian women, including—
6 (A) domestic violence;
7 (B) dating violence;
8 (C) sexual assault;
9 (D) stalking; and
10 (E) murder.
11 (2) EVALUATION.—The study shall evaluate the
12 effectiveness of Federal, State, tribal, and local re-
13 sponses to the violations described in paragraph (1)
14 committed against Indian women.
15 (c) TASK FORCE.—
16 (1) IN GENERAL.—The Attorney General, act-
17 ing through the Director of the Office on Violence
18 Against Women, shall establish a task force to assist
19 in the development and implementation of the study
20 under subsection (a).
21 (2) MEMBERS.—The Director shall appoint to
22 the task force representatives from—
23 (A) national tribal domestic violence and
24 sexual assault nonprofit organizations;
25 (B) tribal governments; and

(C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

"(1) identification records;

"(2) criminal history records;

"(3) protection orders; and

"(4) wanted person records.".

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 2015 (as added by section 604 of this Act) the following:

"SEC. 2016. TRIBAL DIVISION.

"(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

"(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

"(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

"(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

"(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

1 "(5) representing the Office on Violence
2 Against Women in the annual consultations under
3 section 1002 of the Violence Against Women Reau-
4 thorization Act of 2005;
5 "(6) providing assistance to the Department of
6 Justice to develop policy and to enforce Federal law
7 relating to domestic violence, dating violence, sexual
8 assault, and stalking against members of Indian
9 tribes;
10 "(7) maintaining a liaison with the judicial
11 branches of Federal, State and tribal governments
12 on matters relating to domestic violence, dating vio-
13 lence, sexual assault, and stalking against members
14 of Indian tribes; and
15 "(8) ensuring that adequate tribal training,
16 technical assistance, and data collection is made
17 available to Indian tribes, tribal courts, tribal orga-
18 nizations, and tribal nonprofit organizations for all
19 programs relating to domestic violence, dating vio-
20 lence, sexual assault, and stalking against members
21 of Indian tribes.
22 "(b) AUTHORITY.—
23 "(1) IN GENERAL.—The Director shall ensure
24 that a portion of the tribal set-aside funds from any
25 grant awarded under the Violence Against Women

1 Act of 1994 (title IV of Public Law 103–322) or the
2 Violence Against Women Act of 2000 (division B of
3 Public Law 106–386) is used to enhance the capac-
4 ity of Indian tribes to address the safety of members
5 of Indian tribes.

6 "(2) ACCOUNTABILITY.—The Director shall en-
7 sure that some portion of the tribal set-aside funds
8 from any grant made under this part is used to hold
9 offenders accountable through—

10 "(A) enhancement to the response of In-
11 dian tribes to crimes of domestic violence, dat-
12 ing violence, sexual assault, and stalking
13 against Indian women, including legal services
14 for victims and Indian-specific offender pro-
15 grams;

16 "(B) development and maintenance of trib-
17 al domestic violence shelters or programs for
18 battered members of Indian tribes, including
19 sexual assault services, that are based upon the
20 unique circumstances of the members of Indian
21 tribes to be served;

22 "(C) development of tribal educational
23 awareness programs and materials;

24 "(D) support for customary tribal activities
25 to strengthen the intolerance of an Indian tribe

to violence against memberes of Indian tribes; and

"(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

"SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the "Director"), shall take such setasides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address the safety of members of Indian tribes. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

"(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

"(A) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

"(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

"(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6), Legal Assistance for Vicitms.

"(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

"(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

"(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

"(b) PURPOSE OF PROGRAM AND GRANTS.—

"(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of

members of Indian tribes consistent with tribal law and custom, specifically the following:

"(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

"(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

"(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive

ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

"(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

"(1) disburse the appropriate sums provided for under this section; or

"(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

"(d) REQUIRED PROCEDURES.—

"(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

"(A) publish in the Federal Register notification of—

"(i) the availability of those funds to Indian tribes;

"(ii) the total amount of funds available; and

"(iii) the process by which tribes may participate in the program; and

"(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

"(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

"(3) FORMULA.—The Director shall distribute those funds according to the following formula: —

"(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds,

"(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

"(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more trib-

al organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary pratices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

''(e) RECIPIENT REQUIREMENTS.—

''(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

''(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

1 "(3) SET ASIDE.—Participating tribes must set
2 aside no less than 40 percent of their total allocation
3 under this section for tribally specific domestic vio-
4 lence, dating violence, sexual assault, or stalking vic-
5 tim services and advocacy for members of Indian
6 tribes. The services supported with funds under the
7 program must be designed to address the unique cir-
8 cumstances of the individuals to be served, including
9 the customary practices and linguistic needs of the
10 individuals within the tribal community to be served.
11 Tribes shall give preference to tribal organizations
12 or tribal nonprofit organizations providing advocacy
13 services to members of Indian tribes within the com-
14 munity to be served such as a safety center or shel-
15 ter program for members of Indian tribes. In the
16 case where the above organizations do not exist
17 within the participating tribe, the participation and
18 support from members of Indian tribes in the com-
19 munity to be served is sufficient to meet this re-
20 quirement.
21 "(f) ADMINISTRATION REQUIREMENTS.—
22 "(1) APPLICATION.—To reduce the administra-
23 tive burden for Indian tribes, the Director shall pre-
24 pare an expedited application process for Indian
25 tribes participating in the program required by this

1 section. The expedited process shall facilitate partici-
2 pating tribes' submission of information—
3 "(A) outlining project activities;
4 "(B) describing how the project activities
5 will enhance the Indian tribe's response to do-
6 mestic violence, dating violence, sexual assault,
7 and stalking against members of Indian tribes;
8 and
9 "(C) identifying the tribal partner pro-
10 viding advocacy and related services for mem-
11 bers of Indian tribes who are victims of crimes
12 of domestic violence, dating violence, sexual as-
13 sault, and stalking.
14 "(2) REPORTING AND EVALUATION.—The Di-
15 rector shall alleviate administrative burdens upon
16 participating Indian tribes by—
17 "(A) developing a reporting and evaluation
18 process relevant to the distinct governance of
19 Indian tribes;
20 "(B) requiring only essential data to be
21 collected; and
22 "(C) limiting reporting to an annual basis.
23 "(3) GRANT PERIOD.—The Director shall
24 award grants for a two-year period, with a possible

extension of another two years to implement projects under the grant.

