

Union Calendar No. 129

109TH CONGRESS
1ST SESSION

H. R. 3402

[Report No. 109-233]

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

SEPTEMBER 22, 2005

Additional sponsors: Ms. ZOE LOFGREN of California, Mr. POE, Mr. BACHUS, Mr. GIBBONS, Ms. PRYCE of Ohio, Mr. SCOTT of Virginia, Mr. CANNON, Mr. GOHMERT, Ms. JACKSON-LEE of Texas, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, and Ms. WATERS

SEPTEMBER 22, 2005

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 22, 2005]

A BILL

To authorize appropriations for the Department of Justice
for fiscal years 2006 through 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “De-*
 5 *partment of Justice Appropriations Authorization Act, Fis-*
 6 *cal Years 2006 through 2009”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *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 non-immigrants.

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 FIS- CAL 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

1 *deportation cases involving alleged Nazi war*
2 *criminals;*

3 *(B) not less than \$15,000,000 for the inves-*
4 *tigation and prosecution of violations of title 17*
5 *of the United States Code;*

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

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

11 *(5) ANTITRUST DIVISION.—For the Antitrust Di-*
12 *vision: \$144,451,000.*

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

15 *(7) FEDERAL BUREAU OF INVESTIGATION.—For*
16 *the Federal Bureau of Investigation: \$5,761,237,000,*
17 *which shall include not to exceed \$70,000 to meet un-*
18 *foreseen emergencies of a confidential character.*

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

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

24 *(10) DRUG ENFORCEMENT ADMINISTRATION.—*
25 *For the Drug Enforcement Administration:*

1 \$1,716,173,000, which shall include not to exceed
2 \$70,000 to meet unforeseen emergencies of a confiden-
3 tial character.

4 (11) *BUREAU OF ALCOHOL, TOBACCO, FIREARMS*
5 *AND EXPLOSIVES.—For the Bureau of Alcohol, To-*
6 *bacco, Firearms and Explosives: \$923,613,000.*

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

11 (13) *INTERAGENCY CRIME AND DRUG ENFORCE-*
12 *MENT.—For Interagency Crime and Drug Enforce-*
13 *ment: \$661,940,000 for expenses not otherwise pro-*
14 *vided for, for the investigation and prosecution of per-*
15 *sons involved in organized crime drug trafficking, ex-*
16 *cept that any funds obligated from appropriations*
17 *authorized by this paragraph may be used under au-*
18 *thorities available to the organizations reimbursed*
19 *from such funds.*

20 (14) *FOREIGN CLAIMS SETTLEMENT COMMIS-*
21 *SION.—For the Foreign Claims Settlement Commis-*
22 *sion: \$1,270,000.*

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

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

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

6 (18) *FEDERAL DETENTION TRUSTEE.—For the*
7 *necessary expenses of the Federal Detention Trustee:*
8 *\$1,222,000,000.*

9 (19) *JUSTICE INFORMATION SHARING TECH-*
10 *NOLOGY.—For necessary expenses for information*
11 *sharing technology, including planning, development,*
12 *and deployment: \$181,490,000.*

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

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

22 (A) *\$121,105,000 for the Office of Justice*
23 *Programs.*

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

1 (C) \$31,343,000 for the Office of Commu-
 2 nity Oriented Policing Services.

3 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 4 **CAL YEAR 2007.**

5 *There are authorized to be appropriated for fiscal year*
 6 *2007, to carry out the activities of the Department of Jus-*
 7 *tice (including any bureau, office, board, division, commis-*
 8 *sion, subdivision, unit, or other component thereof), the fol-*
 9 *lowing sums:*

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

12 (2) *ADMINISTRATIVE REVIEW AND APPEALS.—*
 13 *For Administrative Review and Appeals:*
 14 *\$224,937,000 for administration of pardon and clem-*
 15 *ency petitions and for immigration-related activities.*

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

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

22 (A) *not less than \$4,000,000 for the inves-*
 23 *tigation and prosecution of denaturalization and*
 24 *deportation cases involving alleged Nazi war*
 25 *criminals;*

1 (B) not less than \$15,600,000 for the inves-
2 tigation and prosecution of violations of title 17
3 of the United States Code;

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

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

9 (5) *ANTITRUST DIVISION.—For the Antitrust Di-*
10 *vision: \$150,229,000.*

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

13 (7) *FEDERAL BUREAU OF INVESTIGATION.—For*
14 *the Federal Bureau of Investigation: \$5,991,686,000,*
15 *which shall include not to exceed \$70,000 to meet un-*
16 *foreseen emergencies of a confidential character.*

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

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

22 (10) *DRUG ENFORCEMENT ADMINISTRATION.—*
23 *For the Drug Enforcement Administration:*
24 *\$1,784,820,000, which shall include not to exceed*

1 \$70,000 to meet unforeseen emergencies of a confiden-
2 tial character.

3 (11) *BUREAU OF ALCOHOL, TOBACCO, FIREARMS*
4 *AND EXPLOSIVES.—For the Bureau of Alcohol, To-*
5 *bacco, Firearms and Explosives: \$960,558,000.*

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

10 (13) *INTERAGENCY CRIME AND DRUG ENFORCE-*
11 *MENT.—For Interagency Crime and Drug Enforce-*
12 *ment: \$688,418,000, for expenses not otherwise pro-*
13 *vided for, for the investigation and prosecution of per-*
14 *sons involved in organized crime drug trafficking, ex-*
15 *cept that any funds obligated from appropriations*
16 *authorized by this paragraph may be used under au-*
17 *thorities available to the organizations reimbursed*
18 *from such funds.*

19 (14) *FOREIGN CLAIMS SETTLEMENT COMMIS-*
20 *SION.—For the Foreign Claims Settlement Commis-*
21 *sion: \$1,321,000.*

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

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

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

6 (18) *FEDERAL DETENTION TRUSTEE.—For the*
7 *necessary expenses of the Federal Detention Trustee:*
8 *\$1,405,300,000.*

9 (19) *JUSTICE INFORMATION SHARING TECH-*
10 *NOLOGY.—For necessary expenses for information*
11 *sharing technology, including planning, development,*
12 *and deployment: \$188,750,000.*

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

17 (21) *ADMINISTRATIVE EXPENSES FOR CERTAIN*
18 *ACTIVITIES.—For the administrative expenses of the*
19 *Office of Justice Programs, the Office on Violence*
20 *Against Women, and the Office of Community Ori-*
21 *ented Policing Services:*

22 (A) *\$125,949,000 for the Office of Justice*
23 *Programs.*

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

1 (C) \$32,597,000 for the Office of Commu-
 2 nity Oriented Policing Services.

3 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 4 **CAL YEAR 2008.**

5 *There are authorized to be appropriated for fiscal year*
 6 *2008, to carry out the activities of the Department of Jus-*
 7 *tice (including any bureau, office, board, division, commis-*
 8 *sion, subdivision, unit, or other component thereof), the fol-*
 9 *lowing sums:*

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

12 (2) *ADMINISTRATIVE REVIEW AND APPEALS.—*
 13 *For Administrative Review and Appeals:*
 14 *\$233,934,000 for administration of pardon and clem-*
 15 *ency petitions and for immigration-related activities.*

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

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

22 (A) *not less than \$4,000,000 for the inves-*
 23 *tigation and prosecution of denaturalization and*
 24 *deportation cases involving alleged Nazi war*
 25 *criminals;*

1 (B) not less than \$16,224,000 for the inves-
2 tigation and prosecution of violations of title 17
3 of the United States Code;

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

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

9 (5) *ANTITRUST DIVISION.—For the Antitrust Di-*
10 *vision: \$156,238,000.*

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

13 (7) *FEDERAL BUREAU OF INVESTIGATION.—For*
14 *the Federal Bureau of Investigation: \$6,231,354,000,*
15 *which shall include not to exceed \$70,000 to meet un-*
16 *foreseen emergencies of a confidential character.*

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

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

22 (10) *DRUG ENFORCEMENT ADMINISTRATION.—*
23 *For the Drug Enforcement Administration:*
24 *\$1,856,213,000, which shall include not to exceed*

1 \$70,000 to meet unforeseen emergencies of a confiden-
2 tial character.

3 (11) *BUREAU OF ALCOHOL, TOBACCO, FIREARMS*
4 *AND EXPLOSIVES.—For the Bureau of Alcohol, To-*
5 *bacco, Firearms and Explosives: \$998,980,000.*

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

10 (13) *INTERAGENCY CRIME AND DRUG ENFORCE-*
11 *MENT.—For Interagency Crime and Drug Enforce-*
12 *ment: \$715,955,000, for expenses not otherwise pro-*
13 *vided for, for the investigation and prosecution of per-*
14 *sons involved in organized crime drug trafficking, ex-*
15 *cept that any funds obligated from appropriations*
16 *authorized by this paragraph may be used under au-*
17 *thorities available to the organizations reimbursed*
18 *from such funds.*

19 (14) *FOREIGN CLAIMS SETTLEMENT COMMIS-*
20 *SION.—For the Foreign Claims Settlement Commis-*
21 *sion: \$1,374,000.*

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

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

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

6 (18) *FEDERAL DETENTION TRUSTEE.—For the*
7 *necessary expenses of the Federal Detention Trustee:*
8 *\$1,616,095,000.*

9 (19) *JUSTICE INFORMATION SHARING TECH-*
10 *NOLOGY.—For necessary expenses for information*
11 *sharing technology, including planning, development,*
12 *and deployment: \$196,300,000.*

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

17 (21) *ADMINISTRATIVE EXPENSES FOR CERTAIN*
18 *ACTIVITIES.—For the administrative expenses of the*
19 *Office of Justice Programs, the Office on Violence*
20 *Against Women, and the Office of Community Ori-*
21 *ented Policing Services:*

22 (A) *\$130,987,000 for the Office of Justice*
23 *Programs.*

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

1 (C) \$33,901,000 for the Office of Commu-
 2 nity Oriented Policing Services.

3 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 4 **CAL YEAR 2009.**

5 *There are authorized to be appropriated for fiscal year*
 6 *2009, to carry out the activities of the Department of Jus-*
 7 *tice (including any bureau, office, board, division, commis-*
 8 *sion, subdivision, unit, or other component thereof), the fol-*
 9 *lowing sums:*

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

12 (2) *ADMINISTRATIVE REVIEW AND APPEALS.—*
 13 *For Administrative Review and Appeals:*
 14 *\$243,291,000 for administration of pardon and clem-*
 15 *ency petitions and for immigration-related activities.*

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

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

22 (A) *not less than \$4,000,000 for the inves-*
 23 *tigation and prosecution of denaturalization and*
 24 *deportation cases involving alleged Nazi war*
 25 *criminals;*

1 (B) not less than \$16,872,000 for the inves-
2 tigation and prosecution of violations of title 17
3 of the United States Code;

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

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

9 (5) *ANTITRUST DIVISION.—For the Antitrust Di-*
10 *vision: \$162,488,000.*

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

13 (7) *FEDERAL BUREAU OF INVESTIGATION.—For*
14 *the Federal Bureau of Investigation: \$6,480,608,000,*
15 *which shall include not to exceed \$70,000 to meet un-*
16 *foreseen emergencies of a confidential character.*

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

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

22 (10) *DRUG ENFORCEMENT ADMINISTRATION.—*
23 *For the Drug Enforcement Administration:*
24 *\$1,930,462,000, which shall include not to exceed*

1 \$70,000 to meet unforeseen emergencies of a confiden-
2 tial character.

3 (11) *BUREAU OF ALCOHOL, TOBACCO, FIREARMS*
4 *AND EXPLOSIVES.—For the Bureau of Alcohol, To-*
5 *bacco, Firearms and Explosives: \$1,038,939,000.*

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

10 (13) *INTERAGENCY CRIME AND DRUG ENFORCE-*
11 *MENT.—For Interagency Crime and Drug Enforce-*
12 *ment: \$744,593,000, for expenses not otherwise pro-*
13 *vided for, for the investigation and prosecution of per-*
14 *sons involved in organized crime drug trafficking, ex-*
15 *cept that any funds obligated from appropriations*
16 *authorized by this paragraph may be used under au-*
17 *thorities available to the organizations reimbursed*
18 *from such funds.*

19 (14) *FOREIGN CLAIMS SETTLEMENT COMMIS-*
20 *SION.—For the Foreign Claims Settlement Commis-*
21 *sion: \$1,429,000.*

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

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

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

6 (18) *FEDERAL DETENTION TRUSTEE.—For the*
7 *necessary expenses of the Federal Detention Trustee:*
8 *\$1,858,509,000.*

9 (19) *JUSTICE INFORMATION SHARING TECH-*
10 *NOLOGY.—For necessary expenses for information*
11 *sharing technology, including planning, development,*
12 *and deployment: \$204,152,000.*

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

17 (21) *ADMINISTRATIVE EXPENSES FOR CERTAIN*
18 *ACTIVITIES.—For the administrative expenses of the*
19 *Office of Justice Programs, the Office on Violence*
20 *Against Women, and the Office of Community Ori-*
21 *ented Policing Services:*

22 (A) *\$132,226,000 for the Office of Justice*
23 *Programs.*

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

1 (C) \$35,257,000 for the Office of Commu-
2 nity Oriented Policing Services.

3 **SEC. 105. ORGANIZED RETAIL THEFT.**

4 (a) *NATIONAL DATA.*—(1) *The Attorney General and*
5 *the Federal Bureau of Investigation shall establish a task*
6 *force to combat organized retail theft and provide expertise*
7 *to the retail community for the establishment of a national*
8 *database or clearinghouse housed and maintained in the*
9 *private sector to track and identify where organized retail*
10 *theft type crimes are being committed in the United States.*
11 *The national database shall allow Federal, State, and local*
12 *law enforcement officials as well as authorized retail com-*
13 *panies (and authorized associated retail databases) to*
14 *transmit information into the database electronically and*
15 *to review information that has been submitted electroni-*
16 *cally.*

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

21 (3) *The Attorney General through the Bureau of Jus-*
22 *tice Assistance in the Office of Justice may make grants*
23 *to help provide for the administrative and technological*
24 *costs to State and local law enforcement agencies partici-*
25 *pating in the data base project.*

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

9 (c) *DEFINITION OF ORGANIZED RETAIL THEFT.*—*For*
10 *purposes of this section, “organized retail theft” means—*

11 (1) *the violation of a State prohibition on retail*
12 *merchandise theft or shoplifting, if the violation con-*
13 *sists of the theft of quantities of items that would not*
14 *normally be purchased for personal use or consump-*
15 *tion and for the purpose of reselling the items or for*
16 *reentering the items into commerce;*

17 (2) *the receipt, possession, concealment, bar-*
18 *tering, sale, transport, or disposal of any property*
19 *that is know or should be known to have been taken*
20 *in violation of paragraph (1); or*

21 (3) *the coordination, organization, or recruit-*
22 *ment of persons to undertake the conduct described in*
23 *paragraph (1) or (2).*

1 **TITLE II—IMPROVING THE DE-**
 2 **PARTMENT OF JUSTICE’S**
 3 **GRANT PROGRAMS**

4 **Subtitle A—Assisting Law Enforce-**
 5 **ment and Criminal Justice**
 6 **Agencies**

7 **SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL**
 8 **LAW ENFORCEMENT BLOCK GRANT PRO-**
 9 **GRAM.**

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

13 (1) Subpart 1 of such part (42 U.S.C. 3751–
 14 3759) is repealed.

15 (2) Such part is further amended—

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

18 **“Subpart 1—Edward Byrne Memorial Justice**
 19 **Assistance Grant Program”;**

20 (B) by amending section 500 to read as fol-
 21 lows:

22 **“SEC. 500. NAME OF PROGRAM.**

23 *“(a) IN GENERAL.*—The grant program established
 24 under this subpart shall be known as the ‘Edward Byrne
 25 Memorial Justice Assistance Grant Program’.

1 “(b) *REFERENCES TO FORMER PROGRAMS.*—Any ref-
 2 erence in a law, regulation, document, paper, or other
 3 record of the United States to the Edward Byrne Memorial
 4 State and Local Law Enforcement Assistance Programs, or
 5 to the Local Government Law Enforcement Block Grants
 6 program, shall be deemed to be a reference to the grant pro-
 7 gram referred to in subsection (a).”; and

8 (C) by inserting after section 500 the fol-
 9 lowing new sections:

10 **“SEC. 501. DESCRIPTION.**

11 “(a) *GRANTS AUTHORIZED.*—

12 “(1) *IN GENERAL.*—From amounts made avail-
 13 able to carry out this subpart, the Attorney General
 14 may, in accordance with the formula established
 15 under section 505, make grants to States and units
 16 of local government, for use by the State or unit of
 17 local government to provide additional personnel,
 18 equipment, supplies, contractual support, training,
 19 technical assistance, and information systems for
 20 criminal justice, including for any one or more of the
 21 following programs:

22 “(A) Law enforcement programs.

23 “(B) Prosecution and court programs.

24 “(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 a*
12 *grant was authorized to be used under either or both*
13 *of the programs specified in section 500(b), as those*
14 *programs were in effect immediately before the enact-*
15 *ment 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 organiza-*
22 *tions that are private and nonprofit;*

23 “(2) *units of local government; or*

24 “(3) *tribal governments.*

25 “(c) *PROGRAM ASSESSMENT COMPONENT; WAIVER.—*

1 “(1) *Each program funded under this subpart*
2 *shall contain a program assessment component, devel-*
3 *oped pursuant to guidelines established by the Attor-*
4 *ney General, in coordination with the National Insti-*
5 *tute of Justice.*

6 “(2) *The Attorney General may waive the re-*
7 *quirement of paragraph (1) with respect to a program*
8 *if, in the opinion of the Attorney General, the pro-*
9 *gram is not of sufficient size to justify a full program*
10 *assessment.*

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

15 “(1) *Any security enhancements or any equip-*
16 *ment to any nongovernmental entity that is not en-*
17 *gaged in criminal justice or public safety.*

18 “(2) *Unless the Attorney General certifies that*
19 *extraordinary and exigent circumstances exist that*
20 *make the use of such funds to provide such matters*
21 *essential to the maintenance of public safety and good*
22 *order—*

23 “(A) *vehicles, vessels, or aircraft;*

24 “(B) *luxury items;*

25 “(C) *real estate;*

1 “(D) construction projects (other than penal
2 or correctional institutions); or

3 “(E) any similar matters.

4 “(e) ADMINISTRATIVE COSTS.—Not more than 10 per-
5 cent of a grant made under this subpart may be used for
6 costs incurred to administer such grant.

7 “(f) PERIOD.—The period of a grant made under this
8 subpart shall be four years, except that renewals and exten-
9 sions beyond that period may be granted at the discretion
10 of the Attorney General.

11 “(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1)
12 shall not be construed to prohibit the use, directly or indi-
13 rectly, of funds provided under this subpart to provide secu-
14 rity at a public event, such as a political convention or
15 major sports event, so long as such security is provided
16 under applicable laws and procedures.

17 **“SEC. 502. APPLICATIONS.**

18 “To request a grant under this subpart, the chief execu-
19 tive officer of a State or unit of local government shall sub-
20 mit an application to the Attorney General within 90 days
21 after the date on which funds to carry out this subpart are
22 appropriated for a fiscal year, in such form as the Attorney
23 General may require. Such application shall include the fol-
24 lowing:

1 “(1) *A certification that Federal funds made*
2 *available under this subpart will not be used to sup-*
3 *plant State or local funds, but will be used to increase*
4 *the amounts of such funds that would, in the absence*
5 *of Federal funds, be made available for law enforce-*
6 *ment activities.*

7 “(2) *An assurance that, not fewer than 30 days*
8 *before the application (or any amendment to the ap-*
9 *plication) was submitted to the Attorney General, the*
10 *application (or amendment) was submitted for review*
11 *to the governing body of the State or unit of local gov-*
12 *ernment (or to an organization designated by that*
13 *governing body).*

14 “(3) *An assurance that, before the application*
15 *(or any amendment to the application) was submitted*
16 *to the Attorney General—*

17 “(A) *the application (or amendment) was*
18 *made public; and*

19 “(B) *an opportunity to comment on the ap-*
20 *plication (or amendment) was provided to citi-*
21 *zens and to neighborhood or community-based*
22 *organizations, to the extent applicable law or es-*
23 *tablished procedure makes such an opportunity*
24 *available.*

1 “(4) *An assurance that, for each fiscal year cov-*
 2 *ered by an application, the applicant shall maintain*
 3 *and report such data, records, and information (pro-*
 4 *grammatic and financial) as the Attorney General*
 5 *may reasonably require.*

6 “(5) *A certification, made in a form acceptable*
 7 *to the Attorney General and executed by the chief ex-*
 8 *ecutive officer of the applicant (or by another officer*
 9 *of the applicant, if qualified under regulations pro-*
 10 *mulgated by the Attorney General), that—*

11 “(A) *the programs to be funded by the grant*
 12 *meet all the requirements of this subpart;*

13 “(B) *all the information contained in the*
 14 *application is correct;*

15 “(C) *there has been appropriate coordina-*
 16 *tion with affected agencies; and*

17 “(D) *the applicant will comply with all*
 18 *provisions of this subpart and all other applica-*
 19 *ble Federal laws.*

20 **“SEC. 503. REVIEW OF APPLICATIONS.**

21 *“The Attorney General shall not finally disapprove*
 22 *any application (or any amendment to that application)*
 23 *submitted under this subpart without first affording the ap-*
 24 *plicant reasonable notice of any deficiencies in the applica-*
 25 *tion and opportunity for correction and reconsideration.*

1 **“SEC. 504. RULES.**

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

6 **“SEC. 505. FORMULA.**

7 *“(a) ALLOCATION AMONG STATES.—*

8 *“(1) IN GENERAL.—Of the total amount appro-*
 9 *priated for this subpart, the Attorney General shall,*
 10 *except as provided in paragraph (2), allocate—*

11 *“(A) 50 percent of such remaining amount*
 12 *to each State in amounts that bear the same*
 13 *ratio of—*

14 *“(i) the total population of a State*
 15 *to—*

16 *“(ii) the total population of the United*
 17 *States; and*

18 *“(B) 50 percent of such remaining amount*
 19 *to each State in amounts that bear the same*
 20 *ratio of—*

21 *“(i) the average annual number of part*
 22 *1 violent crimes of the Uniform Crime Re-*
 23 *ports of the Federal Bureau of Investigation*
 24 *reported by such State for the three most re-*
 25 *cent years reported by such State to—*

1 “(ii) *the average annual number of*
 2 *such crimes reported by all States for such*
 3 *years.*

4 “(2) *MINIMUM ALLOCATION.—If carrying out*
 5 *paragraph (1) would result in any State receiving an*
 6 *allocation less than 0.25 percent of the total amount*
 7 *(in this paragraph referred to as a ‘minimum alloca-*
 8 *tion State’), then paragraph (1), as so carried out,*
 9 *shall not apply, and the Attorney General shall in-*
 10 *stead—*

11 “(A) *allocate 0.25 percent of the total*
 12 *amount to each State; and*

13 “(B) *using the amount remaining after car-*
 14 *rying out subparagraph (A), carry out para-*
 15 *graph (1) in a manner that excludes each min-*
 16 *imum allocation State, including the population*
 17 *of and the crimes reported by such State.*

18 “(b) *ALLOCATION BETWEEN STATES AND UNITS OF*
 19 *LOCAL GOVERNMENT.—Of the amounts allocated under*
 20 *subsection (a)—*

21 “(1) *60 percent shall be for direct grants to*
 22 *States, to be allocated under subsection (c); and*

23 “(2) *40 percent shall be for grants to be allocated*
 24 *under subsection (d).*

25 “(c) *ALLOCATION FOR STATE GOVERNMENTS.—*

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

5 “(A) *total expenditures on criminal justice*
6 *by the State government in the most recently*
7 *completed fiscal year to—*

8 “(B) *the total expenditure on criminal jus-*
9 *tice by the State government and units of local*
10 *government within the State in such year.*

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

16 “(d) *ALLOCATIONS TO LOCAL GOVERNMENTS.*—

17 “(1) *IN GENERAL.*—Of the amounts allocated
18 under subsection (b)(2), grants for the purposes de-
19 scribed in section 501 shall be made directly to units
20 of local government within each State in accordance
21 with this subsection, subject to subsection (e).

22 “(2) *ALLOCATION.*—

23 “(A) *IN GENERAL.*—From the amounts re-
24 ferred to in paragraph (1) with respect to a
25 State (in this subsection referred to as the ‘local

1 *amount’), the Attorney General shall allocate to*
2 *each unit of local government an amount which*
3 *bears the same ratio to such share as the average*
4 *annual number of part 1 violent crimes reported*
5 *by such unit to the Federal Bureau of Investiga-*
6 *tion for the 3 most recent calendar years for*
7 *which such data is available bears to the number*
8 *of part 1 violent crimes reported by all units of*
9 *local government in the State in which the unit*
10 *is located to the Federal Bureau of Investigation*
11 *for such years.*

12 *“(B) TRANSITIONAL RULE.—Notwith-*
13 *standing subparagraph (A), for fiscal years*
14 *2006, 2007, and 2008, the Attorney General shall*
15 *allocate the local amount to units of local gov-*
16 *ernment in the same manner that, under the*
17 *Local Government Law Enforcement Block*
18 *Grants program in effect immediately before the*
19 *date of the enactment of this section, the reserved*
20 *amount was allocated among reporting and non-*
21 *reporting units of local government.*

22 *“(3) ANNEXED UNITS.—If a unit of local govern-*
23 *ment in the State has been annexed since the date of*
24 *the collection of the data used by the Attorney General*
25 *in making allocations pursuant to this section, the*

1 *Attorney General shall pay the amount that would*
2 *have been allocated to such unit of local government*
3 *to the unit of local government that annexed it.*

4 “(4) *RESOLUTION OF DISPARATE ALLOCA-*
5 *TIONS.—(A) Notwithstanding any other provision of*
6 *this subpart, if—*

7 *“(i) the Attorney General certifies that a*
8 *unit of local government bears more than 50 per-*
9 *cent of the costs of prosecution or incarceration*
10 *that arise with respect to part 1 violent crimes*
11 *reported by a specified geographically con-*
12 *stituent unit of local government; and*

13 *“(ii) but for this paragraph, the amount of*
14 *funds allocated under this section to—*

15 *“(I) any one such specified geographi-*
16 *cally constituent unit of local government*
17 *exceeds 150 percent of the amount allocated*
18 *to the unit of local government certified*
19 *pursuant to clause (i); or*

20 *“(II) more than one such specified geo-*
21 *graphically constituent unit of local govern-*
22 *ment exceeds 400 percent of the amount al-*
23 *located to the unit of local government cer-*
24 *tified pursuant to clause (i),*

1 *then in order to qualify for payment under this sub-*
 2 *section, the unit of local government certified pursu-*
 3 *ant to clause (i), together with any such specified geo-*
 4 *graphically constituent units of local government de-*
 5 *scribed in clause (ii), shall submit to the Attorney*
 6 *General a joint application for the aggregate of funds*
 7 *allocated to such units of local government. Such ap-*
 8 *plication shall specify the amount of such funds that*
 9 *are to be distributed to each of the units of local gov-*
 10 *ernment and the purposes for which such funds are*
 11 *to be used. The units of local government involved*
 12 *may establish a joint local advisory board for the*
 13 *purposes of carrying out this paragraph.*

14 *“(B) In this paragraph, the term ‘geographically*
 15 *constituent unit of local government’ means a unit of*
 16 *local government that has jurisdiction over areas lo-*
 17 *cated within the boundaries of an area over which a*
 18 *unit of local government certified pursuant to clause*
 19 *(i) has jurisdiction.*

20 *“(e) LIMITATION ON ALLOCATIONS TO UNITS OF*
 21 *LOCAL GOVERNMENT.—*

22 *“(1) MAXIMUM ALLOCATION.—No unit of local*
 23 *government shall receive a total allocation under this*
 24 *section that exceeds such unit’s total expenditures on*
 25 *criminal justice services for the most recently com-*

1 pleted fiscal year for which data are available. Any
 2 amount in excess of such total expenditures shall be
 3 allocated proportionally among units of local govern-
 4 ment whose allocations under this section do not ex-
 5 ceed their total expenditures on such services.