"(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

"(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

"(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

"(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

"(1) the development and delivery of services to members of Indian tribes who are victimized;

"(2) the development and implementation of tribal governmental responses to such crimes; and

"(3) the traditional and customary practices of Indian tribes to such crimes.".

SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal criminal jurisdiction and charged according to the following provisions of title 18, United States Code: Sections 1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2), 2261(a)(1)(2), and 922(g)(8).

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(3) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(4) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) YEARS COVERED.—The report required by this section shall cover the years 2000 through 2005.

○

Chairman SENSENBRENNER. The chair recognizes himself for 5 minutes to explain the bill.

Authorization is the process by which Congress creates, amends, and extends programs in executive agency. It is probably the most important oversight tool that Congress and Committees of jurisdiction can employ. Through authorizations, our Committees can establish programs, their objectives, and the upper limits for spending on them. Once a Federal program has been authorized, the actual budget authority for the program comes from appropriation bills.

I would point out that one of the seminal accomplishments of this Committee was in 2002, passing the first DOJ reauthorization bill since 1979, and that has been a tremendous oversight tool for both the majority and the minority in terms of actually overseeing the effectiveness of the programs that the Department of Justice administers.

We will today again exercise this very important authority with this bill. The legislation contains many of the provisions that we agreed upon as a Committee in the last Congress and contains many new provisions that Members on both sides of the aisle have contributed to and should feel proud of. Titles I through III contain many provisions from H.R. 3036, with modified authorization levels. Additional provisions were added to reauthorize programs which will expire, or have expired, such as the Juvenile Accountability Block Grants Program and the Sex Offender Management Program.

Some of the programs within these titles, such as the COPS grants program were modified and updated to address the new priorities affecting State and local governments since the program was established. The bill also includes some very important modifications to the criminal code, such as extending the statute of limitation for human trafficking offenses, and creates increased criminal penalties to guards who sexually abuse persons in their custody.

In addition to the important provisions contained in titles I through III, titles IV through X reauthorize core programs on domestic violence from 1994 to 2000 and make improvements to those grant programs to enhance our ability to combat domestic violence, dating violence, sexual assault, and stalking. The bill reauthorizes the STOP program, which provides State formula grants to help fund collaboration efforts between police and prosecutors and victims service providers.

The bill reauthorizes grants to encourage arrest programs that provide funds to communities to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Additionally, the bill authorizes several new programs, including grants to improve training for court officials and law enforcement and grants to encourage community-based solutions to domestic violence.

This legislation already has a number of cosponsors on the Committee, on both sides of the aisle, who have made reauthorization of the Violence Against Women Act a priority. Representatives Mark Green and Zoe Lofgren have both worked very hard to encourage this Committee to make these programs a priority, and I am grateful to Ranking Member Conyers for all his hard work to

ensure that there be a bipartisan directive to the Department of Justice on the part of this Committee.

In this spirit, Mr. Conyers and I will be offering a manager's amendment to address additional priorities that Members requested be included in this legislation. This amendment includes authorization for DOJ to focus on individuals who operate organized theft rings or are engaged in human trafficking. Additional provisions authorize grants for gang resistance education and encourage current juvenile offender grant programs to focus on bullying prevention.

With the addition of these provisions in the manager's amendment, I am confident that this legislation truly reflects the bipartisan will of this Committee, and I thank the Members for their contribution.

I now recognize Mr. Conyers for his remarks.

Mr. CONYERS. Thank you, Mr. Chairman.

I rise in support of the legislation, commending Chairman Sensenbrenner for reasserting the Judiciary Committee's jurisdiction over the Department of Justice. I happen to have been the person that in 1979 was successful, with others, to get the first authorization bill through the Judiciary Committee.

The reason this is important is that the Department has become resistant to congressional oversight frequently, refusing sometimes to answer questions or so vaguely that we still don't feel the answers are adequate. Fortunately, by working together today to address our concerns with the Department, I think we have a bill that is better than any that has ever been brought forward in authorizing the Department of Justice.

The bill provides funding for various offices within the Department, but the one that I begin our discussion on is the Office of the Inspector General, with a $70 billion provision. In the past years, the Office of Inspector General has been diligent in overseeing the war on terrorism and the issues that have arisen as a result of it, and issuing reports on the 9/11 detainees and frequently pushing the Department to change how its procedures for handling terrorism suspects is done.

The second-most important provision that I bring to the attention of the Committee is the reauthorization of the Violence Against Women Act of 1994. For three Congresses we have worked on the bill, and each time, I think, dramatic improvements have been made. We have new vehicles to tackle this constant issue. And building on the work from previous years, the act reauthorizes some of the current programs that have been effective, including the STOP program, which provides State formula grants that help fund collaboration efforts between police and prosecutors and victims service providers, as well as legal assistance for victims.

This time, we have gone a step further, and instead of focusing on adult victims of violence only, we address the problem of violence against children and youth by including programs for college campuses and assistance to youth who are themselves victims of violence. There is also attempt here to broaden our scope by not only focusing on services for victims, but also by focusing on effective prevention programs targeting children who have been exposed to violence and young families at risk for violence. These are serious

prevention programs which deserve our continuing support as we move along with this measure.

We also do something else. We help immigrants subjected to domestic violence to secure their rights to stay in the country and seek shelter from those who batter them, by expanding the class of victims who can seek immigration status by self-petitioning through the Violence Against Women Act. For example, the bill protects children of child abuse from aging-out, by allowing the victims to self-petition up to the age of 25; parents abused by U.S. citizen children, by allowing them to file for relief under the Violence Against Women Act; and victims with prima facie cases for Violence Against Women Act self-petitioner, or a T or U visa, from removal or deportation.

The measure also limits detention for victims who have pending petitions or applications for relief.

And finally, this time around, we have tried to recognize the obstacles that some racial and ethnic minorities face in the mainstream system, and have included language and allow programs to target the communities of color.

Chairman SENSENBRENNER. The time of the gentleman has expired.

Mr. CONYERS. I ask unanimous consent that the remainder of my statement be included in the record.

Chairman SENSENBRENNER. Without objection, so ordered. Without objection, all Members' statements will appear in the record at this time.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND RANKING MEMBER, COMMITTEE ON THE JUDICIARY

I rise in support of this legislation. I first would like to commend Chairman Sensenbrenner for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together to address our concerns with the Department and arrived at the bill before us today.

In general, the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures for handling terrorism suspects.

An important piece of the bill is the reauthorization of the Violence Against Women Act of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides state formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims.

But this time we take it a step further. This time, instead of focusing on adult victims of violence only, we try to address the problem of violence against children and youth by including programs for college campuses and assistance to youth who are themselves victims of violence. We also try to broaden our scope by not only focusing on services for victims, but also by focusing on effective prevention programs targeting children who have been exposed to violence and young families at risk for violence.

In addition, the bill helps immigrants subjected to domestic violence secure the opportunity to stay in the country and seek shelter from their batterers. All too often women are threatened with deportation or a loss of legal immigrant status if they flee or report the abuse they or their children are suffering. This bill will expand protections for battered and trafficked immigrants, those emigrating to the

U.S. as fiancees or spouses, and close family members joining immigrant victims of domestic violence in the U.S.

Also, the bill will allow victims of child abuse to file for VAWA protection until they are 25, and it gives victims of elder abuse the right to seek VAWA protection as well. It will also help prevent the detention and removal of those with valid claims for immigration relief due to domestic violence. These improvements will help protect victims, encourage them to leave abusive relationships, and hopefully facilitate family unity and the prosecution of batterers.

Finally, this time around we have tried to recognize the obstacles that some racial and ethnic minorities face in the mainstream system and have included language that allows programs to target communities of color.

In addition, the bill reauthorizes the COPS office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

The bill also includes language offered by Rep. Adam Schiff to require the Attorney General to report to Congress on the number of persons detained on suspicion of terrorism. This is important because the Department has thwarted congressional and judicial efforts to obtain justification for terrorism detainees. The Department's Office of the Inspector General found that the Department and its components had abused terrorism suspects, pushing them into walls, leaving them in legal limbo, and depriving them of access to family or counsel. With these reports, elected representatives can better determine whether the Department is overstepping its bounds again.

[The prepared statement of Mr. Goodlatte follows:]

PREPARED STATEMENT OF THE HONORABLE BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. Chairman, I want to thank you for holding a markup of this important legislation, and for your willingness to include my amendment to this legislation that addresses organized retail theft (ORT), a serious and growing threat to our citizens and business community.

It is estimated that professional organized retail theft rings are responsible for pilfering up to $30 billion in merchandise from retail stores annually.

Organized retail theft groups typically target everyday household commodities and consumer items that can be easily sold through fencing operations, flea markets, swap meets and shady store-front operations. Items that are routinely stolen include over-the-counter drug products, such as analgesics and cold medications, razor blades, camera film, batteries, videos, DVDs, CDs, smoking cessation products, infant formula and computer software items. Thieves often travel from retail store to retail store, and from state to state, stealing relatively small amounts of goods from each store, but cumulatively stealing significant amounts of goods. Once stolen, these products can be sold back to fencing operations, which can dilute, alter and repackage the goods and then resell them, sometimes back to the same stores from which the products were originally stolen.

When a product does not travel through the authorized channels of distribution, there is an increased risk that the product has been altered, diluted, reproduced and/or repackaged. These so-called "diverted products" pose significant health risks to the public, especially the diverted medications and food products. Diverted products also cause considerable financial losses for legitimate manufacturers and retailers. Ultimately, the consumers bear the brunt of these losses as retail establishments are forced to raise prices to cover the additional costs of security and theft prevention measures.

At the state level, organized retail theft crimes are normally prosecuted under state shoplifting statutes as mere misdemeanors. As a result, the thieves that participate in organized retail theft rings typically receive the same punishment as common shoplifters. The thieves who are convicted usually see very limited jail time or are placed on probation. I believe that the punishment does not fit the crime in these situations. Mere slaps on the wrists of these criminals has practically no deterrent effect. In addition, criminals who are involved in organized retail theft rings pose greater risks to the public because their intent is for the goods to be resold. Because the routes of these diverted products are extremely difficult to trace, there is a greater risk that these goods will be faulty, outdated and dangerous for consumer use. The punishment for these interstate crimes should be greater than that

for common shoplifters. DOJ believes they have the authority under existing statutes to combat ORT rings. In addition, in December of 2003, the FBI established an organized retail theft initiative to combat this growing problem. While this is a good start, much work needs to be done to combat this problem.

This amendment would direct resources to DOJ specifically to address ORT crimes to ensure that these crimes receive the appropriate attention. Specifically, this amendment creates a federal definition of organized retail theft crimes, and authorizes $5 million for each of the next three fiscal years for educating and training federal law enforcement regarding these crimes, as well as for investigating, apprehending and prosecuting individuals engaged in these crimes. In addition, this amendment directs the FBI to contribute to the construction of a national database housed in the private sector, where retail establishments, as well as federal, state, and local law enforcement can compile evidence on specific organized retail theft crimes to aid investigations and prosecutions. Often, a lack of information about the interstate nature of these crimes prevents federal law enforcement from getting involved in these cases. This database will help put the pieces together to show the organized and multi-state nature of these crimes, as well as provide important evidence for prosecutions.

Thank you again, Mr. Chairman, for holding this important markup.

[The prepared statement of Mr. Green follows:]

PREPARED STATEMENT OF THE HONORABLE MARK GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

I rise in support of the Department of Justice Reauthorization Act before the Committee today. This is a good bill, with many great programs including the Violence Against Women Reauthorization Act. I worked extensively on this measure, introduced a comprehensive, stand alone act, and am glad to see it before us today in this bill.

As you know VAWA was originally passed ten years ago and since that time has helped us make remarkable gains in stopping domestic and sexual violence. During that decade, VAWA has saved lives and helped millions of women and children find safety, security and self-sufficiency. Because of the violence against women's act victims of domestic violence have found help to escape the violence and get treatment; law enforcement and the judicial system have learned how to better help these victims through what can be a very daunting legal process; and more people recognize the signs of abuse because of the awareness campaigns.

Every step we take to stop domestic violence helps not only save that victim, but can help break the cycle of abuse. In this bill we are building on the successes of the violence against women act by reauthorizing great programs and including new, innovative and cost-effective programs that will continue to help the criminal justice and legal systems better protect and help victims.