6 “(2) *ALLOCATIONS UNDER \$10,000.*—If the alloca-
 7 tion under this section to a unit of local government
 8 is less than \$10,000 for any fiscal year, the direct
 9 grant to the State under subsection (c) shall be in-
 10 creased by the amount of such allocation, to be dis-
 11 tributed (for the purposes described in section 501)
 12 among State police departments that provide crimi-
 13 nal justice services to units of local government and
 14 units of local government whose allocation under this
 15 section is less than \$10,000.

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

22 “(f) *FUNDS NOT USED BY THE STATE.*—If the Attor-
 23 ney General determines, on the basis of information avail-
 24 able during any grant period, that any allocation (or por-
 25 tion thereof) under this section to a State for such grant

1 *period will not be required, or that a State will be unable*
 2 *to qualify or receive funds under this subpart, or that a*
 3 *State chooses not to participate in the program established*
 4 *under this subpart, then such State's allocation (or portion*
 5 *thereof) shall be awarded by the Attorney General to units*
 6 *of local government, or combinations thereof, within such*
 7 *State, giving priority to those jurisdictions with the highest*
 8 *annual number of part 1 violent crimes of the Uniform*
 9 *Crime Reports reported by the unit of local government to*
 10 *the Federal Bureau of Investigation for the three most re-*
 11 *cent calendar years for which such data are available.*

12 “(g) *SPECIAL RULES FOR PUERTO RICO.*—

13 “(1) *ALL FUNDS SET ASIDE FOR COMMON-*
 14 *WEALTH GOVERNMENT.*—*Notwithstanding any other*
 15 *provision of this subpart, the amounts allocated under*
 16 *subsection (a) to Puerto Rico, 100 percent shall be for*
 17 *direct grants to the Commonwealth government of*
 18 *Puerto Rico.*

19 “(2) *NO LOCAL ALLOCATIONS.*—*Subsections (c)*
 20 *and (d) shall not apply to Puerto Rico.*

21 “(h) *UNITS OF LOCAL GOVERNMENT IN LOUISIANA.*—

22 *In carrying out this section with respect to the State of Lou-*
 23 *isiana, the term ‘unit of local government’ means a district*
 24 *attorney or a parish sheriff.*

1 **“SEC. 506. RESERVED FUNDS.**

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

5 *“(1) \$20,000,000, for use by the National Insti-*
 6 *tute of Justice in assisting units of local government*
 7 *to identify, select, develop, modernize, and purchase*
 8 *new technologies for use by law enforcement, of which*
 9 *\$1,000,000 shall be for use by the Bureau of Justice*
 10 *Statistics to collect data necessary for carrying out*
 11 *this subpart; and*

12 *“(2) \$20,000,000, to be granted by the Attorney*
 13 *General to States and units of local government to de-*
 14 *velop and implement antiterrorism training pro-*
 15 *grams.*

16 **“SEC. 507. INTEREST-BEARING TRUST FUNDS.**

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

20 *“(b) EXPENDITURES.—*

21 *“(1) IN GENERAL.—Each amount received under*
 22 *this subpart (including interest on such amount) shall*
 23 *be expended before the date on which the grant period*
 24 *expires.*

25 *“(2) REPAYMENT.—A State or unit of local gov-*
 26 *ernment that fails to expend an entire amount (in-*

1 cluding interest on such amount) as required by
 2 paragraph (1) shall repay the unexpended portion to
 3 the Attorney General not later than 3 months after
 4 the date on which the grant period expires.

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

10 “(c) *REPAID AMOUNTS.*—Amounts received as repay-
 11 ments under this section shall be subject to section 108 of
 12 this title as if such amounts had not been granted and re-
 13 paid. Such amounts shall be deposited in the Treasury in
 14 a dedicated fund for use by the Attorney General to carry
 15 out this subpart. Such funds are hereby made available to
 16 carry out this subpart.

17 **“SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

18 “*There is authorized to be appropriated to carry out*
 19 *this subpart \$1,095,000,000 for fiscal year 2006 and such*
 20 *sums as may be necessary for each of fiscal years 2007*
 21 *through 2009.”.*

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

24 **(1) *DISCRETIONARY GRANTS TO PUBLIC AND PRI-***
 25 ***VATE ENTITIES.*—Chapter A of subpart 2 of Part E**

1 *of title I of the Omnibus Crime Control and Safe*
 2 *Streets Act of 1968 (42 U.S.C. 3760–3762) is re-*
 3 *pealed.*

4 (2) *TARGETED GRANTS TO CURB MOTOR VEHI-*
 5 *CLE THEFT.*—*Subtitle B of title I of the Anti Car*
 6 *Theft Act of 1992 (42 U.S.C. 3750a–3750d) is re-*
 7 *pealed.*

8 (c) *CONFORMING AMENDMENTS.*—

9 (1) *CRIME IDENTIFICATION TECHNOLOGY ACT.*—
 10 *Subsection (c)(2)(G) of section 102 of the Crime Iden-*
 11 *tification Technology Act of 1998 (42 U.S.C. 14601)*
 12 *is amended by striking “such as” and all that follows*
 13 *through “the M.O.R.E. program” and inserting “such*
 14 *as the Edward Byrne Justice Assistance Grant Pro-*
 15 *gram and the M.O.R.E. program”.*

16 (2) *SAFE STREETS ACT.*—*Title I of the Omnibus*
 17 *Crime Control and Safe Streets Act of 1968 is amend-*
 18 *ed—*

19 (A) *in section 517 (42 U.S.C. 3763), in sub-*
 20 *section (a)(1), by striking “pursuant to section*
 21 *511 or 515” and inserting “pursuant to section*
 22 *515”;*

23 (B) *in section 520 (42 U.S.C. 3766)—*

24 (i) *in subsection (a)(1), by striking*
 25 *“the program evaluations as required by*

1 *section 501(c) of this part” and inserting*
 2 *“program evaluations”;*

3 *(ii) in subsection (a)(2), by striking*
 4 *“evaluations of programs funded under sec-*
 5 *tion 506 (formula grants) and sections 511*
 6 *and 515 (discretionary grants) of this part”*
 7 *and inserting “evaluations of programs*
 8 *funded under section 505 (formula grants)*
 9 *and section 515 (discretionary grants) of*
 10 *this part”; and*

11 *(iii) in subsection (b)(2), by striking*
 12 *“programs funded under section 506 (for-*
 13 *mula grants) and section 511 (discretionary*
 14 *grants)” and inserting “programs funded*
 15 *under section 505 (formula grants)”;*

16 *(C) in section 522 (42 U.S.C. 3766b)—*

17 *(i) in subsection (a), in the matter pre-*
 18 *ceding paragraph (1), by striking “section*
 19 *506” and inserting “section 505”; and*

20 *(ii) in subsection (a)(1), by striking*
 21 *“an assessment of the impact of such activi-*
 22 *ties on meeting the needs identified in the*
 23 *State strategy submitted under section 503”*
 24 *and inserting “an assessment of the impact*

1 *of such activities on meeting the purposes of*
2 *subpart 1”;*

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

5 *(i) by striking “the purposes of section*
6 *501 of this title” and inserting “the pur-*
7 *poses of such subpart 1”; and*

8 *(ii) by striking “the application sub-*
9 *mitted pursuant to section 503 of this title”*
10 *and inserting “the application submitted*
11 *pursuant to section 502 of this title”;*

12 *(E) in section 808 (42 U.S.C. 3789), by*
13 *striking “the State office described in section 507*
14 *or 1408” and inserting “the State office respon-*
15 *sible for the trust fund required by section 507,*
16 *or the State office described in section 1408,”;*

17 *(F) in section 901 (42 U.S.C. 3791), in sub-*
18 *section (a)(2), by striking “for the purposes of*
19 *section 506(a)” and inserting “for the purposes*
20 *of section 505(a)”;*

21 *(G) in section 1502 (42 U.S.C. 3796bb-1)—*

22 *(i) in paragraph (1), by striking “sec-*
23 *tion 506(a)” and inserting “section*
24 *505(a)”;*

25 *(ii) in paragraph (2)—*

1 (I) by striking “section 503(a)”
 2 and inserting “section 502”; and

3 (II) by striking “section 506” and
 4 inserting “section 505”;

5 (H) in section 1602 (42 U.S.C. 3796cc–1),
 6 in subsection (b), by striking “The office des-
 7 ignated under section 507 of title I” and insert-
 8 ing “The office responsible for the trust fund re-
 9 quired by section 507”;

10 (I) in section 1702 (42 U.S.C. 3796dd–1),
 11 in subsection (c)(1), by striking “and reflects
 12 consideration of the statewide strategy under sec-
 13 tion 503(a)(1)”;

14 (J) in section 1902 (42 U.S.C. 3796ff–1), in
 15 subsection (e), by striking “The Office designated
 16 under section 507” and inserting “The office re-
 17 sponsible for the trust fund required by section
 18 507”.

19 (d) *APPLICABILITY.*—The amendments made by this
 20 section shall apply with respect to the first fiscal year begin-
 21 ning after the date of the enactment of this Act and each
 22 fiscal year thereafter.

1 **SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO**
2 **MAY BE SELECTED IN A GIVEN YEAR TO RE-**
3 **CEIVE PUBLIC SAFETY OFFICER MEDAL OF**
4 **VALOR.**

5 *Section 3(c) of the Public Safety Officer Medal of Valor*
6 *Act of 2001 (42 U.S.C. 15202(c)) is amended by striking*
7 *“more than 5 recipients” and inserting “more than 5 indi-*
8 *viduals, or groups of individuals, as recipients”.*

9 **SEC. 203. CLARIFICATION OF OFFICIAL TO BE CONSULTED**
10 **BY ATTORNEY GENERAL IN CONSIDERING AP-**
11 **PLICATION FOR EMERGENCY FEDERAL LAW**
12 **ENFORCEMENT ASSISTANCE.**

13 *Section 609M(b) of the Justice Assistance Act of 1984*
14 *(42 U.S.C. 10501(b)) is amended by striking “the Director*
15 *of the Office of Justice Assistance” and inserting “the As-*
16 *sistant Attorney General for the Office of Justice Pro-*
17 *grams”.*

18 **SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFOR-**
19 **MATION SHARING SYSTEM GRANTS.**

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

24 *(1) in paragraph (1), by inserting “regional” be-*
25 *fore “information sharing systems”;*

1 (2) *by amending paragraph (3) to read as fol-*
 2 *lows:*

3 “(3) *establishing and maintaining a secure tele-*
 4 *communications system for regional information*
 5 *sharing between Federal, State, and local law enforce-*
 6 *ment agencies;”*; and

7 (3) *by striking “(5)” at the end of paragraph*
 8 (4).

9 **SEC. 205. INTEGRITY AND ENHANCEMENT OF NATIONAL**
 10 **CRIMINAL RECORD DATABASES.**

11 (a) *DUTIES OF DIRECTOR.*—Section 302 of the *Omni-*
 12 *bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
 13 *3732) is amended—*

14 (1) *in subsection (b), by inserting after the third*
 15 *sentence the following new sentence: “The Director*
 16 *shall be responsible for the integrity of data and sta-*
 17 *tistics and shall protect against improper or illegal*
 18 *use or disclosure.”*;

19 (2) *by amending paragraph (19) of subsection*
 20 (i) *to read as follows:*

21 “(19) *provide for improvements in the accuracy,*
 22 *quality, timeliness, immediate accessibility, and inte-*
 23 *gration of State criminal history and related records,*
 24 *support the development and enhancement of national*
 25 *systems of criminal history and related records in-*

1 *cluding the National Criminal History Background*
 2 *Check System, the National Incident-Based Reporting*
 3 *System, and the records of the National Crime Infor-*
 4 *mation Center, facilitate State participation in na-*
 5 *tional records and information systems, and support*
 6 *statistical research for critical analysis of the im-*
 7 *provement and utilization of criminal history*
 8 *records;”;* and

9 *(3) in subsection (d)—*

10 *(A) by striking “and” at the end of para-*
 11 *graph (4);*

12 *(B) by striking the period at the end of*
 13 *paragraph (5) and inserting “; and”; and*

14 *(C) by adding at the end the following:*

15 *“(6) confer and cooperate with Federal statistical*
 16 *agencies as needed to carry out the purposes of this*
 17 *part, including by entering into cooperative data*
 18 *sharing agreements in conformity with all laws and*
 19 *regulations applicable to the disclosure and use of*
 20 *data.”.*

21 *(b) USE OF DATA.—Section 304 of such Act (42 U.S.C.*
 22 *3735) is amended by striking “particular individual” and*
 23 *inserting “private person or public agency”.*

24 *(c) CONFIDENTIALITY OF INFORMATION.—Section*
 25 *812(a) of such Act (42 U.S.C. 3789g(a)) is amended by*

1 striking “Except as provided by Federal law other than this
2 title, no” and inserting “No”.

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

5 Section 1001(a)(23) of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C.
7 3793(a)(23)) is amended by striking “2007” and inserting
8 “2009”.

9 **Subtitle B—Building Community**
10 **Capacity to Prevent, Reduce,**
11 **and Control Crime**

12 **SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.**

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

17 **“SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.**

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

21 “(b) *ASSISTANCE.*—The Director may assist States,
22 units of local government, and neighborhood and commu-
23 nity-based organizations in developing Weed and Seed
24 strategies, as provided in section 104.

1 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 2 *authorized to be appropriated to carry out this section*
 3 *\$60,000,000 for fiscal year 2006, and such sums as may*
 4 *be necessary for each of fiscal years 2007, 2008, and 2009,*
 5 *to remain available until expended.*

6 **“SEC. 104. WEED AND SEED STRATEGIES.**

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

14 “(1) *WEEDING.—Activities, to be known as*
 15 *Weeding activities, which shall include promoting*
 16 *and coordinating a broad spectrum of community ef-*
 17 *forts (especially those of law enforcement agencies and*
 18 *prosecutors) to arrest, and to sanction or incarcerate,*
 19 *persons in that community who participate or engage*
 20 *in violent crime, criminal drug-related activity, and*
 21 *other crimes that threaten the quality of life in that*
 22 *community.*

23 “(2) *SEEDING.—Activities, to be known as Seed-*
 24 *ing activities, which shall include promoting and co-*
 25 *ordinating a broad spectrum of community efforts*

1 *(such as drug abuse education, mentoring, and em-*
2 *ployment counseling) to provide—*

3 *“(A) human services, relating to prevention,*
4 *intervention, or treatment, for at-risk individ-*
5 *uals and families; and*

6 *“(B) community revitalization efforts, in-*
7 *cluding enforcement of building codes and devel-*
8 *opment of the economy.*

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

14 *“(1) be planned and implemented through and*
15 *under the auspices of a steering committee, properly*
16 *established in the community, comprised of—*

17 *“(A) in a voting capacity, representatives*
18 *of—*

19 *“(i) appropriate law enforcement agen-*
20 *cies; and*

21 *“(ii) other public and private agencies,*
22 *and neighborhood and community-based or-*
23 *ganizations, interested in criminal justice*
24 *and community-based development and re-*
25 *vitalization in the community; and*

1 “(B) in a voting capacity, both—

2 “(i) the Drug Enforcement Adminis-
3 tration’s special agent in charge for the ju-
4 risdiction encompassing the community;
5 and

6 “(ii) the United States Attorney for the
7 District encompassing the community;

8 “(2) describe how law enforcement agencies, other
9 public and private agencies, neighborhood and com-
10 munity-based organizations, and interested citizens
11 are to cooperate in implementing the strategy; and

12 “(3) incorporate a community-policing compo-
13 nent that shall serve as a bridge between the Weeding
14 activities under subsection (a)(1) and the Seeding ac-
15 tivities under subsection (a)(2).

16 “(c) DESIGNATION.—For a community to be des-
17 ignated as a Weed-and-Seed community for purposes of sub-
18 section (a)—

19 “(1) the United States Attorney for the District
20 encompassing the community must certify to the Di-
21 rector that—

22 “(A) the community suffers from consist-
23 ently high levels of crime or otherwise is appro-
24 priate for such designation;

1 “(B) the Weed and Seed strategy proposed,
 2 adopted, or implemented by the steering com-
 3 mittee has a high probability of improving the
 4 criminal justice system within the community
 5 and contains all the elements required by the Di-
 6 rector; and

7 “(C) the steering committee is capable of
 8 implementing the strategy appropriately; and

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

14 “(d) APPLICATION.—An application for designation as
 15 a Weed-and-Seed community for purposes of subsection (a)
 16 shall be submitted to the Director by the steering committee
 17 of the community in such form, and containing such infor-
 18 mation and assurances, as the Director may require. The
 19 application shall propose—

20 “(1) a sustainable Weed and Seed strategy that
 21 includes—

22 “(A) the active involvement of the United
 23 States Attorney for the District encompassing the
 24 community, the Drug Enforcement Administra-
 25 tion’s special agent in charge for the jurisdiction

1 *encompassing the community, and other Federal*
 2 *law enforcement agencies operating in the vicin-*
 3 *ity;*

4 *“(B) a significant community-oriented po-*
 5 *licing component; and*

6 *“(C) demonstrated coordination with com-*
 7 *plementary neighborhood and community-based*
 8 *programs and initiatives; and*

9 *“(2) a methodology with outcome measures and*
 10 *specific objective indicia of performance to be used to*
 11 *evaluate the effectiveness of the strategy.*

12 *“(e) GRANTS.—*

13 *“(1) IN GENERAL.—In implementing a strategy*
 14 *for a community under subsection (a), the Director*
 15 *may make grants to that community.*

16 *“(2) USES.—For each grant under this sub-*
 17 *section, the community receiving that grant—*

18 *“(A) shall use not less than 40 percent of*
 19 *the grant amounts for Seeding activities under*
 20 *subsection (a)(2); and*

21 *“(B) may not use any of the grant amounts*
 22 *for construction, except that the Assistant Attor-*
 23 *ney General may authorize use of grant amounts*
 24 *for incidental or minor construction, renovation,*
 25 *or remodeling.*

1 “(3) *LIMITATIONS.*—*A community may not re-*
2 *ceive grants under this subsection (or fall within such*
3 *a community)*—

4 “(A) *for a period of more than 10 fiscal*
5 *years;*

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

12 “(C) *in an aggregate amount of more than*
13 *\$1,000,000, except that the Assistant Attorney*
14 *General may, upon a showing of extraordinary*
15 *circumstances, authorize grants for not more*
16 *than an additional \$500,000.*

17 “(4) *DISTRIBUTION.*—*In making grants under*
18 *this subsection, the Director shall ensure that—*

19 “(A) *to the extent practicable, the distribu-*
20 *tion of such grants is geographically equitable*
21 *and includes both urban and rural areas of*
22 *varying population and area; and*

23 “(B) *priority is given to communities that*
24 *clearly and effectively coordinate crime preven-*
25 *tion programs with other Federal programs in a*

1 *manner that addresses the overall needs of such*
 2 *communities.*

3 “(5) *FEDERAL SHARE.*—(A) *Subject to subpara-*
 4 *graph (B), the Federal share of a grant under this*
 5 *subsection may not exceed 75 percent of the total costs*
 6 *of the projects described in the application for which*
 7 *the grant was made.*

8 “(B) *The requirement of subparagraph (A)—*
 9 *“(i) may be satisfied in cash or in kind;*
 10 *and*

11 *“(ii) may be waived by the Assistant Attor-*
 12 *ney General upon a determination that the fi-*
 13 *nancial circumstances affecting the applicant*
 14 *warrant a finding that such a waiver is equi-*
 15 *table.*

16 “(6) *SUPPLEMENT, NOT SUPPLANT.*—*To receive*
 17 *a grant under this subsection, the applicant must*
 18 *provide assurances that the amounts received under*
 19 *the grant shall be used to supplement, not supplant,*
 20 *non-Federal funds that would otherwise be available*
 21 *for programs or services provided in the commu-*
 22 *nity.”.*

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

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

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

8 (c) *EFFECTIVE DATE.*—*This section and the amend-*
9 *ments made by this section take effect 90 days after the date*
10 *of the enactment of this Act.*

11 ***Subtitle C—Assisting Victims of*** 12 ***Crime***

13 ***SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS*** 14 ***TO IMPROVE OUTREACH SERVICES TO VIC-*** 15 ***TIMS OF CRIME.***

16 *Section 1404(c) of the Victims of Crime Act of 1984*
17 *(42 U.S.C. 10603(c)), as most recently amended by section*
18 *623 of the USA PATRIOT Act (Public Law 107–56; 115*
19 *Stat. 372), is amended—*

20 (1) *in paragraph (1)—*

21 (A) *in the matter preceding subparagraph*
22 (A), *by striking the comma after “Director”;*

23 (B) *in subparagraph (A), by striking “and”*
24 *at the end;*

1 (C) in subparagraph (B), by striking the
2 period at the end and inserting “; and”; and

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

5 “(C) for nonprofit neighborhood and community-
6 based victim service organizations and coalitions to
7 improve outreach and services to victims of crime.”;

8 (2) in paragraph (2)—

9 (A) in subparagraph (A)—

10 (i) by striking “paragraph (1)(A)” and
11 inserting “paragraphs (1)(A) and (1)(C)”;
12 and

13 (ii) by striking “and” at the end;

14 (B) in subparagraph (B), by striking the
15 period at the end and inserting “; and”; and

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

18 “(C) not more than \$10,000 shall be used for any
19 single grant under paragraph (1)(C).”.

20 **SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN**
21 **AUTHORITIES RELATING TO CRIME VICTIMS**
22 **FUND.**

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

1 (1) *AUTHORITY TO ACCEPT GIFTS.*—Subsection
 2 (b)(5) of such section is amended by striking the pe-
 3 riod at the end and inserting the following: “, which
 4 the Director is hereby authorized to accept for deposit
 5 into the Fund, except that the Director is not hereby
 6 authorized to accept any such gift, bequest, or dona-
 7 tion that—

8 “(A) attaches conditions inconsistent with
 9 applicable laws or regulations; or

10 “(B) is conditioned upon or would require
 11 the expenditure of appropriated funds that are
 12 not available to the Office for Victims of
 13 Crime.”.

14 (2) *AUTHORITY TO REPLENISH ANTITERRORISM*
 15 *EMERGENCY RESERVE.*—Subsection (d)(5)(A) of such
 16 section is amended by striking “expended” and insert-
 17 ing “obligated”.

18 (3) *AUTHORITY TO MAKE GRANTS TO INDIAN*
 19 *TRIBES FOR VICTIM ASSISTANCE PROGRAMS.*—Sub-
 20 section (g) of such section is amended—

21 (A) in paragraph (1), by striking “, acting
 22 through the Director,”;

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

1 (C) by inserting after paragraph (1) the fol-
 2 lowing new paragraph:

3 “(2) *The Attorney General may use 5 percent of the*
 4 *funds available under subsection (d)(2) (prior to distribu-*
 5 *tion) for grants to Indian tribes to establish child victim*
 6 *assistance programs, as appropriate.”.*

7 **SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM**
 8 **GRANTS MAY BE USED BY STATE FOR TRAIN-**
 9 **ING PURPOSES.**

10 (a) *CRIME VICTIM COMPENSATION.*—Section
 11 *1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C.*
 12 *10602(a)(3)) is amended by inserting after “may be used*
 13 *for” the following: “training purposes and”.*

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

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

21 (a) *CLARIFICATION OF SPECIFIC PURPOSES.*—Section
 22 *2001(b) of the Omnibus Crime Control and Safe Streets Act*
 23 *of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter*
 24 *preceding paragraph (1) by inserting after “violent crimes*
 25 *against women” the following: “to develop and strengthen*

1 *victim services in cases involving violent crimes against*
2 *women”.*

3 (b) *CLARIFICATION OF STATE GRANTS.—Section 2007*
4 *of the Omnibus Crime Control and Safe Streets Act of 1968*
5 *(42 U.S.C. 3796gg–1) is amended—*

6 (1) *in subsection (a), by striking “to States” and*
7 *all that follows through “tribal governments”;*

8 (2) *in subsection (c)(3)(A), by striking “police”*
9 *and inserting “law enforcement”; and*

10 (3) *in subsection (d)—*

11 (A) *in the second sentence, by inserting*
12 *after “each application” the following: “sub-*
13 *mitted by a State”; and*

14 (B) *in the third sentence, by striking “An*
15 *application” and inserting “In addition, each*
16 *application submitted by a State or tribal gov-*
17 *ernment”.*

18 (c) *CHANGE FROM ANNUAL TO BIENNIAL REPORT-*
19 *ING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is*
20 *amended by striking “Not later than” and all that follows*
21 *through “the Attorney General shall submit” and inserting*
22 *the following: “Not later than one month after the end of*
23 *each even-numbered fiscal year, the Attorney General shall*
24 *submit”.*

1 **SEC. 225. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO**
 2 **BIENNIAL.**

3 (a) *STALKING AND DOMESTIC VIOLENCE*.—Section
 4 40610 of the Violence Against Women Act of 1994 (title IV
 5 of the Violent Crime Control and Law Enforcement Act of
 6 1994; 42 U.S.C. 14039) is amended by striking “The Attor-
 7 ney General shall submit to the Congress an annual report,
 8 beginning one year after the date of the enactment of this
 9 Act, that provides” and inserting “Each even-numbered fis-
 10 cal year, the Attorney General shall submit to the Congress
 11 a biennial report that provides”.