We are doing this through training grants; providing direct services for all victims; providing services to children, teens and young adults who have experienced violence in their lives; educating young people about domestic violence and sexual assault; ensuring existing forms of immigration relief are available to victims; and improving the response to American Indian and Native Alaskan victims, who experience staggering rates of physical and sexual assault.

Investing in these broad remedies and services for victims will help us to continue our exceptional progress in preventing these crimes and ensuring future generations are safe from domestic and sexual violence.

This is a great measure and I urge my colleagues to support this bill.

Thank you.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, a few weeks ago, I and over 120 of my colleagues introduced a comprehensive reauthorization of the Violence Against Women Act. VAWA is set to expire on September 30th of this year, so it is vital that this Congress quickly consider and pass a reauthorization.

Since its passage in 1994, VAWA has been a success. It has provided over $5.5 billion in Federal funding to improve our criminal and community responses to domestic violence. But the statistics remain alarming. One in four women will experience domestic violence during her lifetime. Just in my home State of California, almost 6% of women suffer physical injuries from domestic violence each year. In

2001, California law enforcement received 198,000 domestic violence calls, with weapons involved in over 136,000 of those cases.

I believe that the reauthorization that I put forth would go a long way towards putting a stop to this troubling reality. Today, we are considering a more limited reauthorization that includes only those provisions that are within the jurisdiction of the Judiciary Committee. I understand the need to keep the process moving in the House, and so I am a cosponsor of this bill and will support it today.

Along those lines, I also want to thank the Chairman and Ranking Member for agreeing to include some additional provisions from my bill. I want to especially thank them for including new prevention programs. Traditionally, VAWA funding has gone to programs designed to respond to domestic violence after the fact. I believe that we also need to fund programs that help prevent domestic violence before it occurs, and this bill will do that.

It is my understanding that the Senate will likely take up a broader bill that includes additional programs outside of the jurisdiction of the House Judiciary Committee, including housing and economic security programs for battered women. I understand that if that happens, the Chairman's intention is to have a meaningful conference with the Senate.

I just want to state for the record that I hope these additional programs will eventually become part of a conference report. These programs are very important and I do not want to see them slip through the cracks. I encourage my colleagues to support this bill, and to also support a broader conference report that provides a comprehensive response to the problem of domestic violence.

Chairman SENSENBRENNER. Are there amendments?

The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. I thank you. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3402, offered by Ms. Jackson Lee of Texas. At the end of the bill, add the following section——

SEC. _____. It is the sense of Congress that it is important to study the concept of implementing a 'good time' release program for non-violent criminals in the Federal prison system.

[The amendment follows:]

AMENDMENT TO H.R. 3402, THE DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FY 2006 THROUGH 2009, OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill, add the following section –

SEC. _____ It is the sense of Congress that it is important to study the concept of implementing a `good time' release program for non-violent criminals in the Federal prison system.

Chairman SENSENBRENNER. Without objection, the amendment is agreed to.

Are there further amendments?

Ms. JACKSON LEE. I thank the Chairman very much, and I will just say I hope to work with you on this issue. Thank you.

Chairman SENSENBRENNER. The chair has a manager's amendment which represents more bipartisan work product on this one. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3402, offered by Mr. Sensenbrenner and Mr. Conyers. Page 7, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The amendment follows:]

AMENDMENT TO H.R. 3402
OFFERED BY MR. SENSENBRENNER AND MR. CONYERS

Page 7, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

Page 11, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

Page 15, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

1 (D) $5,000,000 for the investigation and
2 prosecution of violations of chapter 77 of title
3 18 of the United States Code.

Page 19, after line 18, insert the following (and make such technical and conforming changes as may be appropriate):

4 (D) $5,000,000 for the investigation and
5 prosecution of violations of chapter 77 of title
6 18 of the United States Code.

Page 22, after line 14, insert the following (and make such technical and conforming changes as may be appropriate):

7 **SEC. 105. ORGANIZED RETAIL THEFT.**

8 (a) NATIONAL DATA.—(1) The Attorney General and
9 the Federal Bureau of Investigation shall establish a task
10 force to combat organized retail theft and provide exper-
11 tise to the retail community for the establishment of a na-
12 tional database or clearinghouse housed and maintained
13 in the private sector to track and identify where organized
14 retail theft type crimes are being committed in the United
15 Sates. The national database shall allow Federal, State,
16 and local law enforcement officials as well as authorized

retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, ''organized retail theft'' means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

Page 62, line 24, insert ''child'' after ''establish''.

Page 64, strike lines 1 through 5 (and make such technical and conforming changes as may be appropriate).

Beginning on page 64, strike line 23 and all that follows through line 18 on page 67 (and make such technical and conforming changes as may be appropriate).

Page 97, strike lines 13 through 19, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 255. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking ''or'' at the end;

(2) in paragraph (16) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.''.

Page 98, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 258. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting ", including the extent to which evidence-based approaches are utilized" after "part"; and

(2) in subsection (b)(1)(A)(ii) by inserting ", including the extent to which evidence-based approaches are utilized" after "part".

Page 107, beginning in line 21, strike "1591" and all that follows through "Fraud)," in line 22.

Page 108, after the matter following line 6, insert the following:

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting ", or for ten years after the offense, whichever is longer" after "of the child".

Page 109, after line 6, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 317. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208) is amended in subsection (i) by striking ''2006'' and inserting ''2009''.

SEC. 318. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include reseach-based bullying and gang prevention programs;''.

SEC. 319. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

''Sec.
''599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.
''599B. Personnel management demonstration project.''.

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section

1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

"§ 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives"

; and

(B) in subsection (b)(2), by inserting ''of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)'' after ''subsection (c)'',

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

"§ 599B. Personnel management demonstration project",

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

"40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives ..... 599A".

SEC. 320. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) $20,000,000 for fiscal year 2006;

"(2) $20,000,000 for fiscal year 2007;

"(3) $20,000,000 for fiscal year 2008;

"(4) $20,000,000 for fiscal year 2009; and

"(5) $20,000,000 for fiscal year 2010."T1.