12 (b) *SAFE HAVENS FOR CHILDREN*.—Section
 13 1301(d)(1) of the Victims of Trafficking and Violence Pro-
 14 tection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in
 15 the matter preceding subparagraph (A) by striking “Not
 16 later than 1 year after the last day of the first fiscal year
 17 commencing on or after the date of the enactment of this
 18 Act, and not later than 180 days after the last day of each
 19 fiscal year thereafter,” and inserting “Not later than one
 20 month after the end of each even-numbered fiscal year,”.

21 ***Subtitle D—Preventing Crime***

22 **SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OF-**
 23 **FENDER FOR PURPOSES OF JUVENILE DRUG**
 24 **COURTS.**

25 Section 2953(b) of the Omnibus Crime Control and
 26 Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended

1 *in the matter preceding paragraph (1) by striking “an of-*
 2 *fense that” and inserting “a felony-level offense that”.*

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

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

8 *(b) TECHNICAL ASSISTANCE AND TRAINING.—Such*
 9 *section is further amended by adding at the end the fol-*
 10 *lowing new subsection:*

11 *“(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless*
 12 *one or more applications submitted by any State or unit*
 13 *of local government within such State (other than an In-*
 14 *dian tribe) for a grant under this part has been funded*
 15 *in any fiscal year, such State, together with eligible appli-*
 16 *cants within such State, shall be provided targeted technical*
 17 *assistance and training by the Community Capacity Devel-*
 18 *opment Office to assist such State and such eligible appli-*
 19 *cants to successfully compete for future funding under this*
 20 *part.”.*

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

5 *Section 2951(a)(1) of such Act (42 U.S.C.*
 6 *3797u(a)(1)) is amended by striking “offenders with sub-*
 7 *stance abuse problems” and inserting “offenders, and other*
 8 *individuals under the jurisdiction of the court, with sub-*
 9 *stance abuse problems”.*

10 **SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE**
 11 **TREATMENT PROGRAM FOR LOCAL FACILI-**
 12 **TIES.**

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

16 *“(d) DEFINITION.—In this section, the term ‘jail-based*
 17 *substance abuse treatment program’ means a course of indi-*
 18 *vidual and group activities, lasting for a period of not less*
 19 *than 3 months, in an area of a correctional facility set*
 20 *apart from the general population of the correctional facil-*
 21 *ity, if those activities are—*

22 *“(1) directed at the substance abuse problems of*
 23 *the prisoners; and*

24 *“(2) intended to develop the cognitive, behav-*
 25 *ioral, and other skills of prisoners in order to address*

1 *the substance abuse and related problems of pris-*
 2 *oners.”.*

3 ***Subtitle E—Other Matters***

4 ***SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.***

5 *(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM*
 6 *PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO*
 7 *EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UN-*
 8 *TIMELY DISBURSEMENTS.—Section 204(f) of Public Law*
 9 *107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amend-*
 10 *ed—*

11 *(1) by striking “section 6503(d)” and inserting*
 12 *“sections 3335(b) or 6503(d)”;* and

13 *(2) by striking “section 6503” and inserting*
 14 *“sections 3335(b) or 6503”.*

15 *(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE IN-*
 16 *CLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section*
 17 *204(f) of such Act is further amended by striking “pursuant*
 18 *to section 501(a)” and inserting “pursuant to the Southwest*
 19 *Border Prosecutor Initiative (as carried out pursuant to*
 20 *paragraph (3) (117 Stat. 64) under the heading relating*
 21 *to Community Oriented Policing Services of the Depart-*
 22 *ment of Justice Appropriations Act, 2003 (title I of division*
 23 *B of Public Law 108–7), or as carried out pursuant to any*
 24 *subsequent authority) or section 501(a)”.*

1 (c) *FUNDS AVAILABLE FOR ATFE MAY BE USED FOR*
 2 *AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS*
 3 *COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.*—Section
 4 *530C(b) of title 28, United States Code, is amended by add-*
 5 *ing at the end the following new paragraph:*

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

11 (d) *AUDITS AND REPORTS ON ATFE UNDERCOVER IN-*
 12 *VESTIGATIVE OPERATIONS.*—Section 102(b) of the Depart-
 13 *ment of Justice and Related Agencies Appropriations Act,*
 14 *1993 (28 U.S.C. 533 note), as in effect pursuant to section*
 15 *815(d) of the Antiterrorism and Effective Death Penalty*
 16 *Act of 1996 (28 U.S.C. 533 note) shall apply with respect*
 17 *to the Bureau of Alcohol, Tobacco, Firearms, and Explosives*
 18 *and the undercover investigative operations of the Bureau*
 19 *on the same basis as such section applies with respect to*
 20 *any other agency and the undercover investigative oper-*
 21 *ations of such agency.*

22 **SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY**
 23 **GENERAL.**

24 (a) *COORDINATE AND SUPPORT OFFICE FOR VICTIMS*
 25 *OF CRIME.*—Section 102 of the Omnibus Crime Control and

1 *Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in*
 2 *subsection (a)(5) by inserting after “the Bureau of Justice*
 3 *Statistics,” the following: “the Office for Victims of Crime,”.*

4 *(b) SETTING GRANT CONDITIONS AND PRIORITIES.—*
 5 *Such section is further amended in subsection (a)(6) by in-*
 6 *serting “, including placing special conditions on all*
 7 *grants, and determining priority purposes for formula*
 8 *grants” before the period at the end.*

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

11 *(a) COMPLIANCE PERIOD.—A State shall not be treat-*
 12 *ed, for purposes of any provision of law, as having failed*
 13 *to comply with section 170101 (42 U.S.C. 14071) or 170102*
 14 *(42 U.S.C. 14072) of the Violent Crime Control and Law*
 15 *Enforcement Act of 1994 until 36 months after the date of*
 16 *the enactment of this Act, except that the Attorney General*
 17 *may grant an additional 24 months to a State that is mak-*
 18 *ing good faith efforts to comply with such sections.*

19 *(b) TIME FOR REGISTRATION OF CURRENT AD-*
 20 *DRESS.—Subsection (a)(1)(B) of such section 170101 is*
 21 *amended by striking “unless such requirement is termi-*
 22 *nated under” and inserting “for the time period specified*
 23 *in”.*

1 **SEC. 244. REPEAL OF CERTAIN PROGRAMS.**

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

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

7 (2) *MATCHING GRANT PROGRAM FOR SCHOOL SE-*
 8 *curity.*—*Part AA (42 U.S.C. 3797a–3797e).*

9 (b) *VIOLENT CRIME CONTROL AND LAW ENFORCE-*
 10 *MENT ACT PROGRAMS.*—*The following provisions of the*
 11 *Violent Crime Control and Law Enforcement Act of 1994*
 12 *are repealed:*

13 (1) *LOCAL CRIME PREVENTION BLOCK GRANT*
 14 *PROGRAM.*—*Subtitle B of title III (42 U.S.C. 13751–*
 15 *13758).*

16 (2) *ASSISTANCE FOR DELINQUENT AND AT-RISK*
 17 *YOUTH.*—*Subtitle G of title III (42 U.S.C. 13801–*
 18 *13802).*

19 (3) *IMPROVED TRAINING AND TECHNICAL AUTO-*
 20 *MATION.*—*Subtitle E of title XXI (42 U.S.C. 14151).*

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

23 **SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING**
 24 **REQUIREMENTS.**

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

1 (1) *NOTICE AND HEARING ON DENIAL OR TERMI-*
 2 *NATION OF GRANT.*—Section 802 (42 U.S.C. 3783) of
 3 *such part is amended—*

4 (A) *by striking subsections (b) and (c); and*
 5 (B) *by striking “(a)” before “Whenever,”.*

6 (2) *FINALITY OF DETERMINATIONS.*—Section 803
 7 (42 U.S.C. 3784) of *such part is amended—*

8 (A) *by striking “, after reasonable notice*
 9 *and opportunity for a hearing,”; and*

10 (B) *by striking “, except as otherwise pro-*
 11 *vided herein”.*

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

14 **SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNI-**
 15 **BUS CRIME CONTROL AND SAFE STREETS**
 16 **ACT OF 1968.**

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

20 (1) *INDIAN TRIBE.*—Subsection (a)(3)(C) of *such*
 21 *section is amended by striking “(as that term is de-*
 22 *finied in section 103 of the Juvenile Justice and De-*
 23 *linquency Prevention Act of 1974 (42 U.S.C. 5603))”.*

1 (2) *COMBINATION.*—Subsection (a)(5) of such
 2 section is amended by striking “program or project”
 3 and inserting “program, plan, or project”.

4 (3) *NEIGHBORHOOD OR COMMUNITY-BASED OR-*
 5 *GANIZATIONS.*—Subsection (a)(11) of such section is
 6 amended by striking “which” and inserting “, includ-
 7 ing faith-based, that”.

8 (4) *INDIAN TRIBE; PRIVATE PERSON.*—Sub-
 9 section (a) of such section is further amended—

10 (A) in paragraph (24) by striking “and” at
 11 the end;

12 (B) in paragraph (25) by striking the pe-
 13 riod at the end and inserting a semicolon; and

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

16 “(26) the term ‘Indian Tribe’ has the meaning
 17 given the term ‘Indian tribe’ in section 4(e) of the In-
 18 dian Self-Determination and Education Assistance
 19 Act (25 U.S.C. 450b(e)); and

20 “(27) the term ‘private person’ means any indi-
 21 vidual (including an individual acting in his official
 22 capacity) and any private partnership, corporation,
 23 association, organization, or entity (or any combina-
 24 tion thereof).”.

1 **SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSIST-**
 2 **ENCE PAYMENTS TO PRISONERS FOR HEALTH**
 3 **CARE ITEMS AND SERVICES.**

4 *Section 4006 of title 18, United States Code, is amend-*
 5 *ed—*

6 *(1) in subsection (a) by inserting after “The At-*
 7 *torney General” the following: “or the Secretary of*
 8 *Homeland Security, as applicable,”; and*

9 *(2) in subsection (b)(1)—*

10 *(A) by striking “the Immigration and Nat-*
 11 *uralization Service” and inserting “the Depart-*
 12 *ment of Homeland Security”;*

13 *(B) by striking “shall not exceed the lesser*
 14 *of the amount” and inserting “shall be the*
 15 *amount billed, not to exceed the amount”;*

16 *(C) by striking “items and services” and all*
 17 *that follows through “the Medicare program”*
 18 *and inserting “items and services under the*
 19 *Medicare program”; and*

20 *(D) by striking “; or” and all that follows*
 21 *through the period at the end and inserting a pe-*
 22 *riod.*

23 **SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGE-**
 24 **MENT.**

25 *(a) IN GENERAL.—Part A of title I of the Omnibus*
 26 *Crime Control and Safe Streets Act of 1968 is amended*

1 *by adding after section 104, as added by section 211 of this*
2 *Act, the following new section:*

3 **“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGE-**
4 **MENT.**

5 *“(a) ESTABLISHMENT.—*

6 *“(1) IN GENERAL.—There is established within*
7 *the Office an Office of Audit, Assessment, and Man-*
8 *agement, headed by a Director appointed by the At-*
9 *torney General. In carrying out the functions of the*
10 *Office, the Director shall be subject to the authority,*
11 *direction, and control of the Attorney General. Such*
12 *authority, direction, and control may be delegated*
13 *only to the Assistant Attorney General, without re-*
14 *delegation.*

15 *“(2) PURPOSE.—The purpose of the Office shall*
16 *be to carry out and coordinate performance audits of,*
17 *take actions to ensure compliance with the terms of,*
18 *and manage information with respect to, grants*
19 *under programs covered by subsection (b). The Direc-*
20 *tor shall take special conditions of the grant into ac-*
21 *count and consult with the office that issued those*
22 *conditions to ensure appropriate compliance.*

23 *“(3) EXCLUSIVITY.—The Office shall be the ex-*
24 *clusive element of the Department of Justice, other*
25 *than the Inspector General, performing functions and*

1 *activities for the purpose specified in paragraph (2).*
2 *There are hereby transferred to the Office all functions*
3 *and activities, other than functions and activities of*
4 *the Inspector General, for such purpose performed im-*
5 *mediately before the date of the enactment of this Act*
6 *by any other element of the Department.*

7 “(b) *COVERED PROGRAMS.—The programs referred to*
8 *in subsection (a) are the following:*

9 “(1) *The program under part Q of this title.*

10 “(2) *Any grant program carried out by the Of-*
11 *fice of Justice Programs.*

12 “(3) *Any other grant program carried out by the*
13 *Department of Justice that the Attorney General con-*
14 *siders appropriate.*

15 “(c) *PERFORMANCE AUDITS REQUIRED.—*

16 “(1) *IN GENERAL.—The Director shall select*
17 *grants awarded under the programs covered by sub-*
18 *section (b) and carry out performance audits on such*
19 *grants. In selecting such grants, the Director shall en-*
20 *sure that the aggregate amount awarded under the*
21 *grants so selected represent not less than 10 percent*
22 *of the aggregate amount of money awarded under all*
23 *such grant programs.*

24 “(2) *RELATIONSHIP TO NIJ EVALUATIONS.—This*
25 *subsection does not affect the authority or duty of the*

1 *Director of the National Institute of Justice to carry*
2 *out overall evaluations of programs covered by sub-*
3 *section (b), except that such Director shall consult*
4 *with the Director of the Office in carrying out such*
5 *evaluations.*

6 *“(3) TIMING OF PERFORMANCE AUDITS.—The*
7 *performance audit required by paragraph (1) of a*
8 *grant selected under paragraph (1) shall be carried*
9 *out—*

10 *“(A) not later than the end of the grant pe-*
11 *riod, if the grant period is not more than 1 year;*
12 *and*

13 *“(B) at the end of each year of the grant pe-*
14 *riod, if the grant period is more than 1 year.*

15 *“(d) COMPLIANCE ACTIONS REQUIRED.—The Director*
16 *shall take such actions to ensure compliance with the terms*
17 *of a grant as the Director considers appropriate with re-*
18 *spect to each grant that the Director determines (in con-*
19 *sultation with the head of the element of the Department*
20 *of Justice concerned), through a performance audit under*
21 *subsection (a) or other means, is not in compliance with*
22 *such terms. In the case of a misuse of more than 1 percent*
23 *of the grant amount concerned, the Director shall, in addi-*
24 *tion to any other action to ensure compliance that the Di-*
25 *rector considers appropriate, ensure that the entity respon-*

1 sible for such misuse ceases to receive any funds under any
 2 program covered by subsection (b) until such entity repays
 3 to the Attorney General an amount equal to the amounts
 4 misused. The Director may, in unusual circumstances,
 5 grant relief from this requirement to ensure that an inno-
 6 cent party is not punished.

7 “(e) *GRANT MANAGEMENT SYSTEM.*—The Director
 8 shall establish and maintain, in consultation with the chief
 9 information officer of the Office, a modern, automated sys-
 10 tem for managing all information relating to the grants
 11 made under the programs covered by subsection (b).

12 “(f) *AVAILABILITY OF FUNDS.*—Not to exceed 5 percent
 13 of all funding made available for a fiscal year for the pro-
 14 grams covered by subsection (b) shall be reserved for the ac-
 15 tivities of the Office of Audit, Assessment, and Management
 16 as authorized by this section.”.

17 (b) *EFFECTIVE DATE.*—This section and the amend-
 18 ment made by this section take effect 90 days after the date
 19 of the enactment of this Act.

20 **SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.**

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

1 **“SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.**

2 “(a) *ESTABLISHMENT.*—

3 “(1) *IN GENERAL.*—*There is established within*
4 *the Office a Community Capacity Development Of-*
5 *fice, headed by a Director appointed by the Attorney*
6 *General. In carrying out the functions of the Office,*
7 *the Director shall be subject to the authority, direc-*
8 *tion, and control of the Attorney General. Such au-*
9 *thority, direction, and control may be delegated only*
10 *to the Assistant Attorney General, without redelega-*
11 *tion.*

12 “(2) *PURPOSE.*—*The purpose of the Office shall*
13 *be to provide training to actual and prospective par-*
14 *ticipants under programs covered by section 105(b) to*
15 *assist such participants in understanding the sub-*
16 *stantive and procedural requirements for partici-*
17 *pating in such programs.*

18 “(3) *EXCLUSIVITY.*—*The Office shall be the ex-*
19 *clusive element of the Department of Justice per-*
20 *forming functions and activities for the purpose speci-*
21 *fied in paragraph (2). There are hereby transferred to*
22 *the Office all functions and activities for such purpose*
23 *performed immediately before the date of the enact-*
24 *ment of this Act by any other element of the Depart-*
25 *ment. This does not preclude a grant-making office*

1 *from providing specialized training and technical as-*
2 *sistance in its area of expertise.*

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

6 “(1) *Promoting coordination of public and pri-*
7 *vate efforts and resources within or available to*
8 *States, units of local government, and neighborhood*
9 *and community-based organizations.*

10 “(2) *Providing information, training, and tech-*
11 *nical assistance.*

12 “(3) *Providing support for inter- and intra-*
13 *agency task forces and other agreements and for as-*
14 *essment of the effectiveness of programs, projects, ap-*
15 *proaches, or practices.*

16 “(4) *Providing in the assessment of the effective-*
17 *ness of neighborhood and community-based law en-*
18 *forcement and crime prevention strategies and tech-*
19 *niques, in coordination with the National Institute of*
20 *Justice.*

21 “(5) *Any other similar means.*

22 “(c) *LOCATIONS.—Training referred to in subsection*
23 *(a) shall be provided on a regional basis to groups of such*
24 *participants. In a case in which remedial training is ap-*
25 *propriate, as recommended by the Director or the head of*

1 *any element of the Department, such training may be pro-*
 2 *vided on a local basis to a single such participant.*

3 “(d) *BEST PRACTICES.—The Director shall—*

4 “(1) *identify grants under which clearly bene-*
 5 *ficial outcomes were obtained, and the characteristics*
 6 *of those grants that were responsible for obtaining*
 7 *those outcomes; and*

8 “(2) *incorporate those characteristics into the*
 9 *training provided under this section.*

10 “(e) *AVAILABILITY OF FUNDS.—Not to exceed 5 per-*
 11 *cent of all funding made available for a fiscal year for the*
 12 *programs covered by section 105(b) shall be reserved for the*
 13 *activities of the Community Capacity Development Office*
 14 *as authorized by this section.”.*

15 (b) *EFFECTIVE DATE.—This section and the amend-*
 16 *ment made by this section take effect 90 days after the date*
 17 *of the enactment of this Act.*

18 **SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECH-**
 19 **NOLOGY.**

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

1 **“SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECH-**
 2 **NOLOGY.**

3 “(a) *ESTABLISHMENT.*—There is established within
 4 the Office an Office of Applied Law Enforcement Tech-
 5 nology, headed by a Director appointed by the Attorney
 6 General. The purpose of the Office shall be to provide leader-
 7 ship and focus to those grants of the Department of Justice
 8 that are made for the purpose of using or improving law
 9 enforcement computer systems.

10 “(b) *DUTIES.*—In carrying out the purpose of the Of-
 11 fice, the Director shall—

12 “(1) establish clear minimum standards for com-
 13 puter systems that can be purchased using amounts
 14 awarded under such grants; and

15 “(2) ensure that recipients of such grants use
 16 such systems to participate in crime reporting pro-
 17 grams administered by the Department.”.

18 (b) *EFFECTIVE DATE.*—This section and the amend-
 19 ment made by this section take effect 90 days after the date
 20 of the enactment of this Act.

21 **SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.**

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

1 **“SEC. 108. AVAILABILITY OF FUNDS.**

2 **“(a) PERIOD FOR AWARDING GRANT FUNDS.—**

3 **“(1) IN GENERAL.—***Unless otherwise specifically*
4 *provided in an authorization, DOJ grant funds for a*
5 *fiscal year shall remain available to be awarded and*
6 *distributed to a grantee only in that fiscal year and*
7 *the three succeeding fiscal years, subject to para-*
8 *graphs (2) and (3). DOJ grant funds not so awarded*
9 *and distributed shall revert to the Treasury.*

10 **“(2) TREATMENT OF REPROGRAMMED FUNDS.—**
11 *DOJ grant funds for a fiscal year that are repro-*
12 *grammed in a later fiscal year shall be treated for*
13 *purposes of paragraph (1) as DOJ grant funds for*
14 *such later fiscal year.*

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

22 **“(b) PERIOD FOR EXPENDING GRANT FUNDS.—***DOJ*
23 *grant funds for a fiscal year that have been awarded and*
24 *distributed to a grantee may be expended by that grantee*
25 *only in the period permitted under the terms of the grant.*

1 *DOJ grant funds not so expended shall revert to the Treas-*
 2 *ury.*

3 “(c) *DEFINITION.*—*In this section, the term ‘DOJ*
 4 *grant funds’ means, for a fiscal year, amounts appropriated*
 5 *for activities of the Department of Justice in carrying out*
 6 *grant programs for that fiscal year.*

7 “(d) *APPLICABILITY.*—*This section applies to DOJ*
 8 *grant funds for fiscal years beginning with fiscal year*
 9 *2006.”.*

10 (b) *EFFECTIVE DATE.*—*This section and the amend-*
 11 *ment made by this section take effect 90 days after the date*
 12 *of the enactment of this Act.*

13 **SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT**
 14 **SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.**

15 (a) *CONSOLIDATION OF ACCOUNTING ACTIVITIES AND*
 16 *PROCUREMENT ACTIVITIES.*—*The Assistant Attorney Gen-*
 17 *eral of the Office of Justice Programs shall ensure that—*

18 (1) *all accounting activities for all elements of*
 19 *the Office of Justice Programs are carried out under*
 20 *the direct management of the Office of the Comp-*
 21 *troller; and*

22 (2) *all procurement activities for all elements of*
 23 *the Office are carried out under the direct manage-*
 24 *ment of the Office of Administration.*

1 (b) *FURTHER CONSOLIDATION OF PROCUREMENT AC-*
2 *TIVITIES.—The Assistant Attorney General shall ensure*
3 *that, on and after September 30, 2008—*

4 (1) *all procurement activities for all elements of*
5 *the Office are carried out through a single manage-*
6 *ment office; and*

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

10 (c) *CONSOLIDATION OF FINANCIAL MANAGEMENT SYS-*
11 *TEMS.—The Assistant Attorney General shall ensure that,*
12 *on and after September 30, 2010, all financial management*
13 *activities (including human resources, payroll, and ac-*
14 *counting activities, as well as procurement activities) of all*
15 *elements of the Office are carried out through a single finan-*
16 *cial management system.*

17 (d) *ACHIEVING COMPLIANCE.—*

18 (1) *SCHEDULE.—The Assistant Attorney General*
19 *shall undertake a scheduled consolidation of oper-*
20 *ations to achieve compliance with the requirements of*
21 *this section.*

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

1 (A) subsection (a), the consolidation of oper-
 2 ations shall be initiated not later than 90 days
 3 after the date of the enactment of this Act; and

4 (B) subsections (b) and (c), the consolida-
 5 tion of operations shall be initiated not later
 6 than September 30, 2005, and shall be carried
 7 out by the Office of Administration, in consulta-
 8 tion with the Chief Information Officer and the
 9 Office of Audit, Assessment, and Management.

10 **SEC. 253. AUTHORIZATION AND CHANGE OF COPS PRO-**
 11 **GRAM TO SINGLE GRANT PROGRAM.**

12 (a) *IN GENERAL.*—Section 1701 of title I of the Omni-
 13 bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 14 3796dd) is amended—

15 (1) by amending subsection (a) to read as fol-
 16 lows:

17 “(a) *GRANT AUTHORIZATION.*—The Attorney General
 18 shall carry out a single grant program under which the At-
 19 torney General makes grants to States, units of local gov-
 20 ernment, Indian tribal governments, other public and pri-
 21 vate entities, and multi-jurisdictional or regional consortia
 22 for the purposes described in subsection (b).”;

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

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

1 (A) *by striking “ADDITIONAL GRANT*
 2 *PROJECTS.—Grants made under subsection (a)*
 3 *may include programs, projects, and other ac-*
 4 *tivities to—” and inserting “USES OF GRANT*
 5 *AMOUNTS.—The purposes for which grants made*
 6 *under subsection (a) may be made are—”;*

7 (B) *by redesignating paragraphs (1)*
 8 *through (12) as paragraphs (6) through (17), re-*
 9 *spectively;*

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

12 “(1) *rehire law enforcement officers who have*
 13 *been laid off as a result of State and local budget re-*
 14 *ductions for deployment in community-oriented polic-*
 15 *ing;*

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

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

22 “(4) *improve security at schools and on school*
 23 *grounds in the jurisdiction of the grantee through—*

24 “(A) *placement and use of metal detectors,*
 25 *locks, lighting, and other deterrent measures;*

1 “(B) security assessments;

2 “(C) security training of personnel and stu-
3 dents;

4 “(D) coordination with local law enforce-
5 ment; and

6 “(E) any other measure that, in the deter-
7 mination of the Attorney General, may provide
8 a significant improvement in security;

9 “(5) award grants to pay for offices hired to per-
10 form intelligence, anti-terror, or homeland security
11 duties;”; and

12 (D) by amending paragraph (9) (as so re-
13 designated) to read as follows:

14 “(9) develop new technologies, including inter-
15 operable communications technologies, modernized
16 criminal record technology, and forensic technology,
17 to assist State and local law enforcement agencies in
18 reorienting the emphasis of their activities from react-
19 ing to crime to preventing crime and to train law en-
20 forcement officers to use such technologies;”;

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

23 (5) in subsection (c) (as so redesignated) by
24 striking “subsection (i)” and inserting “subsection
25 (g)”; and

1 (6) by adding at the end the following new sub-
2 section:

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

7 “(1) the portion of the costs of a program pro-
8 vided by that grant may not exceed 50 percent;

9 “(2) any funds appropriated by Congress for the
10 activities of any agency of an Indian tribal govern-
11 ment or the Bureau of Indian Affairs performing law
12 enforcement functions on any Indian lands may be
13 used to provide the non-Federal share of a matching
14 requirement funded under this subsection; and

15 “(3) the Attorney General may provide, in the
16 guidelines implementing this section, for the require-
17 ment of paragraph (1) to be waived or altered in the
18 case of a recipient with a financial need for such a
19 waiver or alteration.”.

20 (b) *CONFORMING AMENDMENT*.—Section 1702 of title
21 *I* of such Act (42 U.S.C. 3796dd–1) is amended in sub-
22 section (d)(2) by striking “section 1701(d)” and inserting
23 “section 1701(b)”.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 2 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11))
 3 is amended—

4 (1) in subparagraph (A) by striking “ex-
 5 pended—” and all that follows through “2000” and
 6 inserting “expended \$1,047,119,000 for each of fiscal
 7 years 2006 through 2009”; and

8 (2) in subparagraph (B)—

9 (A) by striking “section 1701(f)” and in-
 10 serting “section 1701(d)”; and

11 (B) by striking the third sentence.

12 **SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BEN-**
 13 **EFITS UNDER PUBLIC SAFETY OFFICERS’**
 14 **DEATH BENEFITS PROGRAMS.**

15 (a) *PERSONS ELIGIBLE FOR DEATH BENEFITS.*—Sec-
 16 tion 1204 of the Omnibus Crime Control and Safe Streets
 17 Act of 1968 (42 U.S.C. 3796b), as most recently amended
 18 by section 2(a) of the Mychal Judge Police and Fire Chap-
 19 lains Public Safety Officers’ Benefit Act of 2002 (Public
 20 Law 107–196; 116 Stat. 719), is amended—

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

23 (2) by inserting after paragraph (6) the fol-
 24 lowing new paragraph:

1 “(7) ‘member of a rescue squad or ambulance
2 crew’ means an officially recognized or designated
3 public employee member of a rescue squad or ambu-
4 lance crew;”; and

5 (3) in paragraph (4) by striking “and” and all
6 that follows through the end and inserting a semi-
7 colon.

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

12 (c) *WAIVER OF COLLECTION IN CERTAIN CASES.*—Sec-
13 tion 1201 of such Act (42 U.S.C. 3796) is amended by add-
14 ing at the end the following:

15 “(m) In any case in which the Bureau paid, before
16 the date of the enactment of Public Law 107–196, any ben-
17 efit under this part to an individual who—

18 “(1) before the enactment of that law was enti-
19 tled to receive that benefit; and

20 “(2) by reason of the retroactive effective date of
21 that law is no longer entitled to receive that benefit,
22 the Bureau may suspend or end activities to collect that
23 benefit if the Bureau determines that collecting that benefit
24 is impractical or would cause undue hardship to that indi-
25 vidual.”.

1 (d) *DESIGNATION OF BENEFICIARY.—Section*
 2 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended
 3 to read as follows:

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

6 “(A) in the case of a claim made on or after
 7 the date that is 90 days after the date of the en-
 8 actment of this subparagraph, to the individual
 9 designated by such officer as beneficiary under
 10 this section in such officer’s most recently exe-
 11 cuted designation of beneficiary on file at the
 12 time of death with such officer’s public safety
 13 agency, organization, or unit, provided that such
 14 individual survived such officer; or

15 “(B) if there is no individual qualifying
 16 under subparagraph (A), to the individual des-
 17 ignated by such officer as beneficiary under such
 18 officer’s most recently executed life insurance pol-
 19 icy, provided that such individual survived such
 20 officer; or”.

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

23 Section 1801(b) of the Omnibus Crime Control and
 24 Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amend-
 25 ed—

1 (1) in paragraph (15) by striking “or” at the
2 end;

3 (2) in paragraph (16) by striking the period at
4 the end and inserting “; or”; and

5 (3) by adding at the end the following:

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

10 **SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNT-**
11 **ABILITY BLOCK GRANTS.**

12 Section 1810(a) of the Omnibus Crime Control and
13 Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is
14 amended by striking “2002 through 2005” and inserting
15 “2006 through 2009”.

16 **SEC. 257. SEX OFFENDER MANAGEMENT.**

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

20 “(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are
21 authorized to be appropriated to carry out this section
22 \$5,000,000 for each of fiscal years 2006 through 2010.”.

23 **SEC. 258. EVIDENCE-BASED APPROACHES.**

24 Section 1802 of the Omnibus Crime Control and Safe
25 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”.

1 (c) *CROSS REFERENCE CORRECTION.*—Section 322 of
 2 Public Law 107–56 is amended, effective on the date of the
 3 enactment of that section, by striking “title 18” and insert-
 4 ing “title 28”.

5 (d) *CAPITALIZATION CORRECTION.*—Subsections (a)
 6 and (b) of section 2703 of title 18, United States Code, are
 7 each amended by striking “CONTENTS OF WIRE OR ELEC-
 8 TRONIC” and inserting “CONTENTS OF WIRE OR ELEC-
 9 TRONIC”.

10 **SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.**

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

“3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Ex-
 plosives.”.

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

20 **SEC. 303. USE OF FEDERAL TRAINING FACILITIES.**

21 (a) *FEDERAL TRAINING FACILITIES.*—Unless specifi-
 22 cally authorized in writing by the Attorney General, the
 23 Department of Justice (and each entity within it) shall use
 24 for any predominately internal training or conference meet-

1 *ing only a facility that does not require a payment to a*
 2 *private entity for use of the facility.*

3 (b) *ANNUAL REPORT.*—*The Attorney General shall*
 4 *prepare an annual report to the Chairmen and ranking mi-*
 5 *nority members of the Committees on the Judiciary of the*
 6 *Senate and of the House of Representatives that details each*
 7 *training and conference meeting that requires specific au-*
 8 *thorization under subsection (a). The report shall include*
 9 *an explanation of why the facility was chosen, and a break-*
 10 *down of any expenditures incurred in excess of the cost of*
 11 *conducting the training or meeting at a facility that did*
 12 *not require such authorization.*

13 **SEC. 304. PRIVACY OFFICER.**

14 (a) *IN GENERAL.*—*The Attorney General shall des-*
 15 *ignate a senior official in the Department of Justice to as-*
 16 *sume primary responsibility for privacy policy.*

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

19 (1) *assuring that the use of technologies sustain,*
 20 *and do not erode, privacy protections relating to the*
 21 *use, collection, and disclosure of personally identifi-*
 22 *able information;*

23 (2) *assuring that personally identifiable infor-*
 24 *mation contained in systems of records is handled in*

1 *full compliance with fair information practices as set*
2 *out in section 552a of title 5, United States Code;*

3 (3) *evaluating legislative and regulatory pro-*
4 *posals involving collection, use, and disclosure of per-*
5 *sonally identifiable information by the Federal Gov-*
6 *ernment;*

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

12 (5) *preparing a report to Congress on an annual*
13 *basis on activities of the Department that affect pri-*
14 *vacv, including complaints of privacy violations, im-*
15 *plementation of section 552a of title 5, United States*
16 *Code, internal controls, and other relevant matters;*

17 (6) *ensuring that the Department protects per-*
18 *sonally identifiable information and information sys-*
19 *tems from unauthorized access, use, disclosure, dis-*
20 *ruption, modification, or destruction in order to pro-*
21 *vide—*

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

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

5 (C) *availability, which means ensuring*
 6 *timely and reliable access to and use of that in-*
 7 *formation; and*

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

11 (7) *advising the Attorney General and the Direc-*
 12 *tor of the Office of Management and Budget on infor-*
 13 *mation security and privacy issues pertaining to*
 14 *Federal Government information systems.*

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

19 **SEC. 305. BANKRUPTCY CRIMES.**

20 *The Director of the Executive Office for United States*
 21 *Trustees shall prepare an annual report to the Congress de-*
 22 *tailing—*

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

25 (2) *the outcomes of each criminal referral;*

1 (3) *for any year in which the number of crimi-*
2 *nal referrals is less than for the prior year, an expla-*
3 *nation of the decrease; and*

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

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

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

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

18 (2) *specify the standards developed by the De-*
19 *partment of Justice for recommending or determining*
20 *that a person should be tried as a criminal defendant*
21 *or should be designated as an enemy combatant.*

1 **SEC. 307. INCREASED PENALTIES AND EXPANDED JURIS-**
 2 **DICTION FOR SEXUAL ABUSE OFFENSES IN**
 3 **CORRECTIONAL FACILITIES.**

4 (a) *EXPANDED JURISDICTION.*—*The following provi-*
 5 *sions of title 18, United States Code, are each amended by*
 6 *inserting “or in the custody of the Attorney General or the*
 7 *Bureau of Prisons or any institution or facility in which*
 8 *the person is confined by direction of the Attorney General,”*
 9 *after “in a Federal prison,”:*

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

11 (2) *The first sentence of subsection (c) of section*
 12 *2241.*

13 (3) *Section 2242.*

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

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

16 (b) *INCREASED PENALTIES.*—

17 (1) *SEXUAL ABUSE OF A WARD.*—*Section*
 18 *2243(b) of such title is amended by striking “one*
 19 *year” and inserting “five years”.*

20 (2) *ABUSIVE SEXUAL CONTACT.*—*Section 2244 of*
 21 *such title is amended by striking “six months” and*
 22 *inserting “two years” in each of subsections (a)(4)*
 23 *and (b).*

1 **SEC. 308. EXPANDED JURISDICTION FOR CONTRABAND OF-**
 2 **FENSES IN CORRECTIONAL FACILITIES.**

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

9 **SEC. 309. MAGISTRATE JUDGE’S AUTHORITY TO CONTINUE**
 10 **PRELIMINARY HEARING.**

11 *The second sentence of section 3060(c) of title 18,*
 12 *United States Code, is amended to read as follows: “In the*
 13 *absence of such consent of the accused, the judge or mag-*
 14 *istrate judge may extend the time limits only on a showing*
 15 *that extraordinary circumstances exist and justice requires*
 16 *the delay.”.*

17 **SEC. 310. TECHNICAL CORRECTIONS RELATING TO**
 18 **STEROIDS.**

19 *Section 102(41)(A) of the Controlled Substances Act*
 20 *(21 U.S.C. 802(41)(A)), as amended by the Anabolic Ster-*
 21 *oid Control Act of 2004 (Public law 108–358), is amended*
 22 *by—*

23 *(1) striking clause (xvii) and inserting the fol-*
 24 *lowing:*

25 *“(xvii) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;”;*
 26 *and*

1 (2) *striking clause (xiv) and inserting the fol-*
 2 *lowing:*

3 “(xiv) *stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-*
 4 *androst-2-eno[3,2-c]-pyrazole);”.*

5 **SEC. 311. PRISON RAPE COMMISSION EXTENSION.**

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

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

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

14 **“§ 3298. Trafficking-related offenses**

15 *“No person shall be prosecuted, tried, or punished for*
 16 *any non-capital offense or conspiracy to commit a non-cap-*
 17 *ital offense under section 1581 (Peonage; Obstructing En-*
 18 *forcement), 1583 (Enticement into Slavery), 1584 (Sale*
 19 *into Involuntary Servitude), 1589 (Forced Labor), 1590*
 20 *(Trafficking with Respect to Peonage, Slavery, Involuntary*
 21 *Servitude, or Forced Labor), or 1592 (Unlawful Conduct*
 22 *with Respect to Documents in furtherance of Trafficking,*
 23 *Peonage, Slavery, Involuntary Servitude, or Forced Labor)*
 24 *of this title or under section 274(a) of the Immigration and*
 25 *Nationality Act unless the indictment is found or the infor-*

1 *mation is instituted not later than 10 years after the com-*
 2 *mission of the offense.”.*

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

“3298. Trafficking-related offenses.”.

6 (c) *MODIFICATION OF STATUTE APPLICABLE TO OF-*
 7 *FENSE AGAINST CHILDREN.*—*Section 3283 of title 18,*
 8 *United States Code, is amended by inserting “, or for ten*
 9 *years after the offense, whichever is longer” after “of the*
 10 *child”.*

11 **SEC. 313. USE OF CENTER FOR CRIMINAL JUSTICE TECH-**
 12 **NOLOGY.**

13 (a) *IN GENERAL.*—*The Attorney General may use the*
 14 *services of the Center for Criminal Justice Technology, a*
 15 *nonprofit “center of excellence” that provides technology as-*
 16 *sistance and expertise to the criminal justice community.*

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

21 (1) \$7,500,000 for fiscal year 2006;

22 (2) \$7,500,000 for fiscal year 2007; and

23 (3) \$10,000,000 for fiscal year 2008.

1 **SEC. 314. SEARCH GRANTS.**

2 (a) *IN GENERAL.*—Pursuant to subpart 1 of part E
3 of title I of the Omnibus Crime Control and Safe Streets
4 Act of 1968, the Attorney General may make grants to
5 *SEARCH*, the National Consortium for Justice Informa-
6 tion and Statistics, to carry out the operations of the Na-
7 tional Technical Assistance and Training Program.

8 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
9 authorized to be appropriated to the Attorney General to
10 carry out this section \$2,000,000 for each of fiscal years
11 2006 through 2009.

12 **SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIB-**
13 **UTE ACT.**

14 Section 11001 of Public Law 107–273 (42 U.S.C.
15 15208; 116 Stat. 1816) is amended in subsection (i) by
16 striking “2006” and inserting “2009”.

17 **SEC. 316. AMENDMENT REGARDING BULLYING AND GANGS.**

18 Paragraph (13) of section 1801(b) of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
20 3796ee(b)) is amended to read as follows:

21 “(13) establishing and maintaining account-
22 ability-based programs that are designed to enhance
23 school safety, which programs may include reseach-
24 based bullying and gang prevention programs;”.

1 **SEC. 317. TRANSFER OF PROVISIONS RELATING TO THE BU-**
 2 **REAU OF ALCOHOL, TOBACCO, FIREARMS,**
 3 **AND EXPLOSIVES.**

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

7 **“CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO,**
 8 **FIREARMS, AND EXPLOSIVES**

“Sec.

“599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

“599B. Personnel management demonstration project.”.

9 (b) *TRANSFER OF PROVISIONS.*—The section heading
 10 for, and subsections (a), (b), (c)(1), and (c)(3) of, section
 11 1111, and section 1115, of the Homeland Security Act of
 12 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are
 13 hereby transferred to, and added at the end of chapter 40A
 14 of such title, as added by subsection (a) of this section.

15 (c) *CONFORMING AMENDMENTS.*—

16 (1) Such section 1111 is amended—

17 (A) by striking the section heading and in-
 18 serting the following:

19 **“§599A. Bureau of Alcohol, Tobacco, Firearms, and**
 20 **Explosives”;**

21 and

22 (B) in subsection (b)(2), by inserting “of
 23 section 1111 of the Homeland Security Act of

9 *and such section (as so amended) shall constitute sec-*
10 *tion 599B of such title.*

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

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:

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1 **SEC. 319. NATIONAL TRAINING CENTER.**

2 (a) *IN GENERAL.*—*The Attorney General may use the*
 3 *services of the National Training Center in Sioux City,*
 4 *Iowa, to utilize a national approach to bring communities*
 5 *and criminal justice agencies together to receive training*
 6 *to control the growing national problem of methamphet-*
 7 *amine, poly drugs and their associated crimes. The Na-*
 8 *tional Training Center in Sioux City, Iowa, seeks a com-*
 9 *prehensive approach to control and reduce methamphet-*
 10 *amine trafficking, production and usage through training.*

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

15 (1) \$2,500,000 for fiscal year 2006.

16 (2) \$3,000,000 for fiscal year 2007.

17 (3) \$3,000,000 for fiscal year 2008.

18 (4) \$3,000,000 for fiscal year 2009.

19 **SEC. 320. SENSE OF CONGRESS RELATING TO “GOOD TIME”**

20 **RELEASE.**

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

24 **SEC. 321. POLICE BADGES.**

25 *Section 716 of title 18, United States Code, is amend-*
 26 *ed—*

1 (1) in subsection (b), by inserting “is a genuine
2 *police badge and*” after “*that the badge*”; and

3 (2) by adding at the end the following:

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

7 “(1) *for a dramatic presentation, such as a the-*
8 *atrical, film, or television production; or*

9 “(2) *for legitimate law enforcement purposes.*”.

10 **SEC. 322. OFFICIALLY APPROVED POSTAGE.**

11 *Section 475 of title 18, United States Code, is amended*
12 *by adding at the end the following: “Nothing in this section*
13 *applies to evidence of postage payment approved by the*
14 *United States Postal Service.”.*

15 **TITLE IV—VIOLENCE AGAINST**
16 **WOMEN REAUTHORIZATION**
17 **ACT OF 2005**

18 **SEC. 401. SHORT TITLE.**

19 *Titles IV through X of this Act may be cited as the*
20 *“Violence Against Women Reauthorization Act of 2005”.*

1 **SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PRO-**
 2 **GRAMS RELATING TO VIOLENCE AGAINST**
 3 **WOMEN.**

4 *Part T of the Omnibus Crime Control and Safe Streets*
 5 *Act of 1968 is amended by inserting before section 2001*
 6 *(42 U.S.C. 3796gg) the following new sections:*

7 **“SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING**
 8 **TO VIOLENCE AGAINST WOMEN ARE GENDER-**
 9 **NEUTRAL.**

10 *“In this part, and in any other Act of Congress, unless*
 11 *the context unequivocally requires otherwise, a provision*
 12 *authorizing or requiring the Department of Justice to make*
 13 *grants, or to carry out other activities, for assistance to vic-*
 14 *tims of domestic violence, dating violence, stalking, sexual*
 15 *assault, or trafficking in persons, shall be construed to cover*
 16 *grants that provide assistance to female victims, male vic-*
 17 *tims, or both.*

18 **“SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION**
 19 **CARRIED OUT BY VIOLENCE AGAINST WOMEN**
 20 **OFFICE.**

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

24 *“(1) COURTS.—The term ‘courts’ means any*
 25 *civil or criminal, tribal, and Alaskan Village, Fed-*
 26 *eral, State, local or territorial court having jurisdic-*

1 *tion to address domestic violence, dating violence, sex-*
 2 *ual assault or stalking, including immigration, fam-*
 3 *ily, juvenile, and dependency courts, and the judicial*
 4 *officers serving in those courts, including judges, mag-*
 5 *istrate judges, commissioners, justices of the peace, or*
 6 *any other person with decisionmaking authority.*

7 “(2) *CHILD MALTREATMENT.*—*The term ‘child*
 8 *maltreatment’ means the physical or psychological*
 9 *abuse or neglect of a child or youth, including sexual*
 10 *assault and abuse.*

11 “(3) *COMMUNITY-BASED ORGANIZATION.*—*The*
 12 *term ‘community-based organization’ means an orga-*
 13 *nization that—*

14 “(A) *focuses primarily on domestic violence,*
 15 *dating violence, sexual assault, or stalking;*

16 “(B) *has established a specialized culturally*
 17 *specific program that addresses domestic vio-*
 18 *lence, dating violence, sexual assault, or stalking;*

19 “(C) *has a primary focus on underserved*
 20 *populations (and includes representatives of*
 21 *these populations) and domestic violence, dating*
 22 *violence, sexual assault, or stalking; or*

23 “(D) *obtains expertise, or shows dem-*
 24 *onstrated capacity to work effectively, on domes-*

1 *tic violence, dating violence, sexual assault, and*
2 *stalking through collaboration.*

3 “(4) *COURT-BASED AND COURT-RELATED PER-*
4 *SONNEL.—The term ‘court-based’ and ‘court-related*
5 *personnel’ mean persons working in the court, wheth-*
6 *er paid or volunteer, including—*

7 “(A) *clerks, special masters, domestic rela-*
8 *tions officers, administrators, mediators, custody*
9 *evaluators, guardians ad litem, lawyers, nego-*
10 *tiators, probation, parole, interpreters, victim as-*
11 *sistants, victim advocates, and judicial, adminis-*
12 *trative, or any other professionals or personnel*
13 *similarly involved in the legal process;*

14 “(B) *court security personnel;*

15 “(C) *personnel working in related, supple-*
16 *mentary offices or programs (such as child sup-*
17 *port enforcement); and*

18 “(D) *any other court-based or community-*
19 *based personnel having responsibilities or au-*
20 *thority to address domestic violence, dating vio-*
21 *lence, sexual assault, or stalking in the court sys-*
22 *tem.*

23 “(5) *DOMESTIC VIOLENCE.—The term ‘domestic*
24 *violence’ includes felony or misdemeanor crimes of vi-*
25 *olence committed by a current or former spouse of the*

1 *victim, by a person with whom the victim shares a*
 2 *child in common, by a person who is cohabitating*
 3 *with or has cohabitated with the victim as a spouse,*
 4 *by a person similarly situated to a spouse of the vic-*
 5 *tim under the domestic or family violence laws of the*
 6 *jurisdiction receiving grant monies, or by any other*
 7 *person against an adult, youth, or minor victim who*
 8 *is protected from that person’s acts under the domes-*
 9 *tic or family violence laws of the jurisdiction receiv-*
 10 *ing grant monies.*

11 *“(6) DATING PARTNER.—The term ‘dating part-*
 12 *ner’ refers to a person who is or has been in an ongo-*
 13 *ing social relationship of a romantic or intimate na-*
 14 *ture with the abuser, and existence of such a relation-*
 15 *ship based on a consideration of—*

16 *“(A) the length of the relationship;*

17 *“(B) the type of relationship; and*

18 *“(C) the frequency of interaction between*
 19 *the persons involved in the relationship.*

20 *“(7) DATING VIOLENCE.—The term ‘dating vio-*
 21 *lence’ means violence committed by a person—*

22 *“(A) who is or has been in an ongoing so-*
 23 *cial relationship of a romantic or intimate na-*
 24 *ture with the victim; and*

1 “(B) where the existence of such a relation-
2 ship shall be determined based on a consider-
3 ation of the following factors:

4 “(i) The length of the relationship.

5 “(ii) The type of relationship.

6 “(iii) The frequency of interaction be-
7 tween the persons involved in the relation-
8 ship.

9 “(8) *ELDER ABUSE.*—The term ‘elder abuse’
10 means any action against a person who is 60 years
11 of age or older that constitutes the willful—

12 “(A) infliction of injury, unreasonable con-
13 finement, intimidation, or cruel punishment
14 with resulting physical harm, pain, or mental
15 anguish; or

16 “(B) deprivation by a person, including a
17 caregiver, of goods or services that are necessary
18 to avoid physical harm, mental anguish, or men-
19 tal illness.

20 “(9) *INDIAN.*—The term ‘Indian’ means a mem-
21 ber of an Indian tribe.

22 “(10) *INDIAN HOUSING.*—The term ‘Indian hous-
23 ing’ means housing assistance described in the Native
24 American Assistance and Self-Determination Act of
25 (25 U.S.C. 4101 et seq., as amended).

1 “(11) *INDIAN TRIBE*.—The term ‘Indian tribe’
2 means a tribe, band, pueblo, nation, or other orga-
3 nized group or community of Indians, including any
4 Alaska Native village or regional or village corpora-
5 tion (as defined in, or established pursuant to, the
6 Alaska Native Claims Settlement Act (43 U.S.C. 1601
7 et seq.)), that is recognized as eligible for the special
8 programs and services provided by the United States
9 to Indians because of their status as Indians.

10 “(12) *INDIAN LAW ENFORCEMENT*.—The term
11 ‘Indian law enforcement’ means the departments or
12 individuals under the direction of the Indian tribe
13 that maintain public order.

14 “(13) *LAW ENFORCEMENT*.—The term ‘law en-
15 forcement’ means a public agency charged with polic-
16 ing functions, including any of its component bureaus
17 (such as governmental victim services programs), in-
18 cluding those referred to in section 3 of the Indian
19 Enforcement Reform Act (25 U.S.C. 2802).

20 “(14) *LEGAL ASSISTANCE*.—The term ‘legal as-
21 sistance’—

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

1 “(i) *family, tribal, territorial, immi-*
2 *gration, employment, administrative agen-*
3 *cy, housing matters, campus administrative*
4 *or protection or stay away order pro-*
5 *ceedings, and other similar matters; and*

6 “(ii) *criminal justice investigations,*
7 *prosecutions and post-trial matters (includ-*
8 *ing sentencing, parole, and probation) that*
9 *impact the victim’s safety and privacy, sub-*
10 *ject to subparagraph (B); and*

11 “(B) *does not include representation of a*
12 *defendant in a criminal or juvenile proceeding.*

13 “(15) *LINGUISTICALLY AND CULTURALLY SPE-*
14 *CIFIC SERVICES.—The term ‘linguistically and cul-*
15 *turally specific services’ means community-based serv-*
16 *ices that offer full linguistic access and culturally spe-*
17 *cific services and resources, including outreach, col-*
18 *laboration, and support mechanisms primarily di-*
19 *rected toward racial and ethnic populations and other*
20 *underserved communities.*

21 “(16) *PERSONALLY IDENTIFYING INFORMATION*
22 *OR PERSONAL INFORMATION.—The term ‘personally*
23 *identifying information’ or ‘personal information’*
24 *means individually identifying information for or*
25 *about an individual including information likely to*

1 *disclose the location of a victim of domestic violence,*
 2 *dating violence, sexual assault, or stalking, includ-*
 3 *ing—*

4 *“(A) a first and last name;*

5 *“(B) a home or other physical address;*

6 *“(C) contact information (including a post-*
 7 *al, e-mail or Internet protocol address, or tele-*
 8 *phone or facsimile number);*

9 *“(D) a social security number; and*

10 *“(E) any other information, including date*
 11 *of birth, racial or ethnic background, or religious*
 12 *affiliation, that, in combination with any of sub-*
 13 *paragraphs (A) through (D), would serve to*
 14 *identify any individual.*

15 *“(17) PROSECUTION.—The term ‘prosecution’*
 16 *means any public agency charged with direct respon-*
 17 *sibility for prosecuting criminal offenders, including*
 18 *such agency’s component bureaus (such as govern-*
 19 *mental victim services programs).*

20 *“(18) PROTECTION ORDER OR RESTRAINING*
 21 *ORDER.—The term ‘protection order’ or ‘restraining*
 22 *order’ includes—*

23 *“(A) any injunction, restraining order, or*
 24 *any other order issued by a civil or criminal*
 25 *court for the purpose of preventing violent or*

1 *threatening acts or harassment against, sexual*
2 *violence or contact or communication with or*
3 *physical proximity to, another person, including*
4 *any temporary or final orders issued by civil or*
5 *criminal courts whether obtained by filing an*
6 *independent action or as a pendente lite order in*
7 *another proceeding so long as any civil order*
8 *was issued in response to a complaint, petition,*
9 *or motion filed by or on behalf of a person seek-*
10 *ing protection; and*

11 “(B) any support, child custody or visita-
12 *tion provisions, orders, remedies, or relief issued*
13 *as part of a protection order, restraining order,*
14 *or stay away injunction pursuant to State, trib-*
15 *al, territorial, or local law authorizing the*
16 *issuance of protection orders, restraining orders,*
17 *or injunctions for the protection of victims of do-*
18 *mestic violence, dating violence, sexual assault,*
19 *or stalking.*

20 “(19) *RURAL AREA AND RURAL COMMUNITY.*—
21 *The terms ‘rural area’ and ‘rural community’*
22 *mean—*

23 “(A) any area or community, respectively,
24 *no part of which is within an area designated as*

1 *a standard metropolitan statistical area by the*
2 *Office of Management and Budget; or*

3 “(B) *any area or community, respectively,*
4 *that is—*

5 “(i) *within an area designated as a*
6 *metropolitan statistical area or considered*
7 *as part of a metropolitan statistical area;*
8 *and*

9 “(ii) *located in a rural census tract.*

10 “(20) *RURAL STATE.—The term ‘rural State’*
11 *means a State that has a population density of 52 or*
12 *fewer persons per square mile or a State in which the*
13 *largest county has fewer than 150,000 people, based*
14 *on the most recent decennial census.*

15 “(21) *SEXUAL ASSAULT.—The term ‘sexual as-*
16 *sault’ means any conduct prescribed by chapter 109A*
17 *of title 18, United States Code, whether or not the*
18 *conduct occurs in the special maritime and territorial*
19 *jurisdiction of the United States or in a Federal pris-*
20 *on and includes both assaults committed by offenders*
21 *who are strangers to the victim and assaults com-*
22 *mitted by offenders who are known or related by blood*
23 *or marriage to the victim.*

1 “(22) *STALKING*.—The term ‘stalking’ means en-
 2 gaging in a course of conduct directed at a specific
 3 person that would cause a reasonable person to—

4 “(A) fear for his or her safety or the safety
 5 of others; or

6 “(B) suffer substantial emotional distress.