SEC. 321. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Attorney General
3 to carry out this section the following amounts, to remain
4 available until expended:
5 (1) $2,500,000 for fiscal year 2006
6 (2) $3,000,000 for fiscal year 2007
7 (3) $3,000,000 for fiscal year 2008
8 (4) $3,000,000 for fiscal year 2009.

Page 123, line 21, insert ''in collaboration with an organization with a documented history of effective work'' after ''effectively''.

Page 129, after line 19, insert the following (and make such technical and conforming changes as may be appropriate):

9 ''(13) supporting the placement of special vic-
10 tim assistants (to be known as 'Jessica Gonzales
11 Victim Assistants') in local law enforcement agencies
12 to serve as liaisons between victims of domestic vio-
13 lence, dating violence, sexual assault, and stalking
14 and personnel in local law enforcement agencies in
15 order to improve the enforcement of protection or-
16 ders. Jessica Gonzales Victim Assistants shall have

1 expertise in domestic violence, dating violence, sexual
2 assault, or stalking and may undertake the following
3 activities—
4 ''(A) developing, in collaboration with pros-
5 ecutors, courts, and victim service providers,
6 standardized response policies for local law en-
7 forcement agencies, including triage protocols to
8 ensure that dangerous or potentially lethal
9 cases are identified and prioritized;
10 ''(B) notifying persons seeking enforce-
11 ment of protection orders as to what responses
12 will be provided by the relevant law enforcement
13 agency;
14 ''(C) referring persons seeking enforcement
15 of protection orders to supplementary services
16 (such as emergency shelter programs, hotlines,
17 or legal assistance services); and
18 ''(D) taking other appropriate action to as-
19 sist or secure the safety of the person seeking
20 enforcement of a protection order.''.

Page 136, line 2, strike ''$75,000,000'' and insert ''$65,000,000''.

Page 143, line 14, strike "$60,000,000" and insert "$55,000,000".

Page 146, line 9, insert ", or a court system dedicated to the adjudication of domestic violence cases" after "services".

Page 147, after line 7, insert the following (and make such technical and conforming changes as may be appropriate):

1 "(6) to provide training for specialized service
2 providers, such as interpreters.".

Strike section 602 and insert the following (and make such technical and conforming changes as may be appropriate):

3 **SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.**

4 Part T of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amend-
6 ed by adding after section 2013 (as added by section 101
7 of this Act) the following:

8 **"SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.**

9 "(a) PURPOSE.—The purposes of this section are—
10 "(1) to assist States, Indian tribes, and terri-
11 tories in providing intervention, advocacy, accom-

paniment, support services, and related assistance for—

"(A) adult, youth, and minor victims of sexual assault;

"(B) family and household members of such victims; and

"(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

"(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

"(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

"(B) professionals working in legal, social service, and health care settings;

"(C) nonprofit organizations;

"(D) faith-based organizations; and

"(E) other individuals and organizations seeking such assistance.

"(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

"(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and

1 Indian tribes, tribal organizations, and non-profit
2 tribal organizations within Indian country and Alas-
3 kan native villages for the establishment, mainte-
4 nance and expansion of rape crisis centers or other
5 programs and projects to assist those victimized by
6 sexual assault.
7 ''(2) SPECIAL EMPHASIS.—States, territories
8 and tribal entities will give special emphasis to the
9 support of community-based organizations with a
10 demonstrated history of providing intervention and
11 related assistance to victims of sexual assault.
12 ''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS
13 ADDRESSING SEXUAL ASSAULT.—
14 ''(1) GRANTS AUTHORIZED.—The Attorney
15 General shall award grants to culturally specific
16 community-based organization that—
17 ''(A) is a private, nonprofit organization
18 that focuses primarily on racial and ethnic com-
19 munities;
20 ''(B) must have documented organizational
21 experience in the area of sexual assault inter-
22 vention or have entered into partnership with
23 an organization having such expertise;
24 ''(C) has expertise in the development of
25 community-based, linguistically and culturally

1 specific outreach and intervention services rel-
2 evant for the specific racial and ethnic commu-
3 nities to whom assistance would be provided or
4 have the capacity to link to existing services in
5 the community tailored to the needs of racial
6 and ethnic populations; and
7 ''(D) has an advisory board or steering
8 committee and staffing which is reflective of the
9 targeted racial and ethnic community.
10 ''(2) AWARD BASIS.—The Attorney General
11 shall award grants under this subsection on a com-
12 petitive basis for a period of no less than 3 fiscal
13 years.
14 ''(d) SERVICES AUTHORIZED.—For grants under
15 subsection (b) and (c) the following services and activities
16 may include—
17 ''(1) 24 hour hotline services providing crisis
18 intervention services and referrals;
19 ''(2) accompaniment and advocacy through
20 medical, criminal justice, and social support systems,
21 including medical facilities, police, and court pro-
22 ceedings;
23 ''(3) crisis intervention, short-term individual
24 and group support services, and comprehensive serv-

ice coordination, and supervision to assist sexual assault victims and family or household members;

"(4) support mechanisms that are culturally relevant to the community;

"(5) information and referral to assist the sexual assault victim and family or household members;

"(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

"(7) Collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault;

"(8) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (A) through (G).

"(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

"(1) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and ex-

1 pansion of such coalitions as determined by the
2 National Center for Injury Prevention and Con-
3 trol Office in collaboration with the Violence
4 Against Women Office of the Department of
5 Justice.
6 "(B) FIRST-TIME APPLICANTS.—No entity
7 shall be prohibited from submitting an applica-
8 tion under this subsection because such entity
9 has not previously applied or received funding
10 under this subsection.
11 "(f) COALITION ACTIVITIES AUTHORIZED.—Grant
12 Funds received under subsection (e) may be used to—
13 "(1) work with local sexual assault programs
14 and other providers of direct services to encourage
15 appropriate responses to sexual assault within the
16 State, territory, or Indian tribe;
17 "(2) work with judicial and law enforcement
18 agencies to encourage appropriate responses to sex-
19 ual assault cases;
20 "(3) work with courts, child protective services
21 agencies, and children's advocates to develop appro-
22 priate responses to child custody and visitation
23 issues when sexual assault has been determined to
24 be a factor;

"(4) design and conduct public education campaigns;

"(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

"(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

"(g) APPLICATION.—

"(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

"(2) Each eligible entity desiring a grant under subsection (b) shall include—

"(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

"(B) a plan for an equitable distribution of grants and grant funds within the State, terri-

tory or tribal area and between urban and rural areas within such State or territory;

"(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

"(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

"(h) REPORTING.—

"(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

"(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

"(A) not more than 2.5 percent shall be used by the Attorney General for evaluation,

monitoring and administrative costs under this section;

"(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and sub- grantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

"(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5% for administrative costs;

"(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

"(E) not less than 10 percent shall be used for making grants to state, territorial and tribal

coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

"(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)2(c), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.".