7 “(23) *STATE*.—The term ‘State’ means each of
 8 the several States, the District of Columbia, the Com-
 9 monwealth of Puerto Rico, and except as otherwise
 10 provided, Guam, American Samoa, the Virgin Is-
 11 lands, and the Northern Mariana Islands.

12 “(24) *STATE DOMESTIC VIOLENCE COALITION*.—
 13 The term ‘State domestic violence coalition’ means a
 14 program determined by the Administration for Chil-
 15 dren and Families under the Family Violence Preven-
 16 tion and Services Act (42 U.S.C. 10410(b)).

17 “(25) *STATE SEXUAL ASSAULT COALITION*.—The
 18 term ‘State sexual assault coalition’ means a program
 19 determined by the Center for Injury Prevention and
 20 Control of the Centers for Disease Control and Pre-
 21 vention under the Public Health Service Act (42
 22 U.S.C. 280b et seq.).

23 “(26) *TERRITORIAL DOMESTIC VIOLENCE OR*
 24 *SEXUAL ASSAULT COALITION*.—The term ‘territorial

1 *domestic violence or sexual assault coalition’ means a*
2 *program addressing domestic violence that is—*

3 “(A) *an established nonprofit, nongovern-*
4 *mental territorial coalition addressing domestic*
5 *violence or sexual assault within the territory; or*

6 “(B) *a nongovernmental organization with*
7 *a demonstrated history of addressing domestic*
8 *violence or sexual assault within the territory*
9 *that proposes to incorporate as a nonprofit, non-*
10 *governmental territorial coalition.*

11 “(27) *TRIBAL COALITION.—The term ‘tribal coa-*
12 *lition’ means—*

13 “(A) *an established nonprofit, nongovern-*
14 *mental tribal coalition addressing domestic vio-*
15 *lence and sexual assault against American In-*
16 *dian and Alaskan Native women; or*

17 “(B) *individuals or organizations that pro-*
18 *pose to incorporate as nonprofit, nongovern-*
19 *mental tribal coalitions to address domestic vio-*
20 *lence and sexual assault against American In-*
21 *dian and Alaskan Native women.*

22 “(28) *TRIBAL GOVERNMENT.—The term ‘tribal*
23 *government’ means—*

24 “(A) *the governing body of an Indian tribe;*
25 *or*

1 “(B) a tribe, band, pueblo, nation, or other
2 organized group or community of Indians, in-
3 cluding any Alaska Native village or regional or
4 village corporation (as defined in, or established
5 pursuant to, the Alaska Native Claims Settle-
6 ment Act (43 U.S.C. 1601 et seq.)), that is recog-
7 nized as eligible for the special programs and
8 services provided by the United States to Indians
9 because of their status as Indians.

10 “(29) TRIBAL ORGANIZATION.—The term ‘tribal
11 organization’ means—

12 “(A) the governing body of any Indian
13 tribe;

14 “(B) any legally established organization of
15 Indians which is controlled, sanctioned, or char-
16 tered by such governing body of a tribe or tribes
17 to be served, or which is democratically elected
18 by the adult members of the Indian community
19 to be served by such organization and which in-
20 cludes the maximum participation of Indians in
21 all phases of its activities; or

22 “(C) any tribal nonprofit organization.

23 “(30) UNDERSERVED POPULATIONS.—The term
24 ‘underserved populations’ includes populations under-
25 served because of geographic location, underserved ra-

1 *cial and ethnic populations, populations underserved*
2 *because of special needs (such as language barriers,*
3 *disabilities, alienage status, or age), and any other*
4 *population determined to be underserved by the Attor-*
5 *ney General.*

6 “(31) *VICTIM ADVOCATE.*—*The term ‘victim ad-*
7 *vocate’ means a person, whether paid or serving as a*
8 *volunteer, who provides services to victims of domestic*
9 *violence, sexual assault, stalking, or dating violence*
10 *under the auspices or supervision of a victim services*
11 *program.*

12 “(32) *VICTIM ASSISTANT.*—*The term ‘victim as-*
13 *stant’ means a person, whether paid or serving as*
14 *a volunteer, who provides services to victims of domes-*
15 *tic violence, sexual assault, stalking, or dating vio-*
16 *lence under the auspices or supervision of a court or*
17 *a law enforcement or prosecution agency.*

18 “(33) *VICTIM SERVICES OR VICTIM SERVICE PRO-*
19 *VIDER.*—*The term ‘victim services’ or ‘victim service*
20 *provider’ means a nonprofit, nongovernmental orga-*
21 *nization that assists domestic violence, dating vio-*
22 *lence, sexual assault, or stalking victims, including*
23 *rape crisis centers, domestic violence shelters, faith-*
24 *based organizations, and other organizations, with a*
25 *documented history of effective work, or a dem-*

1 onstrated capacity to work effectively in collaboration
 2 with an organization with a documented history of ef-
 3 fective work, concerning domestic violence, dating vio-
 4 lence, sexual assault, or stalking.

5 “(34) YOUTH.—The term ‘youth’ means teen and
 6 young adult victims of domestic violence, dating vio-
 7 lence, sexual assault, or stalking.

8 “(b) VIOLENCE AGAINST WOMEN PROVISION.—In this
 9 section, the term ‘violence against women provision’ means
 10 any provision required by law to be carried out by or
 11 through the Violence Against Women Office.

12 **“SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT**
 13 **PROGRAM CARRIED OUT BY VIOLENCE**
 14 **AGAINST WOMEN OFFICE.**

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

19 “(1) NONDISCLOSURE OF CONFIDENTIAL OR PRI-
 20 VATE INFORMATION.—

21 “(A) IN GENERAL.—In order to ensure the
 22 safety of adult, youth, and minor victims of do-
 23 mestic violence, dating violence, sexual assault,
 24 or stalking, and their families, each grantee and

1 *subgrantee shall reasonably protect the confiden-*
2 *tiality and privacy of persons receiving services.*

3 *“(B) NONDISCLOSURE.—Subject to subpara-*
4 *graph (C), grantees and subgrantees shall not—*

5 *“(i) disclose any personally identifying*
6 *information or individual information col-*
7 *lected in connection with services requested,*
8 *utilized, or denied through grantees’ and*
9 *subgrantees’ programs; or*

10 *“(ii) reveal individual client informa-*
11 *tion without the informed, written, reason-*
12 *ably time-limited consent of the person (or*
13 *in the case of an unemancipated minor, the*
14 *minor and the parent or guardian or in the*
15 *case of persons with disabilities, the guard-*
16 *ian) about whom information is sought,*
17 *whether for this program or any other Fed-*
18 *eral, State, tribal, or territorial grant pro-*
19 *gram.*

20 *“(C) RELEASE.—If release of information*
21 *described in subparagraph (B) is compelled by*
22 *statutory or court mandate or is requested by a*
23 *Member of Congress—*

24 *“(i) grantees and subgrantees shall*
25 *make reasonable attempts to provide notice*

1 *to victims affected by the disclosure of infor-*
2 *mation; and*

3 “(ii) grantees and subgrantees shall
4 take steps necessary to protect the privacy
5 and safety of the persons affected by the re-
6 lease of the information.

7 “(D) *INFORMATION SHARING.*—Grantees
8 and subgrantees may share—

9 “(i) nonpersonally identifying data in
10 the aggregate regarding services to their cli-
11 ents and nonpersonally identifying demo-
12 graphic information in order to comply
13 with Federal, State, tribal, or territorial re-
14 porting, evaluation, or data collection re-
15 quirements; and

16 “(ii) court-generated information and
17 law-enforcement generated information con-
18 tained in secure, governmental registries for
19 investigation, prosecution, and enforcement
20 purposes.

21 “(2) *APPROVED ACTIVITIES.*—In carrying out
22 activities under the grant program, grantees and sub-
23 grantees may collaborate with and provide informa-
24 tion to Federal, State, local, tribal, and territorial
25 public officials and agencies to develop and imple-

1 *ment policies to reduce or eliminate domestic violence,*
2 *dating violence, sexual assault, and stalking.*

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

8 “(4) *USE OF FUNDS.—Funds authorized and ap-*
9 *propriated 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 (or*
14 *for use to carry out related research), pursuant to the*
15 *requirements described in paragraph (1)(D).*

16 “(6) *PROHIBITION ON LOBBYING.—Any funds*
17 *appropriated for the grant program shall be subject to*
18 *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.—Funds*
22 *appropriated for the grant program may not be used*
23 *to fund civil representation in a lawsuit based on a*
24 *tort claim. This paragraph shall not be construed as*

1 *a prohibition on providing assistance to obtain res-*
 2 *titution in a protection order or criminal case.*

3 “(b) *VIOLENCE AGAINST WOMEN GRANT PROGRAM.*—
 4 *In this section, the term ‘violence against women grant pro-*
 5 *gram’ means any grant program required by law to be car-*
 6 *ried out by or through the Violence Against Women Office.’.*”

7 ***TITLE V—ENHANCING JUDICIAL***
 8 ***AND LAW ENFORCEMENT***
 9 ***TOOLS TO COMBAT VIOLENCE***

10 ***SEC. 501. STOP GRANTS IMPROVEMENTS.***

11 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 12 *1001(a)(18) of the Omnibus Crime Control and Safe Streets*
 13 *Act of 1968 (42 U.S.C. 3793(a)(8)) is amended by striking*
 14 *“\$185,000,000 for each of fiscal years 2001 through 2005”*
 15 *and inserting “\$215,000,000 for each of fiscal years 2006*
 16 *through 2010”.*

17 (b) *PURPOSE AREA ENHANCEMENTS.*—Section
 18 *2001(b) of title I of the Omnibus Crime Control and Safe*
 19 *Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—*

20 (1) *by striking “, and specifically, for the pur-*
 21 *poses of—” and inserting “, including collaborating*
 22 *with and informing public officials and agencies in*
 23 *order to develop and implement policies to reduce or*
 24 *eliminate domestic violence, dating violence, sexual*

1 *assault, and stalking, and specifically only for the*
2 *purposes of—”;*

3 *(2) in paragraph (5), by inserting after “protec-*
4 *tion orders are granted,” the following: “supporting*
5 *nonprofit nongovernmental victim services programs*
6 *and tribal organizations in working with public offi-*
7 *cials and agencies to develop and implement policies,*
8 *rules, and procedures in order to reduce or eliminate*
9 *domestic violence, dating violence, sexual assault, and*
10 *stalking,”;*

11 *(3) in paragraph (10), by striking “and” after*
12 *the semicolon; and*

13 *(4) by adding at the end the following:*

14 *“(12) maintaining core victim services and*
15 *criminal justice initiatives, while supporting com-*
16 *plementary new initiatives and emergency services for*
17 *victims and their families; and*

18 *“(13) supporting the placement of special victim*
19 *assistants (to be known as ‘Jessica Gonzales Victim*
20 *Assistants’) in local law enforcement agencies to serve*
21 *as liaisons between victims of domestic violence, dat-*
22 *ing violence, sexual assault, and stalking and per-*
23 *sonnel in local law enforcement agencies in order to*
24 *improve the enforcement of protection orders. Jessica*
25 *Gonzales Victim Assistants shall have expertise in do-*

1 *mestic violence, dating violence, sexual assault, or*
2 *stalking and may undertake the following activities—*

3 *“(A) developing, in collaboration with pros-*
4 *ecutors, courts, and victim service providers,*
5 *standardized response policies for local law en-*
6 *forcement agencies, including triage protocols to*
7 *ensure that dangerous or potentially lethal cases*
8 *are identified and prioritized;*

9 *“(B) notifying persons seeking enforcement*
10 *of protection orders as to what responses will be*
11 *provided by the relevant law enforcement agency;*

12 *“(C) referring persons seeking enforcement*
13 *of protection orders to supplementary services*
14 *(such as emergency shelter programs, hotlines, or*
15 *legal assistance services); and*

16 *“(D) taking other appropriate action to as-*
17 *sist or secure the safety of the person seeking en-*
18 *forcement of a protection order.”.*

19 *(c) CLARIFICATION OF ACTIVITIES REGARDING UN-*
20 *DERSERVED POPULATIONS.—Section 2007 of the Omnibus*
21 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
22 *3796gg–1) is amended—*

23 *(1) in subsection (c)(2), by inserting before the*
24 *semicolon the following: “and describe how the State*

1 *will address the needs of racial and ethnic minorities*
2 *and other underserved populations”; and*

3 *(2) in subsection (e)(2), by striking subpara-*
4 *graph (D) and inserting the following:*

5 *“(D) recognize and meaningfully respond to*
6 *the needs of racial and ethnic and other under-*
7 *served populations and ensure that monies set*
8 *aside to fund services and activities for racial*
9 *and ethnic and other underserved populations*
10 *are distributed equitably among those popu-*
11 *lations.”.*

12 *(d) TRIBAL AND TERRITORIAL SETASIDES.—Section*
13 *2007 of the Omnibus Crime Control and Safe Streets Act*
14 *of 1968 (42 U.S.C. 3796gg–1), as amended by subsection*
15 *(c), is further amended—*

16 *(1) in subsection (b)—*

17 *(A) in paragraph (1), by striking “5 per-*
18 *cent” and inserting “10 percent”;*

19 *(B) in paragraph (2), by striking “ $\frac{1}{54}$ ”*
20 *and inserting “ $\frac{1}{56}$ ”;*

21 *(C) in paragraph (3), by striking “and the*
22 *coalition for the combined Territories of the*
23 *United States, each receiving an amount equal*
24 *to $\frac{1}{54}$ ” and inserting “Guam, American Samoa,*
25 *the United States Virgin Islands, and the Com-*

1 *monwealth of the Northern Mariana Islands,*
 2 *each receiving an amount equal to $\frac{1}{56}$ ”;*

3 *(D) in paragraph (4), by striking “ $\frac{1}{54}$ ”*
 4 *and inserting “ $\frac{1}{56}$ ”;*

5 *(E) in paragraph (5), by striking “and”*
 6 *after the semicolon;*

7 *(F) in paragraph (6), by striking the period*
 8 *and inserting “; and”; and*

9 *(G) by adding at the end:*

10 *“(7) such funds shall remain available until ex-*
 11 *pendent.”;*

12 *(2) in subsection (c)(3)(B), by inserting after*
 13 *“victim services” the following: “, of which at least 10*
 14 *percent shall be distributed to culturally specific com-*
 15 *munity-based organizations”; and*

16 *(3) in subsection (d)—*

17 *(A) in paragraph (2), by striking “and”*
 18 *after the semicolon;*

19 *(B) in paragraph (3), by striking the period*
 20 *and inserting “; and”; and*

21 *(C) by adding at the end the following:*

22 *“(4) a memorandum of understanding showing*
 23 *that tribal, territorial, State, or local prosecution, law*
 24 *enforcement, and court and victim service provider*
 25 *subgrantees have consulted with tribal, territorial,*

1 *State, or local victim services programs during the*
 2 *course of developing their grant applications in order*
 3 *to ensure that proposed services, activities and equip-*
 4 *ment acquisitions are designed to promote the safety,*
 5 *confidentiality, and economic independence of victims*
 6 *of domestic violence, sexual assault, stalking, and dat-*
 7 *ing violence.”.*

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

13 “(i) *TRAINING, TECHNICAL ASSISTANCE, AND DATA*
 14 *COLLECTION.—*

15 “(1) *IN GENERAL.—Of the total amounts appro-*
 16 *priated under this part, not less than 3 percent and*
 17 *up to 8 percent shall be available for providing train-*
 18 *ing, technical assistance, and data collection relating*
 19 *to the purpose areas of this part to improve the ca-*
 20 *capacity of grantees, subgrantees, and other entities to*
 21 *offer services and assistance to victims of domestic vi-*
 22 *olence, sexual assault, stalking, and dating violence.*

23 “(2) *INDIAN TRAINING.—The Director of the Vio-*
 24 *lence Against Women Office shall ensure that train-*
 25 *ing, technical assistance, and data collection regard-*

1 *ing violence against Indian women will be developed*
2 *and provided by entities having expertise in tribal*
3 *law and culture.*

4 “(j) *LIMITS ON INTERNET PUBLICATION OF REGISTRA-*
5 *TION INFORMATION.—As a condition of receiving grant*
6 *amounts under this part, the recipient shall not make avail-*
7 *able publicly on the Internet any information regarding the*
8 *registration or filing of a protection order, restraining*
9 *order, or injunction in either the issuing or enforcing State,*
10 *tribal, or territorial jurisdiction, if such publication would*
11 *be likely to publicly reveal the identity or location of the*
12 *party protected under such order. A State, Indian tribe, or*
13 *territory may share court-generated law enforcement gen-*
14 *erated information contained in secure, governmental reg-*
15 *istries for protection order enforcement purposes.”.*

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

20 “(c) *USE OF FUNDS.—A State or Indian tribal gov-*
21 *ernment may use Federal grant funds under this part to*
22 *pay for forensic medical exams performed by trained exam-*
23 *iners for victims of sexual assault, except that such funds*
24 *may not be used to pay for forensic medical exams by any*
25 *State or Indian tribal government that requires victims of*

1 *sexual assault to seek reimbursement for such exams from*
 2 *their insurance carriers.*

3 “(d) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
 4 *tion shall be construed to permit a State to require a victim*
 5 *of sexual assault to participate in the criminal justice sys-*
 6 *tem or cooperate with law enforcement in order to be pro-*
 7 *vided with a forensic medical exam, reimbursement for*
 8 *charges incurred on account of such an exam, or both.”.*

9 (g) *POLYGRAPH TESTING PROHIBITION.*—*Part T of*
 10 *the Omnibus Crime Control and Safe Streets Act of 1968*
 11 *(42 U.S.C. 3796gg et seq.) is amended by adding at the*
 12 *end the following new section:*

13 **“SEC. 2012. POLYGRAPH TESTING PROHIBITION.**

14 “*In order to be eligible for grants under this part, a*
 15 *State, Indian tribal government, or unit of local govern-*
 16 *ment must certify within three years of enactment of the*
 17 *Violence Against Women Reauthorization Act of 2005 that*
 18 *their laws, policies, or practices ensure that no law enforce-*
 19 *ment officer, prosecuting officer, or other government offi-*
 20 *cial shall ask or require an adult, youth, or minor victim*
 21 *of a sex offense as defined under Federal, tribal, State, terri-*
 22 *torial or local law to submit to a polygraph examination*
 23 *or similar truth-telling device or method as a condition for*
 24 *proceeding with the investigation, charging or prosecution*
 25 *of such an offense. A victim’s refusal to submit to the afore-*

1 mentioned shall not prevent the investigation, charging or
 2 prosecution of the pending case.”.

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

7 **“SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN**
 8 **GRANTEES.**

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

11 “(1) to a law enforcement agency having fewer
 12 than 20 officers;

13 “(2) to a victim service provider having an an-
 14 nual operating budget of less than \$5,000,000; or

15 “(3) to any entity that the Attorney General de-
 16 termines has adequately demonstrated financial
 17 need.”.

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

20 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 21 1001(a)(19) of the Omnibus Crime Control and Safe Streets
 22 Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking
 23 “\$65,000,000 for each of fiscal years 2001 through 2005.”
 24 and inserting “\$65,000,000 for each of fiscal years 2006

1 *through 2010. Funds appropriated under this paragraph*
2 *shall remain available until expended.”.*

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

6 (1) *in subsection (a), by striking “to treat do-*
7 *mestic violence as a serious violation” and inserting*
8 *“to treat domestic violence, dating violence, sexual as-*
9 *sault, and stalking as serious violations”;*

10 (2) *in subsection (b)—*

11 (A) *in the matter before paragraph (1), by*
12 *inserting after “State” the following: “, tribal,*
13 *territorial,”;*

14 (B) *in paragraph (1), by striking “manda-*
15 *tory arrest or”;*

16 (C) *in paragraph (2), by—*

17 (i) *inserting after “educational pro-*
18 *grams,” the following: “protection order reg-*
19 *istries,”; and*

20 (ii) *striking “domestic violence and*
21 *dating violence.” and inserting “domestic*
22 *violence, dating violence, sexual assault,*
23 *and stalking. Such policies, educational*
24 *programs, registries, and training shall in-*
25 *corporate confidentiality and privacy pro-*

1 *tections for victims of domestic violence,*
2 *dating violence, sexual assault, and stalk-*
3 *ing.”;*

4 *(D) in paragraph (3), by—*

5 *(i) striking “domestic violence cases”*
6 *and inserting “domestic violence, dating vi-*
7 *olence, sexual assault, and stalking cases”;*
8 *and*

9 *(ii) striking “groups” and inserting*
10 *“teams”;*

11 *(E) in paragraph (5), by striking “domestic*
12 *violence and dating violence” and inserting “do-*
13 *mestic violence, dating violence, sexual assault,*
14 *and stalking”;*

15 *(F) in paragraph (6), by—*

16 *(i) striking “other” and inserting*
17 *“civil”; and*

18 *(ii) inserting after “domestic violence”*
19 *the following: “, dating violence, sexual as-*
20 *sault, and stalking”; and*

21 *(G) by adding at the end the following:*

22 *“(9) To enhance and support the capacity of vic-*
23 *tims services programs to collaborate with and inform*
24 *efforts by State and local jurisdictions and public of-*
25 *ficials and agencies to develop best practices and poli-*

1 *cies regarding arrest of domestic violence, dating vio-*
2 *lence, sexual assault, and stalking offenders and to*
3 *strengthen protection order enforcement and to reduce*
4 *or eliminate domestic violence, dating violence, sexual*
5 *assault, and stalking.*

6 *“(10) To develop State, tribal, territorial, or*
7 *local policies, procedures, and protocols for preventing*
8 *dual arrests and prosecutions in cases of domestic vio-*
9 *lence, dating violence, sexual assault, and stalking*
10 *and to develop effective methods for identifying the*
11 *pattern and history of abuse that indicates which*
12 *party is the actual perpetrator of abuse.*

13 *“(11) To plan, develop and establish comprehen-*
14 *sive victim service and support centers, such as fam-*
15 *ily justice centers, designed to bring together victim*
16 *advocates from non-profit, non-governmental victim*
17 *services organizations, law enforcement officers, pros-*
18 *ecutors, probation officers, governmental victim as-*
19 *stants, forensic medical professionals, civil legal at-*
20 *torneys, chaplains, legal advocates, representatives*
21 *from community-based organizations and other rel-*
22 *evant public or private agencies or organizations into*
23 *one centralized location, in order to improve safety,*
24 *access to services, and confidentiality for victims and*
25 *families.*

1 “(12) To develop and implement policies and
2 training for police, prosecutors, and the judiciary in
3 recognizing, investigating, and prosecuting instances
4 of sexual assault, with an emphasis on recognizing
5 the threat to the community for repeat crime per-
6 petration by such individuals.”;

7 (3) in subsection (c)—

8 (A) in paragraph (3), by striking “and”
9 after the semicolon;

10 (B) in paragraph (4), by striking the period
11 and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(5) certify within three years of enactment of
14 the Violence Against Women Reauthorization Act of
15 2005 that their laws, policies, or practices ensure
16 that—

17 “(A) no law enforcement officer, prosecuting
18 officer or other government official shall ask or
19 require an adult, youth, or minor victim of a sex
20 offense as defined under Federal, tribal, State,
21 territorial, or local law to submit to a polygraph
22 examination or other truth telling device as a
23 condition for proceeding with the investigation,
24 charging or prosecution of such an offense; and

7 “(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than
8 10 percent of the total amount made available for grants
9 under this section for each fiscal year shall be available for
10 grants to Indian tribal governments.”.

(d) TRAINING, TECHNICAL ASSISTANCE, AND DATA
COLLECTION.—Part U of title I of the Omnibus Crime Con-
trol and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.)
is amended by adding at the end the following:

22 *“Of the total amounts appropriated under this part,*
23 *not less than 5 percent and up to 8 percent shall be avail-*
24 *able for providing training, technical assistance, and data*
25 *collection relating to the purpose areas of this part to im-*

1 *prove the capacity of grantees, subgrantees, and other enti-*
 2 *ties to offer services and assistance to victims of domestic*
 3 *violence and dating violence.”.*

4 **SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVE-**
 5 **MENTS.**

6 *Section 1201 of the Violence Against Women Act of*
 7 *2000 (42 U.S.C. 3796gg–6) is amended—*

8 *(1) in subsection (a), by—*

9 *(A) inserting before “legal assistance” the*
 10 *following: “civil and criminal”;*

11 *(B) inserting after “effective aid to” the fol-*
 12 *lowing: “adult, youth, and minor”; and*

13 *(C) striking “domestic violence, dating vio-*
 14 *lence, stalking, or sexual assault” and inserting*
 15 *“domestic violence, dating violence, sexual as-*
 16 *sault, or stalking”;*

17 *(2) in subsection (c), by striking “private non-*
 18 *profit entities, Indian tribal governments,” and in-*
 19 *serting “nonprofit, nongovernmental organizations,*
 20 *Indian tribal governments and tribal organizations,*
 21 *territorial organizations,”;*

22 *(3) in each of paragraphs (1), (2), and (3) of*
 23 *subsection (c), by striking “victims of domestic vio-*
 24 *lence, stalking, and sexual assault” and inserting*

1 *“victims of domestic violence, dating violence, sexual*
2 *assault, and stalking”;*

3 *(4) in subsection (d)—*

4 *(A) in paragraph (1), by striking “domestic*
5 *violence, dating violence, or sexual assault” and*
6 *inserting “domestic violence, dating violence, sex-*
7 *ual assault, or stalking”; and*

8 *(B) by striking paragraphs (2) and (3) and*
9 *inserting the following:*

10 *“(2) any training program conducted in satis-*
11 *faction of the requirement of paragraph (1) has been*
12 *or will be developed with input from and in collabo-*
13 *ration with a tribal, State, territorial, or local domes-*
14 *tic violence, dating violence, sexual assault or stalking*
15 *organization or coalition, as well as appropriate trib-*
16 *al, State, territorial, and local law enforcement offi-*
17 *cials;*

18 *“(3) any person or organization providing legal*
19 *assistance through a program funded under subsection*
20 *(c) has informed and will continue to inform tribal,*
21 *State, territorial, or local domestic violence, dating*
22 *violence, sexual assault or stalking organizations and*
23 *coalitions, as well as appropriate tribal, State, terri-*
24 *torial, and local law enforcement officials of their*
25 *work; and”;* and

1 (5) in subsection (f)—

2 (A) by striking paragraph (1) and inserting
3 the following:

4 “(1) *IN GENERAL.*—There is authorized to be ap-
5 propriated to carry out this section \$55,000,000 for
6 each of fiscal years 2006 through 2010. Funds appro-
7 priated under this section shall remain available
8 until expended and may be used only for the specific
9 programs and activities described in this section.
10 Funds appropriated under this section may not be
11 used for advocacy.”; and

12 (B) in paragraph (2)—

13 (i) in subparagraph (A), by—

14 (I) striking “5 percent” and in-
15 serting “10 percent”;

16 (II) striking “programs” and in-
17 serting “tribal governments or tribal
18 organizations”;

19 (III) inserting “adult, youth, and
20 minor” after “that assist”; and

21 (IV) striking “domestic violence,
22 dating violence, stalking, and sexual
23 assault” and inserting “domestic vio-
24 lence, dating violence, sexual assault,
25 and stalking”; and

1 (ii) in subparagraph (B), by striking
 2 “technical assistance to support projects fo-
 3 cused solely or primarily on providing legal
 4 assistance to victims of sexual assault” and
 5 inserting “technical assistance in civil and
 6 crime victim matters to adult, youth, and
 7 minor victims of sexual assault”.

8 **SEC. 504. COURT TRAINING AND IMPROVEMENTS.**

9 The Violence Against Women Act of 1994 is amended
 10 by adding after subtitle I (42 U.S.C. 14042) the following:

11 **“Subtitle J—Violence Against**
 12 **Women Act Court Training and**
 13 **Improvements**

14 **“SEC. 41001. SHORT TITLE.**

15 “This subtitle may be cited as the ‘Violence Against
 16 Women Act Court Training and Improvements Act of
 17 2005’.

18 **“SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVE-**
 19 **MENTS.**

20 “(a) *PURPOSE.*—The purpose of this section is to en-
 21 able the Attorney General, through the Director of the Office
 22 on Violence Against Women, to award grants to improve
 23 court responses to adult, youth, and minor domestic vio-
 24 lence, dating violence, sexual assault, and stalking to be
 25 used for the following purposes—

1 “(1) improved internal civil and criminal court
2 functions, responses, practices, and procedures;

3 “(2) education for court-based and court-related
4 personnel on issues relating to victims’ needs, includ-
5 ing safety, security, privacy, confidentiality and eco-
6 nomic independence, as well as information about
7 perpetrator behavior and best practices for holding
8 perpetrators accountable;

9 “(3) collaboration and training with Federal,
10 State, and local public agencies and officials and
11 nonprofit, non-governmental organizations to improve
12 implementation and enforcement of relevant Federal,
13 State, tribal, territorial and local law;

14 “(4) to enable courts or court-based or court-re-
15 lated programs to develop new or enhance current—

16 “(A) court infrastructure (such as special-
17 ized courts, dockets, intake centers, or interpreter
18 services and linguistically and culturally specific
19 services, or a court system dedicated to the adju-
20 dication of domestic violence cases);

21 “(B) community-based initiatives within
22 the court system (such as court watch programs,
23 victim advocates, or community-based supple-
24 mentary services);

1 “(C) offender management, monitoring, and
2 accountability programs;

3 “(D) safe and confidential information-stor-
4 age and -sharing databases within and between
5 court systems;

6 “(E) education and outreach programs
7 (such as interpreters) to improve community ac-
8 cess, including enhanced access for racial and
9 ethnic communities and racial and ethnic and
10 other underserved populations (as defined in sec-
11 tion 2000B of the Omnibus Crime Control and
12 Safe Streets Act of 1968); and

13 “(F) other projects likely to improve court
14 responses to domestic violence, dating violence,
15 sexual assault, and stalking;

16 “(5) to provide training, technical assistance,
17 and data collection to tribal, Federal, State, terri-
18 torial or local courts wishing to improve their prac-
19 tices and procedures or to develop new programs; and

20 “(6) to provide training for specialized service
21 providers, such as interpreters.

22 “(b) GRANT REQUIREMENTS.—Grants awarded under
23 this section shall be subject to the following conditions:

24 “(1) ELIGIBLE GRANTEES.—Eligible grantees
25 may include—

1 “(A) tribal, Federal, State, territorial or
2 local courts or court-based programs, provided
3 that the court’s internal organizational policies,
4 procedures, or rules do not require mediation or
5 counseling between offenders and victims phys-
6 ically together in cases where domestic violence,
7 dating violence, sexual assault, or stalking is an
8 issue; and

9 “(B) national, tribal, State, or local pri-
10 vate, nonprofit organizations with demonstrated
11 expertise in developing and providing judicial
12 education about domestic violence, dating vio-
13 lence, sexual assault, or stalking.

14 “(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN
15 GRANTS.—

16 “(A) COURT PROGRAMS.—To be eligible for
17 a grant under subsection (a)(4), applicants shall
18 certify in writing that any courts or court-based
19 personnel working directly with or making deci-
20 sions about adult, youth, or minor parties expe-
21 riencing domestic violence, dating violence, sex-
22 ual assault, and stalking have completed or will
23 complete education about domestic violence, dat-
24 ing violence, sexual assault, and stalking.

1 “(B) *EDUCATION PROGRAMS.*—*To be eligi-*
 2 *ble for a grant under subsection (a)(2), appli-*
 3 *cants shall certify in writing that any education*
 4 *program developed under subsection (a)(2) has*
 5 *been or will be developed with significant input*
 6 *from and in collaboration with a national, trib-*
 7 *al, State, territorial, or local victim services pro-*
 8 *vider or coalition.*

9 “(c) *EVALUATION.*—

10 “(1) *IN GENERAL.*—*The Attorney General,*
 11 *through the Director of the Office on Violence Against*
 12 *Women, may evaluate the grants funded under this*
 13 *section.*

14 “(2) *TRIBAL GRANTEEES.*—*Evaluation of tribal*
 15 *grantees under this section shall be conducted by enti-*
 16 *ties with expertise in Federal Indian law and tribal*
 17 *court practice.*

18 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

19 “(1) *IN GENERAL.*—*There is authorized to be ap-*
 20 *propriated to carry out this section \$4,000,000 for*
 21 *each of fiscal years 2006 to 2010.*

22 “(2) *SET ASIDE.*—*Of the amounts made avail-*
 23 *able under this section in each fiscal year, not less*
 24 *than 10 percent shall be used for grants to tribes.*

1 **“SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CUR-**
2 **RICULA.**

3 “(a) *NATIONAL CURRICULA.*—

4 “(1) *IN GENERAL.*—*The Attorney General,*
5 *through the Director of the Office on Violence Against*
6 *Women, shall fund efforts to develop a national edu-*
7 *cation curriculum for use by State and national judi-*
8 *cial educators to ensure that all courts and court per-*
9 *sonnel have access to information about relevant Fed-*
10 *eral, State, territorial, or local law, promising prac-*
11 *tices, procedures, and policies regarding court re-*
12 *sponses to adult, youth, and minor domestic violence,*
13 *dating violence, sexual assault, and stalking.*

14 “(2) *ELIGIBLE ENTITIES.*—*Any curricula devel-*
15 *oped under this subsection—*

16 “(A) *shall be developed by an entity or enti-*
17 *ties having demonstrated expertise in developing*
18 *judicial education curricula on issues relating to*
19 *domestic violence, dating violence, sexual assault,*
20 *and stalking; or*

21 “(B) *if the primary grantee does not have*
22 *demonstrated expertise such issues, the curricula*
23 *shall be developed by the primary grantee in*
24 *partnership with an organization having such*
25 *expertise.*

26 “(b) *TRIBAL CURRICULA.*—

1 “(1) *IN GENERAL.*—*The Attorney General,*
2 *through the Office on Violence Against Women, shall*
3 *fund efforts to develop education curricula for tribal*
4 *court judges to ensure that all tribal courts have rel-*
5 *evant information about promising practices, proce-*
6 *dures, policies, and law regarding tribal court re-*
7 *sponses to adult, youth, and minor domestic violence,*
8 *dating violence, sexual assault, and stalking.*

9 “(2) *ELIGIBLE ENTITIES.*—*Any curricula devel-*
10 *oped under this subsection—*

11 “(A) *shall be developed by a tribal organi-*
12 *zation having demonstrated expertise in devel-*
13 *oping judicial education curricula on issues re-*
14 *lating to domestic violence, dating violence, sex-*
15 *ual assault, and stalking; and*

16 “(B) *if the primary grantee does not have*
17 *such expertise, the curricula shall be developed by*
18 *the primary grantee through partnership with*
19 *organizations having such expertise.*

20 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

21 “(1) *IN GENERAL.*—*There is authorized to be ap-*
22 *propriated to carry out this section \$1,000,000 for*
23 *each of fiscal years 2006 to 2010.*

24 “(2) *AVAILABILITY.*—*Funds appropriated under*
25 *this section shall remain available until expended and*

1 *may only be used for the specific programs and ac-*
 2 *tivities described in this section.*

3 *“(3) SET ASIDE.—Of the amounts made avail-*
 4 *able under this section in each fiscal year, not less*
 5 *than 10 percent shall be used for grants to tribes.*

6 **“SEC. 41004. ACCESS TO JUSTICE FOR TEENS.**

7 *“(a) PURPOSE.—It is the purpose of this section to en-*
 8 *courage cross training and collaboration between the courts,*
 9 *domestic violence and sexual assault service providers,*
 10 *youth organizations and service providers, violence preven-*
 11 *tion programs, and law enforcement agencies, so that com-*
 12 *munities can establish and implement policies, procedures,*
 13 *and practices to protect and more comprehensively and ef-*
 14 *fectively serve youth victims of dating violence, domestic vi-*
 15 *olence, sexual assault, and stalking between the ages of 12*
 16 *and 24, and to engage, where necessary, other entities ad-*
 17 *dressing the safety, health, mental health, social service,*
 18 *housing, and economic needs of youth victims of domestic*
 19 *violence, dating violence, sexual assault, and stalking.*

20 *“(b) GRANT AUTHORITY.—*

21 *“(1) IN GENERAL.—The Attorney General,*
 22 *through the Director of the Office on Violence Against*
 23 *Women (in this section referred to as the ‘Director’),*
 24 *shall make grants to eligible entities to enable entities*
 25 *to jointly carry out cross training and other collabo-*

1 *rative initiatives that seek to carry out the purposes*
2 *of this section. Amounts appropriated under this sec-*
3 *tion may only be used for programs and activities de-*
4 *scribed under subsection (c).*

5 *“(2) GRANT PERIODS.—Grants shall be awarded*
6 *under this section for a period of 3 fiscal years.*

7 *“(3) ELIGIBLE ENTITIES.—To be eligible for a*
8 *grant under this section, a grant applicant shall es-*
9 *tablish a collaboration that shall include—*

10 *“(A) a Tribal, State, Territorial or local ju-*
11 *venile, family, civil, criminal or other trial court*
12 *with jurisdiction over domestic violence, dating*
13 *violence, sexual assault or stalking cases (herein-*
14 *after referred to as ‘courts’); and*

15 *“(B) a victim service provider that has ex-*
16 *perience in working on domestic violence, dating*
17 *violence, sexual assault, or stalking and the effect*
18 *that those forms of abuse have on young people.*

19 *“(c) USES OF FUNDS.—An entity that receives a grant*
20 *under this section shall use the funds made available*
21 *through the grant for cross-training and collaborative ef-*
22 *forts to—*

23 *“(1) assess and analyze currently available serv-*
24 *ices for youth victims of domestic violence, dating vio-*

1 *lence, sexual assault, and stalking, determine relevant*
2 *barriers to such services in a particular locality;*

3 *“(2) establish and enhance linkages and collabo-*
4 *ration between courts, domestic violence or sexual as-*
5 *sault service providers, and, where applicable, law en-*
6 *forcement agencies, and other entities addressing the*
7 *safety, health, mental health, social service, housing,*
8 *and economic needs of youth victims of domestic vio-*
9 *lence, dating violence, sexual assault or stalking, in-*
10 *cluding community-based supports such as schools,*
11 *local health centers, community action groups, and*
12 *neighborhood coalitions to identify, assess, and re-*
13 *spond appropriately to the varying needs of youth*
14 *victims of dating violence, domestic violence, sexual*
15 *assault or stalking;*

16 *“(3) educate the staff of courts, domestic violence*
17 *and sexual assault service providers, and, as applica-*
18 *ble, the staff of law enforcement agencies, youth orga-*
19 *nizations, schools, healthcare providers and other*
20 *community prevention and intervention programs to*
21 *responsibly address youth victims and perpetrators of*
22 *domestic violence, dating violence, sexual assault and*
23 *stalking, and to understand relevant laws, court pro-*
24 *cedures and policies; and*

1 “(4) provide appropriate resources in juvenile
2 court matters to respond to dating violence, domestic
3 violence, sexual assault and stalking and assure nec-
4 essary services dealing with the health and mental
5 health of youth victims are available.

6 “(d) GRANT APPLICATIONS.—To be eligible for a grant
7 under this section, the entities that are members of the ap-
8 plicant collaboration described in subsection (b)(3) shall
9 jointly submit an application to the Director at such time,
10 in such manner, and containing such information as the
11 Director may require.

12 “(e) PRIORITY.—In awarding grants under this sec-
13 tion, the Director shall give priority to entities that have
14 submitted applications in partnership with law enforce-
15 ment agencies and religious and community organizations
16 and service providers that work primarily with youth, espe-
17 cially teens, and who have demonstrated a commitment to
18 coalition building and cooperative problem solving in deal-
19 ing with problems of dating violence, domestic violence, sex-
20 ual assault, and stalking in teen populations.

21 “(f) DISTRIBUTION.—In awarding grants under this
22 section—

23 “(1) not less than 10 percent of funds appro-
24 priated under this section in any year shall be avail-
25 able for grants to collaborations involving tribal

1 *courts, tribal coalitions, tribal organizations, or do-*
2 *mestic violence or sexual assault service providers the*
3 *primary purpose of which is to provide culturally rel-*
4 *evant services to American Indian or Alaska Native*
5 *women or youth;*

6 *“(2) the Attorney General shall not use more*
7 *than 2.5 percent of funds appropriated under this sec-*
8 *tion in any year for monitoring and evaluation of*
9 *grants made available under this section;*

10 *“(3) the Attorney General shall not use more*
11 *than 2.5 percent of funds appropriated under this sec-*
12 *tion in any year for administration of grants made*
13 *available under this section; and*

14 *“(4) up to 8 percent of funds appropriated under*
15 *this section in any year shall be available to provide*
16 *training, technical assistance, and data collection for*
17 *programs funded under this section.*

18 *“(g) REPORTS.—*

19 *“(1) REPORTS.—Each of the entities that are*
20 *members of the applicant collaboration described in*
21 *subsection (b)(3) and that receive a grant under this*
22 *section shall jointly prepare and submit a report to*
23 *the Attorney General every 18 months detailing the*
24 *activities that the entities have undertaken under the*
25 *grant and such additional information as the Attor-*

1 *ney General may require. Each such report shall con-*
 2 *tain information on—*

3 *“(A) the activities implemented by the re-*
 4 *cipients of the grants awarded under this section;*
 5 *and*

6 *“(B) related initiatives undertaken by the*
 7 *Director to promote attention to dating violence,*
 8 *domestic violence, sexual assault, and stalking*
 9 *and their impact on young victims by—*

10 *“(i) the staffs of courts;*

11 *“(ii) domestic violence, dating violence,*
 12 *sexual assault, and stalking service pro-*
 13 *viders; and*

14 *“(iii) law enforcement agencies and*
 15 *community organizations.*

16 *“(h) AUTHORIZATION OF APPROPRIATIONS.—There*
 17 *are authorized to be appropriated to carry out this section,*
 18 *\$5,000,000 for each of fiscal years 2006 through 2010.”.*

19 **SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.**

20 *(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED*
 21 *BY TERRITORIES.—Section 2265 of title 18, United States*
 22 *Code, is amended—*

23 *(1) by striking “State or Indian tribe” each*
 24 *place it appears and inserting “State, Indian tribe,*
 25 *or territory”;*

1 (2) *by striking “State or tribal” each place it*
 2 *appears and inserting “State, tribal, or territorial”;*
 3 *and*

4 (3) *in subsection (a) by striking “State or tribe”*
 5 *and inserting “State, Indian tribe, or territory”.*

6 (b) *CLARIFICATION OF ENTITIES HAVING ENFORCE-*
 7 *MENT AUTHORITY AND RESPONSIBILITIES.—Section*
 8 *2265(a) of title 18, United States Code, is amended by strik-*
 9 *ing “and enforced as if it were” and inserting “and en-*
 10 *forced by the court and law enforcement personnel of the*
 11 *other State, Indian tribal government, or Territory as if*
 12 *it were”.*

13 (c) *PROTECTION ORDERS.—Sections 2265 and 2266 of*
 14 *title 18, United States Code, are both amended by striking*
 15 *“protection order” each place it appears and inserting*
 16 *“protection order, restraining order, or injunction”.*

17 (d) *DEFINITIONS.—Section 2266 of title 18, United*
 18 *States Code, is amended by striking paragraph (5) and in-*
 19 *serting the following:*

20 “(5) *PROTECTION ORDER, RESTRAINING ORDER,*
 21 *OR INJUNCTION.—The term ‘protection order, re-*
 22 *straining order, or injunction’ includes—*

23 “(A) *any injunction or other order issued*
 24 *by a civil or criminal court for the purpose of*
 25 *preventing violent or threatening acts or harass-*

1 *ment against, sexual violence, or contact or com-*
2 *munication with or physical proximity to, an-*
3 *other person, including any temporary or final*
4 *order issued by a civil or criminal court whether*
5 *obtained by filing an independent action or as*
6 *a pendente lite order in another proceeding so*
7 *long as any civil or criminal order was issued*
8 *in response to a complaint, petition, or motion*
9 *filed by or on behalf of a person seeking protec-*
10 *tion; and*

11 *“(B) any support, child custody or visita-*
12 *tion provisions, orders, remedies or relief issued*
13 *as part of a protection order, restraining order,*
14 *or injunction pursuant to State, tribal, terri-*
15 *torial, or local law authorizing the issuance of*
16 *protection orders, restraining orders, or injunc-*
17 *tions for the protection of victims of domestic vi-*
18 *olence, sexual assault, dating violence, or stalk-*
19 *ing.”.*

20 **SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMES-**
21 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
22 **VIOLENCE, AND STALKING.**

23 *The Violence Against Women Act of 1994, as amended*
24 *by this Act, is further amended by adding after subtitle J*
25 *(as added by section 504) the following:*

1 **“Subtitle K—Privacy Protections for**
2 **Victims of Domestic Violence,**
3 **Dating Violence, Sexual Vio-**
4 **lence, and Stalking**

5 **“SEC. 41101. TASK FORCE.**

6 *“The Attorney General shall establish a task force to*
7 *review and report on policies, procedures, and technological*
8 *issues that may affect the privacy and confidentiality of*
9 *victims of domestic violence, dating violence, stalking and*
10 *sexual assault. The Attorney General shall include rep-*
11 *resentatives from States, tribes, territories, law enforcement,*
12 *court personnel, and private nonprofit organizations whose*
13 *mission is to help develop a best practices model to prevent*
14 *personally identifying information of adult, youth, and*
15 *minor victims of domestic violence, dating violence, stalking*
16 *and sexual assault from being released to the detriment of*
17 *such victimized persons. The Attorney General shall des-*
18 *ignate one staff member to work with the task force. The*
19 *Attorney General is authorized to make grants to develop*
20 *a demonstration project to implement the best practices*
21 *identified by the Task Force.*

22 **“SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.**

23 *“(a) IN GENERAL.—There is authorized to be appro-*
24 *priated to carry out this subtitle \$1,000,000 for each of fis-*
25 *cal years 2006 through 2010.*

1 “(b) *AVAILABILITY.*—Amounts appropriated under
 2 *this section shall remain available until expended and may*
 3 *only be used for the specific programs and activities de-*
 4 *scribed in this subtitle.”.*

5 **SEC. 507. STALKER DATABASE.**

6 *Section 40603 of the Violence Against Women Act of*
 7 *1994 (42 U.S.C. 14032) is amended—*

8 *(1) by striking “2001” and inserting “2006”;*
 9 *and*

10 *(2) by striking “2005” and inserting “2010”.*

11 **SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.**

12 *Section 40114 of the Violence Against Women Act of*
 13 *1994 is amended to read as follows:*

14 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSIST-**
 15 **ANTS.**

16 *“There are authorized to be appropriated to the Attor-*
 17 *ney General for the purpose of appointing victim assistants*
 18 *for the prosecution of sex crimes and domestic violence*
 19 *crimes where applicable (such as the District of Columbia),*
 20 *\$1,000,000 for each of fiscal years 2006 through 2010.”.*

21 **SEC. 509. PREVENTING CYBERSTALKING.**

22 *Section 2261A of title 18, United States Code, is*
 23 *amended—*

24 *(1) in paragraph (1)—*

1 (A) by inserting after “intimidate” the fol-
 2 lowing: “, or places under surveillance with the
 3 intent to kill, injure, harass, or intimidate,”; and

4 (B) by inserting after “or serious bodily in-
 5 jury to,” the following: “or causes substantial
 6 emotional harm to,”;

7 (2) in paragraph (2)(A), by striking “to kill or
 8 injure” and inserting “to kill, injure, harass, or in-
 9 timidate, or places under surveillance with the intent
 10 to kill, injure, harass, or intimidate, or to cause sub-
 11 stantial emotional harm to,”; and

12 (3) in paragraph (2), in the matter following
 13 clause (iii) of subparagraph (B)—

14 (A) by inserting after “uses the mail” the
 15 following: “, any interactive computer service,”;
 16 and

17 (B) by inserting after “course of conduct
 18 that” the following: “causes substantial emo-
 19 tional harm to that person or”.

20 **SEC. 510. REPEAT OFFENDER PROVISION.**

21 Chapter 110A of title 18, United States Code, is
 22 amended by adding after section 2265 the following:

23 **“§ 2265A. Repeat offender provision**

24 “The maximum term of imprisonment for a violation
 25 of this chapter after a prior interstate domestic violence of-

1 *fense (as defined in section 2261) or interstate violation of*
 2 *protection order (as defined in section 2262) or interstate*
 3 *stalking (as defined in sections 2261A(a) and 2261A(b))*
 4 *shall be twice the term otherwise provided for the viola-*
 5 *tion.”.*

6 **SEC. 511. PROHIBITING DATING VIOLENCE.**

7 *Section 2261(a) of title 18, United States Code, is*
 8 *amended—*

9 *(1) in paragraph (1), by striking “or intimate*
 10 *partner” both places such term appears and inserting*
 11 *“, intimate partner, or dating partner”; and*

12 *(2) in paragraph (2), by striking “or intimate*
 13 *partner” both places such term appears and inserting*
 14 *“, intimate partner, or dating partner”.*

15 **SEC. 512. GAO STUDY AND REPORT.**

16 *(a) STUDY REQUIRED.—The Comptroller General*
 17 *shall conduct a study to establish the extent to which men,*
 18 *women, youth, and children are victims of domestic vio-*
 19 *lence, dating violence, sexual assault, and stalking and the*
 20 *availability to all victims of shelter, counseling, legal rep-*
 21 *resentation, and other services commonly provided to vic-*
 22 *tims of domestic violence.*

23 *(b) ACTIVITIES UNDER STUDY.—In conducting the*
 24 *study, the following shall apply:*

1 (1) *CRIME STATISTICS.*—*The Comptroller Gen-*
2 *eral shall not rely only on crime statistics, but may*
3 *also use existing research available, including public*
4 *health studies and academic studies.*

5 (2) *SURVEY.*—*The Comptroller General shall*
6 *survey the Department of Justice, as well as any re-*
7 *cipients of Federal funding for any purpose or an ap-*
8 *propriate sampling of recipients, to determine—*

9 (A) *what services are provided to victims of*
10 *domestic violence, dating violence, sexual assault,*
11 *and stalking;*

12 (B) *whether those services are made avail-*
13 *able to youth, child, female, and male victims;*
14 *and*

15 (C) *the number, age, and gender of victims*
16 *receiving each available service.*

17 (c) *REPORT.*—*Not later than 1 year after the date of*
18 *the enactment of this Act, the Comptroller General shall*
19 *submit to Congress a report on the activities carried out*
20 *under this section.*

1 ***TITLE VI—IMPROVING SERVICES***
 2 ***FOR VICTIMS OF DOMESTIC***
 3 ***VIOLENCE, DATING VIO-***
 4 ***LENCE, SEXUAL ASSAULT,***
 5 ***AND STALKING***

6 ***SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST***
 7 ***WOMEN ACT.***

8 *Section 2001 of the Omnibus Crime Control and Safe*
 9 *Streets Act of 1968 (42 U.S.C. 3796gg) is amended by add-*
 10 *ing at the end the following:*

11 *“(e) USE OF FUNDS.—Funds appropriated for grants*
 12 *under this part may be used only for the specific programs*
 13 *and activities expressly described in this part.”.*

14 ***SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.***

15 *Part T of the Omnibus Crime Control and Safe Streets*
 16 *Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by add-*
 17 *ing after section 2013 (as added by section 501 of this Act)*
 18 *the following:*

19 ***“SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.***

20 *“(a) PURPOSE.—The purposes of this section are—*

21 *“(1) to assist States, Indian tribes, and terri-*
 22 *tories in providing intervention, advocacy, accom-*
 23 *paniment, support services, and related assistance*
 24 *for—*

1 “(A) adult, youth, and minor victims of
2 sexual assault;

3 “(B) family and household members of such
4 victims; and

5 “(C) those collaterally affected by the vic-
6 timization except for the perpetrator of such vic-
7 timization; and

8 “(2) to provide training and technical assistance
9 to, and to support data collection relating to sexual
10 assault by—

11 “(A) Federal, State, tribal, territorial, and
12 local governments, law enforcement agencies, and
13 courts;

14 “(B) professionals working in legal, social
15 service, and health care settings;

16 “(C) nonprofit organizations;

17 “(D) faith-based organizations; and

18 “(E) other individuals and organizations
19 seeking such assistance.