Page 183, line 14, strike "$55,000,000" and insert "$50,000,000".

Strike section 203 (and make such technical and conforming changes as may be appropriate).

Page 204, line 19, strike ''$15,000,000'' and insert ''$10,000,000''.

Page 229, line 12, strike ''$20,000,000'' and insert ''$15,000,000''.

Page 317, beginning on line 8, strike ''violent crimes against Indian women'' and insert ''domestic violence, dating violence, sexual assault, and stalking on Tribal lands''.

Page 317, line 12, strike ''violent crimes committed against Indian women'' and insert ''domestic violence, dating violence, sexual assault, and stalking on Tribal lands''.

Page 317, beginning on line 14, strike ''violent crimes committed against Indian women'' and insert ''domestic violence, dating violence, sexual assault, and stalking on Tribal lands''.

Page 325, line 18, strike ''the safety of members of Indian tribes'' and insert ''domestic violence, sexual assault, dating violence, and stalking''.

Page 326, after line 19, insert the following:

''(G) Section 2014(b) Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

''(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

''(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

Page 331, line 2, strike ''40'' and insert ''50''.

Chairman SENSENBRENNER. The chair will recognize himself for 5 seconds to state that this is the agreed upon amendment between the Ranking Member and the chair, and yields back the balance of his time.

The gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CONYERS. The one thing that I would like to separate out to point out is that we include four amendments in the manager's amendment—one from the gentleman from Virginia, Mr. Bobby Scott; one from the gentlelady from California, Representative Linda Sánchez; one from the gentleman from California, Mr. Schiff; as a matter of fact, two from Mr. Schiff. And all of these are carefully worked out by our staffs, and I urge a yes on the manager's amendment and return my——

Ms. JACKSON LEE. Would the gentleman yield?

Mr. CONYERS. Yes, I would.

Ms. JACKSON LEE. I would just note that I will support the manager's amendment, with a caveat. And to avoid taking 5 minutes time, I would like to note that a few weeks ago, I and over 120 of my colleagues in the House, introduced a comprehensive reauthorization of the Violence Against Women Act, which, as the Chairman has noted and the Ranking Member, is set to expire on the 30th. Today we are considering a more limited reauthorization that includes only those provisions that are within the jurisdiction of the Judiciary Committee.

I understand the need to keep the process moving in the House and I am a cosponsor of this bill and I will support it. I also wanted to note that the Senate, I believe, is going to adopt a broader Violence Against Women measure, and it is my hope that in the Conference Committee it is the Chairman's intention to review carefully what the Senate is doing, and I would hope that a meaningful conference, that I hope to participate in, will bring back a more comprehensive Violence Against Women Act. And I will submit my full statement for the record.

Chairman SENSENBRENNER. Without objection the statement will be included.

Ms. JACKSON LEE. I thank the gentleman for yielding.

Chairman SENSENBRENNER. Will the gentleman from Michigan yield?

Mr. CONYERS. Yes, I will be glad to yield.

Chairman SENSENBRENNER. You know, I can give the gentlewoman from California my commitment that I will review seriously and carefully what the Senate does. I can't say they ever do that for what we do, but I will not cast the first stone this time. And I thank the——

Mr. CONYERS. Could I let the gentlelady know that I am a cosponsor, proudly, of the enlarged subject matter in the Violence Against Women provision, and I am happy to join her in it.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. CONYERS. Yes. I yield to the gentlelady from Texas.

Ms. JACKSON LEE. The Chairman was so gracious and moved so quickly on my amendment, I just simply want to say that I support the manager's amendment and I also wanted to have, because I

was detained, unanimous consent to indicate on H.R. 3132 that I was detained. If I had been in the room, I would have voted aye on the Child Safety Act.

Chairman SENSENBRENNER. Without objection.

Ms. JACKSON LEE. And I thank the gentleman for yielding. I support the manager's amendment.

Mr. CONYERS. I yield back the balance of my time.

Chairman SENSENBRENNER. For what purpose does the gentleman from New York seek recognition?

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. NADLER. Thank you, Mr. Chairman.

I strongly support this bill and the manager's amendment, particularly the section renewing the Violence Against Women Act. And the new program that I have worked on, and I thank the Ranking Member, Mr. Conyers, for working on it with me, the Jessica Gonzales Victim Assistance Program, which is included in the manager's amendment to better enforce protective orders. On June 27th of this year, 2 weeks ago, in *Castle Rock v. Gonzales,* the Supreme Court held that the police did not have the mandatory duty to make an arrest under a court-issued protective order to protect a woman from a violent husband. The ruling ended a lawsuit by a Colorado woman who claimed the police did not do enough to prevent her violent husband from killing their three young daughters. The ruling said Jessica Gonzales did not have a constitutional right to police enforcement of the protective order that had been ordered by the court against her husband.

The heartbreaking details of this case show the desperate need for legislation. That is why I drafted the Jessica Gonzales Victim Assistance Program, which will restore some of the effectiveness of protective orders and which is included in the manager's amendment. The Jessica Gonzales Victim Assistance Program would place special victim assistants in local law enforcement agencies to serve as liaisons between the agencies and victims of domestic violence, dating violence, sexual assault, and stalking, in order to improve the enforcement of protective orders. This program in turn would develop, in collaboration with prosecutors, courts, and victims service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous and potentially lethal cases are identified and prioritized. These experts would also know what appropriate action should be taken to assist or secure the safety of domestic violence victims seeking the enforcement of a protective order.

I would like to thank the Chairman and Ranking Member for working with me to include this important program in the manager's amendment. I support the adoption of the amendment and the renewal of the Violence Against Women Act, and I ask unanimous consent to include the complete statement which I didn't just read in the record.

Chairman SENSENBRENNER. Without objection, the statement will be included.

[The statement of Mr. Nadler follows:]

PREPARED STATEMENT OF THE HONORABLE JERROLD NADLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I am a strong supporter of this bill, particularly the section renewing the Violence Against Women Act, and a new program I've worked on, the Jessica Gonzalez Victim Assistance Program, to better enforce protective orders.

Every nine seconds a woman is battered in the United States. In 2004, 155,375 women and children in New York City alone requested help from domestic violence programs, and these were only the documented cases. Many more cases go unmentioned as women, fearing to come forward, leave the assaults unreported.

The most common form of domestic abuse is physical; but many men abuse their wives and partners emotionally, sexually, and economically; and women are not the only victims. Nationwide, between 3.3 and 10 million children annually witness the abuse that occurs between their parents, and so the domestic violence cycle is passed on from generation to generation.

For many years domestic violence has been viewed as a woman's problem, but that is not the case. Domestic violence is a woman's problem, a man's problem, the community's problem. The time is long overdue for men to take a stand and say that domestic violence is unacceptable.

Today, together, we are making a big leap forward in protecting women who are victims by working, in a bipartisan manner, to improve and renew the Violence Against Women Act. In particular, I would like to point out that the Manager's Amendment includes a provision that I authored dealing with the enforcement of protective orders.

On June 27, in *Castle Rock v. Gonzales,* the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order to protect a woman from a violent husband. The ruling ended a lawsuit by a Colorado woman who claimed the police did not do enough to prevent her violent husband from killing their three young daughters. The ruling said Jessica Gonzales did not have a constitutional right to police enforcement of the protective court order against her husband.

The heartbreaking details of this case show the desperate need for legislation. That's why I have drafted the Jessica Gonzales Victim Assistance Program, which will restore some of the effectiveness of protective orders.

The Jessica Gonzales Victim Assistance Program would place special victim assistants in local law enforcement agencies to serve as liaisons between the agencies and victims of domestic violence, dating violence, sexual assault, and stalking in order to improve the enforcement of protection orders.

This program, in turn, would develop, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized. Moreover, these experts would know what appropriate action should be taken to assist or secure the safety of domestic violence victims seeking the enforcement of a protection order.

I would like to thank the Chairman and Ranking Member for working with me to include this important program in the Manager's Amendment. I support the adoption of the amendment and the renewal of the Violence Against Women Act.

Mr. CONYERS. Would the gentleman yield?

Mr. NADLER. I would be happy to yield.

Mr. CONYERS. I want to thank him for his compliment and the work that he has done across the years on this subject matter. We are trying to move to report this bill before we begin our voting on the floor, and the only amendment that I know of on our side is the gentleman from New York, Mr. Weiner. It is likely that the vote will take place before 2 o'clock on the floor now, so I am hoping we can close this one down before we go to vote on the floor.

Chairman SENSENBRENNER. Without objection, the manager's amendment is agreed to.

For what purpose does the gentleman from New York seek recognition?

Mr. WEINER. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3402, offered by Mr. Weiner of New York. Add at an appropriate place the following:

Mr. WEINER. Mr. Chairman, I ask unanimous consent that we consider this read.

Chairman SENSENBRENNER. Without objection.

[The amendment follows:]

AMENDMENT TO H.R. 3402

OFFERED BY MR. WEINER OF NEW YORK

Add at an appropriate place the following:

SEC. —. POLICE BADGES.

Section 716 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''is a genuine police badge and'' after ''that the badge'' ;

(2) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that the badge is a counterfeit police badge and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''.

Mr. WEINER. Mr. Chairman, first let me begin by expressing my g4ratitude to you for——

Chairman SENSENBRENNER. Without objection, the amendment is agreed to.

Mr. WEINER. Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman SENSENBRENNER. Are there further amendments?

The gentleman from Indiana, Mr. Hostettler.

Mr. HOSTETTLER. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

Mr. HOSTETTLER. And the amendment begins——

Mr. CONYERS. Reserving the right to object, Mr. Chairman.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3402, offered by Mr. Hostettler. Page 22, after line 14, insert the——

Mr. HOSTETTLER. Mr. Chairman, I ask unanimous consent——

Chairman SENSENBRENNER. The clerk will read until the amendment can be passed out.

The CLERK.—insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 105. Congressional Action Necessary to Execute Orders Relating to Certain Claims.

No order resulting from a claim pursuant to section 1979 of the Revised Statutes (42 U.S.C. 1983) may be executed without explicit statutory authority granted as a consequence of exercise of section 5 of the Fourteenth Amendment of the Constitution of the United States.

[The amendment follows:]

Amendment to H.R. 3402

Offered by Mr. Hostettler

Page 22, after line 14, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 105. CONGRESSIONAL ACTION NECESSARY TO EXECUTE ORDERS RELATING TO CERTAIN CLAIMS.

No order resulting from a claim pursuant to section 1979 of the Revised Statutes (42 U.S.C. 1983) may be executed without explicit statutory authority granted as a consequence of exercise of section 5 of the Fourteenth Amendment to the Constitution of the United States.

Chairman SENSENBRENNER. The gentleman from Indiana is recognized——

Mr. CONYERS. Mr. Chairman, could I ask unanimous consent to withdraw my reservation.

Chairman SENSENBRENNER. Without objection.

The gentleman from Indiana is recognized for 5 minutes.

Mr. HOSTETTLER. Thank you, Mr. Chairman.

Mr. Chairman, Members are having passed out to them now the wording of the fourteenth amendment as well as a handout that will be instructive in this discussion.

The wording of the fourteenth amendment is quite clear. Historically, Congress has used its power to enact civil rights statutes of various types, and that is evident on the handout. This fact was reiterated in testimony by Richard Parker, the Williams Professor of Law at Harvard University, before the Constitution Subcommittee on May 7, 2003. When asked about the practical impact of the 1954 Supreme Court decision, *Brown v. Board of Education,* on civil rights in America, Professor Parker responded: "There was not much real desegregation of the public schools until the end of the 1960's, and it was Congress that did the heavy lifting."

The history of the ratification of the fourteenth amendment indicates that the Supreme Court held that rights reserved to the people indicated in the Bill of Rights before the fourteenth amendment were prohibitions against the National Government. The first suggestion of incorporation was made to the Court in 1887, 19 years after the ratification of the fourteenth amendment, and a Supreme Court justice did not subscribe to the notion of incorporation until 1892.