20 “(b) GRANTS TO STATES, TERRITORIES AND TRIBAL
21 ENTITIES.—

22 “(1) GRANTS AUTHORIZED.—The Attorney Gen-
23 eral shall award grants to States, territories and In-
24 dian tribes, tribal organizations, and non-profit trib-
25 al organizations within Indian country and Alaskan

1 *native villages for the establishment, maintenance and*
2 *expansion of rape crisis centers or other programs*
3 *and projects to assist those victimized by sexual as-*
4 *sault.*

5 “(2) *SPECIAL EMPHASIS.—States, territories and*
6 *tribal entities will give special emphasis to the sup-*
7 *port of community-based organizations with a dem-*
8 *onstrated history of providing intervention and re-*
9 *lated assistance to victims of sexual assault.*

10 “(c) *GRANTS FOR CULTURALLY SPECIFIC PROGRAMS*
11 *ADDRESSING SEXUAL ASSAULT.—*

12 “(1) *GRANTS AUTHORIZED.—The Attorney Gen-*
13 *eral shall award grants to any culturally specific*
14 *community-based organization that—*

15 “(A) *is a private, nonprofit organization*
16 *that focuses primarily on racial and ethnic com-*
17 *munities;*

18 “(B) *must have documented organizational*
19 *experience in the area of sexual assault interven-*
20 *tion or have entered into partnership with an or-*
21 *ganization having such expertise;*

22 “(C) *has expertise in the development of*
23 *community-based, linguistically and culturally*
24 *specific outreach and intervention services rel-*
25 *evant for the specific racial and ethnic commu-*

1 *nities to whom assistance would be provided or*
2 *have the capacity to link to existing services in*
3 *the community tailored to the needs of racial*
4 *and ethnic populations; and*

5 *“(D) has an advisory board or steering*
6 *committee and staffing which is reflective of the*
7 *targeted racial and ethnic community.*

8 *“(2) AWARD BASIS.—The Attorney General shall*
9 *award grants under this subsection on a competitive*
10 *basis for a period of no less than 3 fiscal years.*

11 *“(d) SERVICES AUTHORIZED.—For grants under sub-*
12 *section (b) and (c) the following services and activities may*
13 *include—*

14 *“(1) 24 hour hotline services providing crisis*
15 *intervention services and referrals;*

16 *“(2) accompaniment and advocacy through med-*
17 *ical, criminal justice, and social support systems, in-*
18 *cluding medical facilities, police, and court pro-*
19 *ceedings;*

20 *“(3) crisis intervention, short-term individual*
21 *and group support services, and comprehensive service*
22 *coordination, and supervision to assist sexual assault*
23 *victims and family or household members;*

24 *“(4) support mechanisms that are culturally rel-*
25 *evant to the community;*

1 “(5) information and referral to assist the sexual
2 assault victim and family or household members;

3 “(6) community-based, linguistically and cul-
4 turally-specific services including outreach activities
5 for racial and ethnic and other underserved popu-
6 lations and linkages to existing services in these pop-
7 ulations;

8 “(7) collaborating with and informing public of-
9 ficials and agencies in order to develop and imple-
10 ment policies to reduce or eliminate sexual assault;
11 and

12 “(8) the development and distribution of edu-
13 cational materials on issues related to sexual assault
14 and the services described in clauses (A) through (G).

15 “(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL
16 SEXUAL ASSAULT COALITIONS.—

17 “(1) GRANTS AUTHORIZED.—

18 “(A) IN GENERAL.—The Attorney General
19 shall award grants to State, territorial and trib-
20 al sexual assault coalitions to assist in sup-
21 porting the establishment, maintenance and ex-
22 pansion of such coalitions as determined by the
23 National Center for Injury Prevention and Con-
24 trol Office in collaboration with the Violence

1 *Against Women Office of the Department of Jus-*
2 *tice.*

3 “(B) *FIRST-TIME APPLICANTS.*—*No entity*
4 *shall be prohibited from submitting an applica-*
5 *tion under this subsection because such entity*
6 *has not previously applied or received funding*
7 *under this subsection.*

8 “(f) *COALITION ACTIVITIES AUTHORIZED.*—*Grant*
9 *funds received under subsection (e) may be used to—*

10 “(1) *work with local sexual assault programs*
11 *and other providers of direct services to encourage ap-*
12 *propriate responses to sexual assault within the State,*
13 *territory, or Indian tribe;*

14 “(2) *work with judicial and law enforcement*
15 *agencies to encourage appropriate responses to sexual*
16 *assault cases;*

17 “(3) *work with courts, child protective services*
18 *agencies, and children’s advocates to develop appro-*
19 *priate responses to child custody and visitation issues*
20 *when sexual assault has been determined to be a fac-*
21 *tor;*

22 “(4) *design and conduct public education cam-*
23 *paigns;*

1 “(5) plan and monitor the distribution and use
2 of grants and grant funds to their State, territory, or
3 Indian tribe; and

4 “(6) collaborate with and inform Federal, State,
5 Tribal, or local public officials and agencies to de-
6 velop and implement policies to reduce or eliminate
7 sexual assault.

8 “(g) APPLICATION.—

9 “(1) Each eligible entity desiring a grant under
10 subsections (c) and (e) shall submit an application to
11 the Attorney General at such time, in such manner
12 and containing such information as the Attorney
13 General determines to be essential to carry out the
14 purposes of this section.

15 “(2) Each eligible entity desiring a grant under
16 subsection (b) shall include—

17 “(A) demonstration of meaningful involve-
18 ment of the State or territorial coalitions, or
19 Tribal coalition, where applicable, in the devel-
20 opment of the application and implementation of
21 the plans;

22 “(B) a plan for an equitable distribution of
23 grants and grant funds within the State, terri-
24 tory or tribal area and between urban and rural
25 areas within such State or territory;

1 “(C) the State, territorial or Tribal entity
2 that is responsible for the administration of
3 grants; and

4 “(D) any other information the Attorney
5 General reasonably determines to be necessary to
6 carry out the purposes and provisions of this sec-
7 tion.

8 “(h) REPORTING.—

9 “(1) Each entity receiving a grant under sub-
10 section (b), (c) and (e) shall submit a report to the
11 Attorney General that describes the activities carried
12 out with such grant funds.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There is authorized to be ap-
15 propriated \$55,000,000 for each of the fiscal years
16 2006 through 2010 to carry out this section. Any
17 amounts so appropriated shall remain available until
18 expended.

19 “(2) ALLOCATIONS.—Of the total amount appro-
20 priated for each fiscal year to carry out this section—

21 “(A) not more than 2.5 percent shall be
22 used by the Attorney General for evaluation,
23 monitoring and administrative costs under this
24 section;

1 “(B) not more than 2.5 percent shall be
2 used for the provision of technical assistance to
3 grantees and subgrantees under this section, ex-
4 cept that in subsection (c) up to 5 percent of
5 funds appropriated under that subsection may be
6 available for technical assistance to be provided
7 by a national organization or organizations
8 whose primary purpose and expertise is in sex-
9 ual assault within racial and ethnic commu-
10 nities;

11 “(C) not less than 75 percent shall be used
12 for making grants to states and territories and
13 tribal entities under subsection (b) of which not
14 less than 10 percent of this amount shall be allo-
15 cated for grants to tribal entities. State, terri-
16 torial and tribal governmental agencies shall use
17 no more than 5 percent for administrative costs;

18 “(D) not less than 10 percent shall be used
19 for grants for culturally specific programs ad-
20 dressing sexual assault under subsection (c); and

21 “(E) not less than 10 percent shall be used
22 for making grants to state, territorial and tribal
23 coalitions under subsection (e) of which not less
24 than 10 percent shall be allocated for grants to
25 tribal coalitions.

1 *The remaining funds shall be available for grants to*
 2 *State and territorial coalitions, and the Attorney*
 3 *General shall allocate an amount equal to $\frac{1}{56}$ of the*
 4 *amounts so appropriated to each of the several States,*
 5 *the District of Columbia, and the territories.*

6 “(3) *MINIMUM AMOUNT.*—Of the amount appro-
 7 *priated under section (i)(2)(C), the Attorney General,*
 8 *not including the set aside for tribal entities, shall al-*
 9 *locate not less than 1.50 percent to each State and not*
 10 *less than 0.125 percent to each of the territories. The*
 11 *remaining funds shall be allotted to each State and*
 12 *each territory in an amount that bears the same ratio*
 13 *to such remaining funds as the population of such*
 14 *State bears to the population of the combined States,*
 15 *or for territories, the population of the combined ter-*
 16 *ritories.”.*

17 **SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIO-**
 18 **LENCE AND CHILD ABUSE ENFORCEMENT AS-**
 19 **SISTANCE PROGRAM.**

20 *Section 40295 of the Violence Against Women Act of*
 21 *1994 (42 U.S.C. 13971) is amended to read as follows:*

22 **“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIO-**
 23 **LENCE, SEXUAL ASSAULT, STALKING, AND**
 24 **CHILD ABUSE ENFORCEMENT ASSISTANCE.**

25 “(a) *PURPOSES.*—The purposes of this section are—

1 “(1) to identify, assess, and appropriately re-
2 spond to adult, youth, and minor domestic violence,
3 sexual assault, dating violence, and stalking in rural
4 communities, by encouraging collaboration between—

5 “(A) domestic violence, dating violence, sex-
6 ual assault, and stalking victim service pro-
7 viders;

8 “(B) law enforcement agencies;

9 “(C) prosecutors;

10 “(D) courts;

11 “(E) other criminal justice service pro-
12 viders;

13 “(F) human and community service pro-
14 viders;

15 “(G) educational institutions; and

16 “(H) health care providers;

17 “(2) to establish and expand nonprofit, non-
18 governmental, State, tribal, and local government
19 services in rural communities to adult, youth, and
20 minor victims; and

21 “(3) to increase the safety and well-being of
22 women and children in rural communities, by—

23 “(A) dealing directly and immediately with
24 domestic violence, sexual assault, dating violence,

1 *and stalking occurring in rural communities;*
2 *and*

3 “(B) *creating and implementing strategies*
4 *to increase awareness and prevent domestic vio-*
5 *lence, sexual assault, dating violence, and stalk-*
6 *ing.*

7 “(b) *GRANTS AUTHORIZED.—The Attorney General,*
8 *acting through the Director of the Office on Violence Against*
9 *Women (referred to in this section as the ‘Director’), may*
10 *award 3-year grants, with a possible extension for an addi-*
11 *tional 3 years, to States, Indian tribes, local governments,*
12 *and nonprofit, public or private entities, including tribal*
13 *nonprofit organizations, to carry out programs serving*
14 *rural areas or rural communities that address domestic vio-*
15 *lence, dating violence, sexual assault, and stalking by—*

16 “(1) *implementing, expanding, and establishing*
17 *cooperative efforts and projects between law enforce-*
18 *ment officers, prosecutors, victim advocacy groups,*
19 *and other related parties to investigate and prosecute*
20 *incidents of domestic violence, dating violence, sexual*
21 *assault, and stalking;*

22 “(2) *providing treatment, counseling, and other*
23 *long- and short-term assistance to adult, youth, and*
24 *minor victims of domestic violence, dating violence,*

1 *sexual assault, and stalking in rural communities;*
2 *and*

3 “(3) *working in cooperation with the community*
4 *to develop education and prevention strategies di-*
5 *rected toward such issues.*

6 “(c) *USE OF FUNDS.—Funds appropriated pursuant*
7 *to this section shall be used only for specific programs and*
8 *activities expressly described in subsection (a).*

9 “(d) *ALLOTMENTS AND PRIORITIES.—*

10 “(1) *ALLOTMENT FOR INDIAN TRIBES.—Not less*
11 *than 10 percent of the total amount made available*
12 *for each fiscal year to carry out this section shall be*
13 *allocated for grants to Indian tribes or tribal organi-*
14 *zations.*

15 “(2) *ALLOTMENT FOR SEXUAL ASSAULT SERV-*
16 *ICES.—*

17 “(A) *IN GENERAL.—Not less than 25 per-*
18 *cent of the total amount made available for each*
19 *fiscal year to carry out this section shall be allo-*
20 *cated for grants that meaningfully address sex-*
21 *ual assault in rural communities, except as pro-*
22 *vided in subparagraph (B).*

23 “(B) *ESCALATION.—The percentage re-*
24 *quired by subparagraph (A) shall be—*

1 “(i) 30 percent, for any fiscal year for
2 which \$45,000,000 or more is made avail-
3 able to carry out this section;

4 “(ii) 35 percent, for any fiscal year for
5 which \$50,000,000 or more is made avail-
6 able to carry out this section; or

7 “(iii) 40 percent, for any fiscal year
8 for which \$55,000,000 or more is made
9 available to carry out this section.

10 “(C) SAVINGS CLAUSE.—Nothing in this
11 paragraph shall prohibit an applicant from ap-
12 plying for funding to address domestic violence,
13 dating violence, sexual assault, or stalking, sepa-
14 rately or in combination, in the same applica-
15 tion.

16 “(D) REPORT TO CONGRESS.—The Attorney
17 General shall, on an annual basis, submit to
18 Congress a report on the effectiveness of the set-
19 aside for sexual assault services. The report shall
20 include any recommendations of the Attorney
21 General with respect to the rural grant program.

22 “(3) ALLOTMENT FOR TRAINING, TECHNICAL AS-
23 SISTANCE, AND DATA COLLECTION.—Of the amounts
24 appropriated for each fiscal year to carry out this
25 section, not more than 8 percent may be used by the

1 *Director for training, technical assistance, and data*
2 *collection costs. Of the amounts so used, not less than*
3 *25 percent shall be available to nonprofit, nongovern-*
4 *mental organizations whose focus and expertise is in*
5 *addressing sexual assault to provide training, tech-*
6 *nical assistance, and data collection with respect to*
7 *sexual assault grantees.*

8 “(4) *UNDERSERVED POPULATIONS.—In award-*
9 *ing grants under this section, the Director shall give*
10 *priority to the needs of racial and ethnic and other*
11 *underserved populations (as defined in section 2000B*
12 *of the Omnibus Crime Control and Safe Streets Act*
13 *of 1968).*

14 “(e) *AUTHORIZATION OF APPROPRIATIONS.—*

15 “(1) *IN GENERAL.—There are authorized to be*
16 *appropriated \$50,000,000 for each of the fiscal years*
17 *2006 through 2010 to carry out this section.*

18 “(2) *ADDITIONAL FUNDING.—In addition to*
19 *funds received through a grant under subsection (b),*
20 *a law enforcement agency may use funds received*
21 *through a grant under part Q of title I of the Omni-*
22 *bus Crime Control and Safe Streets Act of 1968 (42*
23 *U.S.C. 3796dd et seq.) to accomplish the objectives of*
24 *this section.’’.*

1 **SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.**

2 *Part T of the Omnibus Crime Control and Safe Streets*
3 *Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by add-*
4 *ing after section 2014 (as added by section 602 of this Act)*
5 *the following:*

6 **“SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.**

7 *“(a) GRANTS AUTHORIZED.—The Attorney General*
8 *may award grants to appropriate entities—*

9 *“(1) to provide services for victims of domestic*
10 *violence, abuse by caregivers, and sexual assault who*
11 *are 50 years of age or older;*

12 *“(2) to improve the physical accessibility of ex-*
13 *isting buildings in which services are or will be ren-*
14 *dered for victims of domestic violence and sexual as-*
15 *sault who are 50 years of age or older;*

16 *“(3) to provide training, consultation, and infor-*
17 *mation on abuse by caregivers, domestic violence, dat-*
18 *ing violence, stalking, and sexual assault against in-*
19 *dividuals with disabilities (as defined in section 3 of*
20 *the Americans with Disabilities Act of 1990 (42*
21 *U.S.C. 12102)), and to enhance direct services to such*
22 *individuals;*

23 *“(4) for training programs to assist law enforce-*
24 *ment officers, prosecutors, governmental agencies, vic-*
25 *tim assistants, and relevant officers of Federal, State,*
26 *tribal, territorial, and local courts in recognizing, ad-*

1 *dress, investigating, and prosecuting instances of*
2 *adult, youth, or minor domestic violence, dating vio-*
3 *lence, sexual assault, stalking, elder abuse, and vio-*
4 *lence against individuals with disabilities, including*
5 *domestic violence and sexual assault, against older or*
6 *disabled individuals; and*

7 *“(5) for multidisciplinary collaborative commu-*
8 *nity responses to victims.*

9 *“(b) USE OF FUNDS.—Grant funds under this section*
10 *may be used—*

11 *“(1) to implement or expand programs or serv-*
12 *ices to respond to the needs of persons 50 years of age*
13 *or older who are victims of domestic violence, dating*
14 *violence, sexual assault, stalking, or elder abuse;*

15 *“(2) to provide personnel, training, technical as-*
16 *sistance, data collection, advocacy, intervention, risk*
17 *reduction and prevention of domestic violence, dating*
18 *violence, stalking, and sexual assault against disabled*
19 *individuals;*

20 *“(3) to conduct outreach activities to ensure that*
21 *disabled individuals who are victims of domestic vio-*
22 *lence, dating violence, stalking, or sexual assault re-*
23 *ceive appropriate assistance;*

24 *“(4) to conduct cross-training for victim service*
25 *organizations, governmental agencies, and nonprofit,*

1 *nongovernmental organizations serving individuals*
2 *with disabilities; about risk reduction, intervention,*
3 *prevention and the nature of dynamic of domestic vi-*
4 *olence, dating violence, stalking, and sexual assault*
5 *for disabled individuals;*

6 *“(5) to provide training, technical assistance,*
7 *and data collection to assist with modifications to ex-*
8 *isting policies, protocols, and procedures to ensure*
9 *equal access to the services, programs, and activities*
10 *of victim service organizations for disabled individ-*
11 *uals;*

12 *“(6) to provide training, technical assistance,*
13 *and data collection on the requirements of shelters*
14 *and victim services organizations under Federal anti-*
15 *discrimination laws, including—*

16 *“(A) the Americans with Disabilities Act of*
17 *1990; and*

18 *“(B) section 504 of the Rehabilitation Act of*
19 *1973;*

20 *“(7) to purchase equipment, and provide per-*
21 *sonnel so that shelters and victim service organiza-*
22 *tions can accommodate the needs of disabled individ-*
23 *uals;*

24 *“(8) to provide advocacy and intervention serv-*
25 *ices 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 individ-*
 5 *uals with disabilities; and*

6 *“(C) victim service organizations; or*

7 *“(9) to develop model programs providing advoca-*
 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 to*
 14 *receive a grant under this section if the entity is—*

15 *“(A) a State;*

16 *“(B) a unit of local government;*

17 *“(C) a nonprofit, nongovernmental organi-*
 18 *zation such as a victim services organization, an*
 19 *organization serving individuals with disabil-*
 20 *ities or a community-based organization; and*

21 *“(D) a religious organization.*

22 *“(2) LIMITATION.—A grant awarded for the pur-*
 23 *poses described in subsection (b)(9) shall be awarded*
 24 *only to an eligible agency (as defined in section 410*
 25 *of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5)).*

1 “(d) *APPLICATION.*—An eligible entity desiring a
 2 grant under this section shall submit an application to the
 3 Attorney General at such time, in such manner, and con-
 4 taining such information as the Attorney General may re-
 5 quire.

6 “(e) *REPORTING.*—Not later than 1 year after the last
 7 day of the first fiscal year commencing on or after the date
 8 of enactment of this Act, and not later than 180 days after
 9 the last day of each fiscal year thereafter, the Attorney Gen-
 10 eral shall submit to Congress a report evaluating the effec-
 11 tiveness of programs administered and operated pursuant
 12 to this section.

13 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 14 authorized to be appropriated \$20,500,000 for each of the
 15 fiscal years 2006 through 2010 to carry out this section.”.

16 **SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE**
 17 **HOTLINE.**

18 (a) *STUDY REQUIRED.*—Not later than 6 months after
 19 the date of enactment of this Act, the Comptroller General
 20 shall conduct a study of the National Domestic Violence
 21 Hotline to determine the effectiveness of the Hotline in as-
 22 sisting victims of domestic violence.

23 (b) *ISSUES TO BE STUDIED.*—In conducting the study
 24 under subsection (a), the Comptroller General shall—

1 (1) *compile statistical and substantive informa-*
 2 *tion about calls received by the Hotline since its in-*
 3 *ception, or a representative sample of such calls, while*
 4 *maintaining the confidentiality of Hotline callers;*

5 (2) *interpret the data compiled under paragraph*
 6 (1)—

7 (A) *to determine the trends, gaps in serv-*
 8 *ices, and geographical areas of need; and*

9 (B) *to assess the trends and gaps in services*
 10 *to underserved populations and the military*
 11 *community; and*

12 (3) *gather other important information about*
 13 *domestic violence.*

14 (c) *REPORT.*—*Not later than 3 years after the date of*
 15 *enactment of this Act, the Comptroller General shall submit*
 16 *to Congress a report on the results of the study.*

17 **SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POP-**
 18 **ULATIONS.**

19 (a) *GRANTS AUTHORIZED.*—

20 (1) *IN GENERAL.*—*From amounts made avail-*
 21 *able to carry out this section, the Attorney General,*
 22 *acting through the Director of the Office on Violence*
 23 *Against Women, shall award grants to eligible entities*
 24 *described in subsection (b) to carry out local, re-*
 25 *gional, or national public information campaigns fo-*

1 *cused on addressing adult, youth, or minor domestic*
2 *violence, dating violence, sexual assault, stalking, or*
3 *trafficking within tribal, racial, and ethnic popu-*
4 *lations and immigrant communities, including infor-*
5 *mation on services available to victims and ways to*
6 *prevent or reduce domestic violence, dating violence,*
7 *sexual assault, and stalking.*

8 (2) *TERM.—The Attorney General shall award*
9 *grants under this section for a period of 1 fiscal year.*

10 (b) *ELIGIBLE ENTITIES.—Eligible entities under this*
11 *section are—*

12 (1) *nonprofit, nongovernmental organizations or*
13 *coalitions that represent the targeted tribal, racial,*
14 *and ethnic populations or immigrant community*
15 *that—*

16 (A) *have a documented history of creating*
17 *and administering effective public awareness*
18 *campaigns addressing domestic violence, dating*
19 *violence, sexual assault, and stalking; or*

20 (B) *work in partnership with an organiza-*
21 *tion that has a documented history of creating*
22 *and administering effective public awareness*
23 *campaigns addressing domestic violence, dating*
24 *violence, sexual assault, and stalking; or*

1 (2) *a governmental entity that demonstrates a*
2 *partnership with organizations described in para-*
3 *graph (1).*

4 (c) *ALLOCATION OF FUNDS.—Of the amounts appro-*
5 *priated for grants under this section—*

6 (1) *not more than 20 percent shall be used for*
7 *national model campaign materials targeted to spe-*
8 *cific tribal, racial, or ethnic populations or immi-*
9 *grant community, including American Indian tribes*
10 *and Alaskan native villages for the purposes of re-*
11 *search, testing, message development, and preparation*
12 *of materials; and*

13 (2) *the balance shall be used for not less than 10*
14 *State, regional, territorial, tribal, or local campaigns*
15 *targeting specific communities with information and*
16 *materials developed through the national campaign*
17 *or, if appropriate, new materials to reach an under-*
18 *served population or a particularly isolated commu-*
19 *nity.*

20 (d) *USE OF FUNDS.—Funds appropriated under this*
21 *section shall be used to conduct a public information cam-*
22 *paign and build the capacity and develop leadership of ra-*
23 *cial, ethnic populations, or immigrant community members*
24 *to address domestic violence, dating violence, sexual assault,*
25 *and stalking.*

1 (e) *APPLICATION.*—*An eligible entity desiring a grant*
2 *under this section shall submit an application to the Direc-*
3 *tor of the Office on Violence Against Women at such time,*
4 *in such form, and in such manner as the Director may pre-*
5 *scribe.*

6 (f) *CRITERIA.*—*In awarding grants under this section,*
7 *the Attorney General shall ensure—*

8 (1) *reasonable distribution among eligible grant-*
9 *ees representing various racial, ethnic, and immi-*
10 *grant communities;*

11 (2) *reasonable distribution among State, re-*
12 *gional, territorial, tribal, and local campaigns; and*

13 (3) *that not more than 8 percent of the total*
14 *amount appropriated under this section for each fis-*
15 *cal year is set aside for training, technical assistance,*
16 *and data collection.*

17 (g) *REPORTS.*—*Each eligible entity receiving a grant*
18 *under this section shall submit to the Director of the Office*
19 *of Violence Against Women, every 18 months, a report that*
20 *describes the activities carried out with grant funds.*

21 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
22 *authorized to be appropriated to carry out this section*
23 *\$2,000,000 for each of fiscal years 2006 through 2010.*

1 **TITLE VII—SERVICES, PROTEC-**
 2 **TION, AND JUSTICE FOR**
 3 **YOUNG VICTIMS OF VIO-**
 4 **LENCE**

5 **SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF**
 6 **VIOLENCE.**

7 *The Violence Against Women Act of 1994 is amended*
 8 *by adding after subtitle K (as added by section 506) the*
 9 *following:*

10 **“Subtitle L—Services, Education,**
 11 **Protection and Justice for**
 12 **Young Victims of Violence**

13 **“SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION**
 14 **ON THE INTERSECTION BETWEEN DOMESTIC**
 15 **VIOLENCE AND CHILD MALTREATMENT.**

16 *“(a) PURPOSE.—The purpose of this section is to sup-*
 17 *port efforts by domestic violence or dating violence victim*
 18 *services providers, courts, law enforcement, child welfare*
 19 *agencies, and other related professionals and community or-*
 20 *ganizations to develop collaborative responses and services*
 21 *and provide cross-training to enhance community responses*
 22 *to families where there is both child maltreatment and do-*
 23 *mestic violence.*

24 *“(b) GRANTS AUTHORIZED.—The Attorney General,*
 25 *through the Violence Against Women Office, shall award*

1 *grants on a competitive basis to eligible entities for the pur-*
 2 *poses and in the manner described in this section.*

3 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 4 *authorized to be appropriated to carry out this section*
 5 *\$8,000,000 for each of fiscal years 2006 through 2010.*
 6 *Funds appropriated under this section shall remain avail-*
 7 *able until expended. Of the amounts appropriated to carry*
 8 *out this section for each fiscal year, the Attorney General*
 9 *shall—*

10 “(1) *use not more than 3 percent for evaluation,*
 11 *monitoring, site visits, grantee conferences, and other*
 12 *administrative costs associated with conducting ac-*
 13 *tivities under this section;*