Between 1868, the ratification of the fourteenth amendment, and 1947, when Justice Black suggested—reiterated incorporation in *Adamson v. California, only three justices of the Supreme Court had suggested support for the doctrine of incorporation. And one of them actually recanted his support for that doctrine after first supporting the notion.*

The intent of the fourteenth amendment is clear, to give the Congress the authority to legislate on matters of civil rights. However, the Supreme Court has used the fourteenth amendment and the incorporation doctrine to, among other things, remove prayer, Bible reading, and the Ten Commandments from various public venues, including graduation, and to allow the destruction of innocent preborn human life in *Roe v. Wade.*

If you agree with those decisions and that it is the Court that is empowered by the fourteenth amendment to create rights, such as in *Roe,* and take away rights, such as in *Kelo,* then you should vote against my amendment. However, if you believe the clear wording of the Amendment empowers the people through their elected Members of Congress to legislate civil rights, then I would request that you support my amendment.

14th Amendment to the U.S. Constitution

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. (emphasis added)

Civil Rights Statutes Enacted
Since the 14th Amendment was ratified in 1868 (not exhaustive)
and whose enforcement would not be impacted by the Hostettler amendment

Civil Action for Deprivation of Rights (1871)

Robinson-Patman Anti-Discrimination Act (1936)

Equal Pay Act of 1963

Civil Rights Act of 1964, Title VII

Federal employment non-discrimination, 1964 Civil Rights Act

Older Americans Act of 1965

Voting Rights Act of 1965

Age Discrimination in Employment Act of 1967 (ADEA)

Indian Civil Rights Act of 1968

Equal Employment Opportunity Act of 1972

Education Amendments of 1972 (Title IX)

Rehabilitation Act of 1973

Equal Credit Opportunity Act (1974)

Age Discrimination Act of 1975

Pregnancy Discrimination Act of 1978

Equal Access to Justice Act (1980)

United States Commission on Civil Rights Act of 1983

Equal Access Act (1984)

Age Discrimination Claims Assistance Act of 1988

Americans with Disabilities Act of 1990, Titles I and V

Civil Rights Act of 1991

Mr. HOSTETTLER. Mr. Chairman, I yield back the balance of my time.

Chairman SENSENBRENNER. The chair recognizes himself for 5 minutes in opposition to the amendment.

This amendment is way overbroad and is going to have a lot of unintended consequences. But what I will say is that the civil rights statutes that have been passed since the time of the end of the Civil War until the present have been done pursuant to Congress's constitutional authority and may have created causes of action where people can bring alleged civil rights violations to the attention of the Federal courts, and if they win their case, the courts can fashion appropriate relief.

What this amendment does is it says that somebody who wins a section 1983 case is going to have to come to Congress to get it executed, and there's going to have to be a bill passed by Congress in order to execute the award that someone has won after a trial. And we don't do this. If you have got a claim against somebody on contract, you win your case, you get a judgment, and then you get a writ of execution. And I don't see why we should have to say that making people come back to Congress after they win a certain type of civil rights case is good law, and it certainly means that when someone's civil rights have been violated, getting relief is a political question rather than a legal question.

I would strongly urge opposition to this amendment, because it is going to have many unintended consequences.

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. CONYERS. All I can add to that, and I agree completely, is that title 42, section 1983 is the overriding Civil Rights Act in the entire Federal Code. If we were to follow the suggestion that is made in this amendment, we would be ripping out dozens of civil rights provisions and I don't know where to land this. This could have an incredibly far-reaching negative effect, especially as we are marshalling our bipartisan resources to extend provisions of the Voting Rights Act at this same time. So this would be one of the most shocking, largest steps backwards that I could imagine could possibly happen. And I urge that we quickly remove this amendment from discussion.

I return my time.

Chairman SENSENBRENNER. The chair yields back the balance of his time.

The question is on the Hostettler amendment. Those in favor will say aye? Opposed, no?

The noes appear to have it. The noes have it. The amendment is not agreed to.

Are there further amendments? The gentleman from California.

Mr. ISSA. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 3402, offered by Mr. Issa of California. Insert at an appropriate place the following:

SEC. _____. Officially Approved Postage.

Section 475 of title 18, United States Code, is amended by adding at the end the following: "Nothing in this section applies to evidence of postage payment approved by the US Postal Service."

[The amendment follows:]

AMENDMENT TO H.R. 3402

OFFERED BY MR. ISSA OF CALIFORNIA

Insert at an appropriate place the following:

SEC. —. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: ''Nothing in this section applies to evidence of postage payment approved by the US Postal Service.''.

Chairman SENSENBRENNER. Without objection, the amendment is agreed to.

Are there further amendments?

If there are no further amendments—the gentleman from Iowa, Mr. King?

Mr. KING. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. KING. Thank you, Mr. Chairman.

I wanted to voice my opinion and concern before this Committee. And I will be supporting this bill on its passage out of this Committee. There are some very, very good provisions in here and I appreciate the work that has been done on both sides of the aisle in this bipartisan manner. I do have some reservations with regard to some of the provisions, especially the fiancee provision, the significant-other provisions, and the opportunity there for fraud. I hope that the Chairman and the Ranking Member will be willing to look at some suggestions that I am likely to bring after this passes out of Committee.

And I would yield back the balance of my time.

Chairman SENSENBRENNER. Are there further amendments? There are no further amendments.

A reporting quorum is present. The question occurs on the motion to report the bill H.R. 3402 favorably, as amended. All in favor will say aye? Opposed, no?

The ayes appear to have it. The ayes have it. The motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendments adopted here today.

Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by the House rules, in which to submit additional, dissenting, supplemental, or minority views.

The chair would like to thank everybody for their patience and forbearance on passing out two major bills and four important resolutions today. Because the agenda has been cleaned off, we will not come back tomorrow. We do have two items left over from the previous markup, the Civil Rights Restoration Act and the continued consideration of the Federal Prison Industries bill. We will be dealing with those when we come back here in September.

The business having been concluded, without objection the Committee stands adjourned.

[Whereupon, at 1:45 p.m., the Committee was adjourned.]

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