14 “(2) *set aside not more than 10 percent for*
 15 *grants to programs addressing child maltreatment*
 16 *and domestic violence or dating violence that are op-*
 17 *erated by, or in partnership with, a tribal organiza-*
 18 *tion; and*

19 “(3) *set aside up to 8 percent for training and*
 20 *technical assistance, to be provided—*

21 “(A) *to organizations that are establishing*
 22 *or have established collaborative responses and*
 23 *services; and*

24 “(B) *by organizations having demonstrated*
 25 *expertise in developing collaborative community*

1 *and system responses to families in which there*
2 *is both child maltreatment and domestic violence*
3 *or dating violence, whether or not they are re-*
4 *ceiving funds under this section.*

5 “(d) *UNDERSERVED POPULATIONS.*—*In awarding*
6 *grants under this section, the Attorney General shall con-*
7 *sider the needs of racial and ethnic and other underserved*
8 *populations (as defined in section 2000B of the Omnibus*
9 *Crime Control and Safe Streets Act of 1968).*

10 “(e) *GRANT AWARDS.*—*The Attorney General shall*
11 *award grants under this section for periods of not more*
12 *than 3 fiscal years.*

13 “(f) *USES OF FUNDS.*—*Entities receiving grants*
14 *under this section shall use amounts provided to develop*
15 *collaborative responses and services and provide cross-train-*
16 *ing to enhance community responses to families where there*
17 *is both child maltreatment and domestic violence or dating*
18 *violence. Amounts distributed under this section may only*
19 *be used for programs and activities described in subsection*
20 *(g).*

21 “(g) *PROGRAMS AND ACTIVITIES.*—*The programs and*
22 *activities developed under this section shall—*

23 “(1) *encourage cross training, education, service*
24 *development, and collaboration among child welfare*
25 *agencies, domestic violence victim service providers,*

1 *and courts, law enforcement agencies, community-*
2 *based programs, and other entities, in order to ensure*
3 *that such entities have the capacity to and will iden-*
4 *tify, assess, and respond appropriately to—*

5 “(A) *domestic violence or dating violence in*
6 *homes where children are present and may be ex-*
7 *posed to the violence;*

8 “(B) *domestic violence or dating violence in*
9 *child protection cases; and*

10 “(C) *the needs of both the child and non-*
11 *abusing parent;*

12 “(2) *establish and implement policies, proce-*
13 *dures, programs, and practices for child welfare agen-*
14 *cies, domestic violence victim service providers, courts,*
15 *law enforcement agencies, and other entities, that are*
16 *consistent with the principles of protecting and in-*
17 *creasing the immediate and long-term safety and well*
18 *being of children and non-abusing parents and care-*
19 *takers by—*

20 “(A) *increasing the safety, autonomy, ca-*
21 *capacity, and financial security of non-abusing*
22 *parents or caretakers, including developing serv-*
23 *ice plans and utilizing community-based services*
24 *that provide resources and support to non-abus-*
25 *ing parents;*

1 “(B) protecting the safety, security, and
2 well-being of children by preventing their unnec-
3 essary removal from a non-abusing parent, or,
4 in cases where removal of the child is necessary
5 to protect the child’s safety, taking the necessary
6 steps to provide appropriate and community-
7 based services to the child and the non-abusing
8 parent to promote the safe and appropriately
9 prompt reunification of the child with the non-
10 abusing parent;

11 “(C) recognizing the relationship between
12 child maltreatment and domestic violence or dat-
13 ing violence in a family, as well as the impact
14 of and danger posed by the perpetrators’ behav-
15 ior on adult, youth, and minor victims; and

16 “(D) holding adult, youth, and minor per-
17 petrators of domestic violence or dating violence,
18 not adult, youth, and minor victims of abuse or
19 neglect, accountable for stopping the perpetra-
20 tors’ abusive behaviors, including the develop-
21 ment of separate service plans, court filings, or
22 community-based interventions where appro-
23 priate;

24 “(3) increase cooperation and enhance linkages
25 between child welfare agencies, domestic violence vic-

1 *tim service providers, courts (including family, crimi-*
2 *nal, juvenile courts, or tribal courts), law enforcement*
3 *agencies, and other entities to provide more com-*
4 *prehensive community-based services (including*
5 *health, mental health, social service, housing, and*
6 *neighborhood resources) to protect and to serve adult,*
7 *youth, and minor victims;*

8 *“(4) identify, assess, and respond appropriately*
9 *to domestic violence or dating violence in child pro-*
10 *tection cases and to child maltreatment when it co-*
11 *occurs with domestic violence or dating violence;*

12 *“(5) analyze and change policies, procedures,*
13 *and protocols that contribute to overrepresentation of*
14 *racial and ethnic minorities in the court and child*
15 *welfare system; and*

16 *“(6) provide appropriate referrals to community-*
17 *based programs and resources, such as health and*
18 *mental health services, shelter and housing assistance*
19 *for adult, youth, and minor victims and their chil-*
20 *dren, legal assistance and advocacy for adult, youth,*
21 *and minor victims, assistance for parents to help*
22 *their children cope with the impact of exposure to do-*
23 *mestic violence or dating violence and child maltreat-*
24 *ment, appropriate intervention and treatment for*
25 *adult perpetrators of domestic violence or dating vio-*

1 *lence whose children are the subjects of child protec-*
2 *tion cases, programs providing support and assist-*
3 *ance to racial and ethnic populations, and other nec-*
4 *essary supportive services.*

5 *“(h) GRANTEE REQUIREMENTS.—*

6 *“(1) APPLICATIONS.—Under this section, an en-*
7 *tity shall prepare and submit to the Attorney General*
8 *an application at such time, in such manner, and*
9 *containing such information as the Attorney General*
10 *may require, consistent with the requirements de-*
11 *scribed herein. The application shall—*

12 *“(A) ensure that communities impacted by*
13 *these systems or organizations are adequately*
14 *represented in the development of the applica-*
15 *tion, the programs and activities to be under-*
16 *taken, and that they have a significant role in*
17 *evaluating the success of the project;*

18 *“(B) describe how the training and collabo-*
19 *ration activities will enhance or ensure the safety*
20 *and economic security of families where both*
21 *child maltreatment and domestic violence or dat-*
22 *ing violence occurs by providing appropriate re-*
23 *sources, protection, and support to the victimized*
24 *parents of such children and to the children*
25 *themselves; and*

1 “(C) outline methods and means partici-
2 pating entities will use to ensure that all services
3 are provided in a developmentally, linguistically
4 and culturally competent manner and will uti-
5 lize community-based supports and resources.

6 “(2) *ELIGIBLE ENTITIES.*—To be eligible for a
7 grant under this section, an entity shall be a collabo-
8 ration that—

9 “(A) shall include a State or local child
10 welfare agency or Indian Tribe;

11 “(B) shall include a domestic violence or
12 dating violence victim service provider;

13 “(C) may include a court;

14 “(D) may include a law enforcement agen-
15 cy, or Bureau of Indian Affairs providing tribal
16 law enforcement; and

17 “(E) may include any other such agencies
18 or private nonprofit organizations, including
19 community-based organizations, with the capac-
20 ity to provide effective help to the adult, youth,
21 and minor victims served by the collaboration.

22 “(3) *REPORTS.*—Each entity receiving a grant
23 under this section shall report to the Attorney General
24 every 18 months, detailing how the funds have been
25 used.

1 **“SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND**
2 **TO TEENS.**

3 “(a) *GRANTS AUTHORIZED.*—*The Attorney General*
4 *shall award grants to eligible entities to conduct programs*
5 *to serve youth between the ages of 12 and 24 of domestic*
6 *violence, dating violence, sexual assault, and stalking.*
7 *Amounts appropriated under this section may only be used*
8 *for programs and activities described under subsection (c).*

9 “(b) *ELIGIBLE GRANTEES.*—*To be eligible to receive*
10 *a grant under this section, an entity shall be—*

11 “(1) *a nonprofit, nongovernmental entity, the*
12 *primary purpose of which is to provide services to*
13 *victims of domestic violence, dating violence, sexual*
14 *assault, or stalking;*

15 “(2) *a religious or community-based organiza-*
16 *tion that specializes in working with youth victims of*
17 *domestic violence, dating violence, sexual assault, or*
18 *stalking;*

19 “(3) *an Indian Tribe or tribal organization pro-*
20 *viding services primarily to tribal youth or tribal vic-*
21 *tims of domestic violence, dating violence, sexual as-*
22 *sault or stalking; or*

23 “(4) *a nonprofit, nongovernmental entity pro-*
24 *viding services for runaway or homeless youth.*

25 “(c) *USE OF FUNDS.*—

1 “(1) *IN GENERAL.*—An entity that receives a
2 grant under this section shall use amounts provided
3 under the grant to design or replicate, and imple-
4 ment, programs and services, using domestic violence,
5 dating violence, sexual assault, and stalking interven-
6 tion models to respond to the needs of youth who are
7 victims of domestic violence, dating violence, sexual
8 assault or stalking.

9 “(2) *TYPES OF PROGRAMS.*—Such a program—

10 “(A) shall provide direct counseling and ad-
11 vocacy for teens and young adults, who have ex-
12 perienced domestic violence, dating violence, sex-
13 ual assault or stalking;

14 “(B) shall include linguistically, culturally,
15 and community relevant services for racial and
16 ethnic and other underserved populations or
17 linkages to existing services in the community
18 tailored to the needs of racial and ethnic and
19 other underserved populations;

20 “(C) may include mental health services;

21 “(D) may include legal advocacy efforts on
22 behalf of minors and young adults with respect
23 to domestic violence, dating violence, sexual as-
24 sault or stalking;

1 “(E) may work with public officials and
2 agencies to develop and implement policies,
3 rules, and procedures in order to reduce or elimi-
4 nate domestic violence, dating violence, sexual
5 assault, and stalking against youth and young
6 adults; and

7 “(F) may use not more than 25 percent of
8 the grant funds to provide additional services
9 and resources for youth, including childcare,
10 transportation, educational support, and respite
11 care.

12 “(d) AWARDS BASIS.—

13 “(1) GRANTS TO INDIAN TRIBES.—Not less than
14 10 percent of funds appropriated under this section
15 in any year shall be available for grants to Indian
16 Tribes or tribal organizations.

17 “(2) ADMINISTRATION.—The Attorney General
18 shall not use more than 2.5 percent of funds appro-
19 priated under this section in any year for adminis-
20 tration, monitoring, and evaluation of grants made
21 available under this section.

22 “(3) TRAINING, TECHNICAL ASSISTANCE, AND
23 DATA COLLECTION.—Not less than 5 percent of funds
24 appropriated under this section in any year shall be
25 available to provide training, technical assistance,

1 *and data collection for programs funded under this*
 2 *section.*

3 “(e) *TERM.*—*The Attorney General shall make the*
 4 *grants under this section for a period of 3 fiscal years.*

5 “(f) *REPORTS.*—*An entity receiving a grant under this*
 6 *section shall submit to the Attorney General every 18*
 7 *months a report of how grant funds have been used.*

8 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 9 *authorized to be appropriated to carry out this section,*
 10 *\$10,000,000 for each of fiscal years 2006 through 2010.”.*

11 **SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
 12 **PUSES.**

13 (a) *GRANTS AUTHORIZED.*—

14 (1) *IN GENERAL.*—*The Attorney General is au-*
 15 *thorized to make grants to institutions of higher edu-*
 16 *cation, for use by such institutions or consortia con-*
 17 *sisting of campus personnel, student organizations,*
 18 *campus administrators, security personnel, and re-*
 19 *gional crisis centers affiliated with the institution, to*
 20 *develop and strengthen effective security and inves-*
 21 *tigation strategies to combat domestic violence, dating*
 22 *violence, sexual assault, and stalking on campuses,*
 23 *and to develop and strengthen victim services in cases*
 24 *involving such crimes against women on campuses,*
 25 *which may include partnerships with local criminal*

1 *justice authorities and community-based victim serv-*
2 *ices agencies.*

3 (2) *AWARD BASIS.*—*The Attorney General shall*
4 *award grants and contracts under this section on a*
5 *competitive basis for a period of 3 years. The Attor-*
6 *ney General, through the Director of the Office on Vi-*
7 *olence Against Women, shall award the grants in*
8 *amounts of not more than \$500,000 for individual in-*
9 *stitutions of higher education and not more than*
10 *\$1,000,000 for consortia of such institutions.*

11 (3) *EQUITABLE PARTICIPATION.*—*The Attorney*
12 *General shall make every effort to ensure—*

13 (A) *the equitable participation of private*
14 *and public institutions of higher education in*
15 *the activities assisted under this section;*

16 (B) *the equitable geographic distribution of*
17 *grants under this section among the various re-*
18 *gions of the United States; and*

19 (C) *the equitable distribution of grants*
20 *under this section to tribal colleges and univer-*
21 *sities and traditionally black colleges and uni-*
22 *versities.*

23 (b) *USE OF GRANT FUNDS.*—*Grant funds awarded*
24 *under this section may be used for the following purposes:*

1 (1) *To provide personnel, training, technical as-*
2 *sistance, data collection, and other equipment with re-*
3 *spect to the increased apprehension, investigation,*
4 *and adjudication of persons committing domestic vio-*
5 *lence, dating violence, sexual assault, and stalking on*
6 *campus.*

7 (2) *To train campus administrators, campus se-*
8 *curity personnel, and personnel serving on campus*
9 *disciplinary or judicial boards to develop and imple-*
10 *ment campus policies, protocols, and services that*
11 *more effectively identify and respond to the crimes do-*
12 *mestic violence, dating violence, sexual assault, and*
13 *stalking. Within 90 days after the date of enactment*
14 *of this Act, the Attorney General shall issue and make*
15 *available minimum standards of training relating to*
16 *domestic violence, dating violence, sexual assault, and*
17 *stalking on campus, for all campus security personnel*
18 *and personnel serving on campus disciplinary or ju-*
19 *dicial boards.*

20 (3) *To implement and operate education pro-*
21 *grams for the prevention of domestic violence, dating*
22 *violence, sexual assault and stalking.*

23 (4) *To develop, enlarge, or strengthen victim*
24 *services programs on the campuses of the institutions*
25 *involved, including programs providing legal, med-*

1 ical, or psychological counseling, for victims of domes-
2 tic violence, dating violence, sexual assault, and stalk-
3 ing, and to improve delivery of victim assistance on
4 campus. To the extent practicable, such an institution
5 shall collaborate with any entities carrying out non-
6 profit and other victim services programs, including
7 domestic violence, dating violence, sexual assault, and
8 stalking victim services programs in the community
9 in which the institution is located. If appropriate vic-
10 tim services programs are not available in the com-
11 munity or are not accessible to students, the institu-
12 tion shall, to the extent practicable, provide a victim
13 services program on campus or create a victim serv-
14 ices program in collaboration with a community-
15 based organization. The institution shall use not less
16 than 20 percent of the funds made available through
17 the grant for a victim services program provided in
18 accordance with this paragraph.

19 (5) To create, disseminate, or otherwise provide
20 assistance and information about victims' options on
21 and off campus to bring disciplinary or other legal
22 action, including assistance to victims in immigra-
23 tion matters.

24 (6) To develop, install, or expand data collection
25 and communication systems, including computerized

1 *systems, linking campus security to the local law en-*
2 *forcement for the purpose of identifying and tracking*
3 *arrests, protection orders, violations of protection or-*
4 *ders, prosecutions, and convictions with respect to the*
5 *crimes of domestic violence, dating violence, sexual as-*
6 *sault, and stalking on campus.*

7 *(7) To provide capital improvements (including*
8 *improved lighting and communications facilities but*
9 *not including the construction of buildings) on cam-*
10 *pus to address the crimes of domestic violence, dat-*
11 *ing violence, sexual assault, and stalking.*

12 *(8) To support improved coordination among*
13 *campus administrators, campus security personnel,*
14 *and local law enforcement to reduce domestic violence,*
15 *dating violence, sexual assault, and stalking on cam-*
16 *pus.*

17 *(c) APPLICATIONS.—*

18 *(1) IN GENERAL.—In order to be eligible to be*
19 *awarded a grant under this section for any fiscal*
20 *year, an institution of higher education shall submit*
21 *an application to the Attorney General at such time*
22 *and in such manner as the Attorney General shall*
23 *prescribe.*

24 *(2) CONTENTS.—Each application submitted*
25 *under paragraph (1) shall—*

1 (A) describe the need for grant funds and
2 the plan for implementation for any of the pur-
3 poses described in subsection (b);

4 (B) include proof that the institution of
5 higher education collaborated with any non-prof-
6 it, nongovernmental entities carrying out other
7 victim services programs, including domestic vio-
8 lence, dating violence, sexual assault, and stalk-
9 ing victim services programs in the community
10 in which the institution is located;

11 (C) describe the characteristics of the popu-
12 lation being served, including type of campus,
13 demographics of the population, and number of
14 students;

15 (D) provide measurable goals and expected
16 results from the use of the grant funds;

17 (E) provide assurances that the Federal
18 funds made available under this section shall be
19 used to supplement and, to the extent practical,
20 increase the level of funds that would, in the ab-
21 sence of Federal funds, be made available by the
22 institution for the purposes described in sub-
23 section (b); and

1 (F) include such other information and as-
2 surances as the Attorney General reasonably de-
3 termines to be necessary.

4 (3) COMPLIANCE WITH CAMPUS CRIME REPORT-
5 ING REQUIRED.—No institution of higher education
6 shall be eligible for a grant under this section unless
7 such institution is in compliance with the require-
8 ments of section 485(f) of the Higher Education Act
9 of 1965 (20 U.S.C. 1092(f)). Up to \$200,000 of the
10 total amount of grant funds appropriated under this
11 section for fiscal years 2006 through 2010 may be
12 used to provide technical assistance in complying
13 with the mandatory reporting requirements of section
14 485(f) of such Act.

15 (d) GENERAL TERMS AND CONDITIONS.—

16 (1) NONMONETARY ASSISTANCE.—In addition to
17 the assistance provided under this section, the Attor-
18 ney General may request any Federal agency to use
19 the agency's authorities and the resources granted to
20 the agency under Federal law (including personnel,
21 equipment, supplies, facilities, and managerial, tech-
22 nical, and advisory services) in support of campus se-
23 curity, and investigation and victim service efforts.

24 (2) CONFIDENTIALITY.—

1 (A) *NONDISCLOSURE OF CONFIDENTIAL OR*
2 *PRIVATE INFORMATION.*—*In order to ensure the*
3 *safety of adult and minor victims of domestic vi-*
4 *olence, dating violence, sexual assault, or stalk-*
5 *ing and their families, grantees and sub-grantees*
6 *under this section shall reasonably—*

7 (i) *protect the confidentiality and pri-*
8 *vacy of persons receiving services under the*
9 *grants and subgrants; and*

10 (ii) *not disclose and personally identi-*
11 *fying information, or individual client in-*
12 *formation, collected in connection with serv-*
13 *ices requested, utilized, or denied through*
14 *programs provided by such grantees and*
15 *subgrantees under this section.*

16 (B) *CONSENT.*—*A grantee or subgrantee*
17 *under this section shall not reveal personally any*
18 *identifying information or individual client in-*
19 *formation collected as described in subparagraph*
20 *(A) without the informed, written, and reason-*
21 *ably time-limited consent of the person (or, in*
22 *the case of an unemancipated minor, the minor*
23 *and the parent or guardian of the minor) about*
24 *whom information is sought, whether for the pro-*
25 *gram carried out under this section or any other*

1 *Federal, State, tribal, or territorial assistance*
2 *program.*

3 (C) *COMPELLED RELEASE AND NOTICE.—If*
4 *a grantee or subgrantee under this section is*
5 *compelled by statutory or court mandate to dis-*
6 *close information described in subparagraph (A),*
7 *the grantee or subgrantee—*

8 (i) *shall make reasonable attempts to*
9 *provide notice to individuals affected by the*
10 *disclosure of information; and*

11 (ii) *shall take steps necessary to protect*
12 *the privacy and safety of the individual af-*
13 *ected by the disclosure.*

14 (D) *PERMISSIVE SHARING.—Grantees and*
15 *subgrantees under this section may share with*
16 *each other, in order to comply with Federal,*
17 *State, tribal, or territorial reporting, evaluation,*
18 *or data collection requirements—*

19 (i) *aggregate data, that is not person-*
20 *ally identifying information, regarding*
21 *services provided to their clients; and*

22 (ii) *demographic information that is*
23 *not personally identifying information.*

24 (E) *COURT-GENERATED AND LAW ENFORCE-*
25 *MENT-GENERATED INFORMATION.—Grantees and*

1 *subgrantees under this section may share with*
2 *each other—*

3 *(i) court-generated information con-*
4 *tained in secure, governmental registries for*
5 *protection order enforcement purposes; and*

6 *(ii) law enforcement-generated infor-*
7 *mation.*

8 *(F) DEFINITION.—As used in this para-*
9 *graph, the term “personally identifying informa-*
10 *tion” means individually identifying informa-*
11 *tion from or about an individual, including—*

12 *(i) first and last name;*

13 *(ii) home or other physical address, in-*
14 *cluding street name and name of city or*
15 *town;*

16 *(iii) email address or other online con-*
17 *tact information, such as an instant-mes-*
18 *saging user identifier or a screen name that*
19 *reveals an individual’s email address;*

20 *(iv) telephone number;*

21 *(v) social security number;*

22 *(vi) Internet Protocol (“IP”) address*
23 *or host name that identifies an individual;*

24 *(vii) persistent identifier, such as a*
25 *customer number held in a “cookie” or*

processor serial number, that is combined with other available data that identifies 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.

1 (B) *FINAL REPORT.*—Upon completion of
2 the grant period under this section, the institu-
3 tion shall file a performance report with the At-
4 torney General and the Secretary of Education
5 explaining the activities carried out under this
6 section together with an assessment of the effec-
7 tiveness of those activities in achieving the pur-
8 poses described in subsection (b).

9 (4) *REPORT TO CONGRESS.*—Not later than 180
10 days after the end of the fiscal year for which grants
11 are awarded under this section, the Attorney General
12 shall submit to Congress a report that includes—

13 (A) *the number of grants, and the amount*
14 *of funds, distributed under this section;*

15 (B) *a summary of the purposes for which*
16 *the grants were provided and an evaluation of*
17 *the progress made under the grant;*

18 (C) *a statistical summary of the persons*
19 *served, detailing the nature of victimization, and*
20 *providing data on age, sex, race, ethnicity, lan-*
21 *guage, disability, relationship to offender, geo-*
22 *graphic distribution, and type of campus; and*

23 (D) *an evaluation of the effectiveness of pro-*
24 *grams funded under this part.*

1 (e) *AUTHORIZATION OF APPROPRIATIONS.—For the*
2 *purpose of carrying out this section, there are authorized*
3 *to be appropriated \$15,000,000 for each of fiscal years 2006*
4 *through 2010.*

5 **SEC. 703. SAFE HAVENS.**

6 *Section 1301 of the Victims of Trafficking and Violence*
7 *Protection Act of 2000 (42 U.S.C. 10420) is amended—*

8 (1) *by striking the section heading and inserting*
9 *the following:*

10 **“SEC. 1301. SAFE HAVENS FOR CHILDREN.”;**

11 (2) *in subsection (a)—*

12 (A) *by inserting “, through the Director of*
13 *the Office on Violence Against Women,” after*
14 *“Attorney General”;*

15 (B) *by inserting “public or nonprofit non-*
16 *governmental entities, and to” after “may award*
17 *grants to”;*

18 (C) *by inserting “dating violence,” after*
19 *“domestic violence,”;*

20 (D) *by striking “to provide” and inserting*
21 *the following:*

22 “(1) *to provide*”;

23 (E) *by striking the period at the end and*
24 *inserting a semicolon; and*

25 (F) *by adding at the end the following:*

1 “(2) to protect children from the trauma of wit-
 2 nessing domestic or dating violence or experiencing
 3 abduction, injury, or death during parent and child
 4 visitation exchanges;

5 “(3) to protect parents or caretakers who are vic-
 6 tims of domestic and dating violence from experi-
 7 encing further violence, abuse, and threats during
 8 child visitation exchanges; and

9 “(4) to protect children from the trauma of expe-
 10 riencing sexual assault or other forms of physical as-
 11 sault or abuse during parent and child visitation and
 12 visitation exchanges.”; and

13 (3) by striking subsection (e) and inserting the
 14 following:

15 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—

16 “(1) *IN GENERAL.*—There is authorized to be ap-
 17 propriated to carry out this section, \$20,000,000 for
 18 each of fiscal years 2006 through 2010. Funds appro-
 19 priated under this section shall remain available
 20 until expended.

21 “(2) *USE OF FUNDS.*—Of the amounts appro-
 22 priated to carry out this section for each fiscal year,
 23 the Attorney General shall—

1 “(A) set aside not less than 5 percent for
2 grants to Indian tribal governments or tribal or-
3 ganizations;

4 “(B) use not more than 3 percent for eval-
5 uation, monitoring, site visits, grantee con-
6 ferences, and other administrative costs associ-
7 ated with conducting activities under this sec-
8 tion; and

9 “(C) set aside not more than 8 percent for
10 training, technical assistance, and data collec-
11 tion to be provided by organizations having na-
12 tionally recognized expertise in the design of safe
13 and secure supervised visitation programs and
14 visitation exchange of children in situations in-
15 volving domestic violence, dating violence, sexual
16 assault, or stalking.”.

17 **SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DAT-**
18 **ING VIOLENCE, SEXUAL ASSAULT, AND**
19 **STALKING IN MIDDLE AND HIGH SCHOOLS.**

20 (a) *SHORT TITLE.*—This section may be cited as the
21 “Supporting Teens through Education and Protection Act
22 of 2005” or the “STEP Act”.

23 (b) *GRANTS AUTHORIZED.*—The Attorney General,
24 through the Director of the Office on Violence Against
25 Women, is authorized to award grants to middle schools

1 *and high schools that work with domestic violence and sex-*
2 *ual assault experts to enable the schools—*

3 *(1) to provide training to school administrators,*
4 *faculty, counselors, coaches, healthcare providers, se-*
5 *curity personnel, and other staff on the needs and*
6 *concerns of students who experience domestic violence,*
7 *dating violence, sexual assault, or stalking, and the*
8 *impact of such violence on students;*

9 *(2) to develop and implement policies in middle*
10 *and high schools regarding appropriate, safe responses*
11 *to, and identification and referral procedures for, stu-*
12 *dents who are experiencing or perpetrating domestic*
13 *violence, dating violence, sexual assault, or stalking,*
14 *including procedures for handling the requirements of*
15 *court protective orders issued to or against students*
16 *or school personnel, in a manner that ensures the*
17 *safety of the victim and holds the perpetrator account-*
18 *able;*

19 *(3) to provide support services for students and*
20 *school personnel, such as a resource person who is ei-*
21 *ther on-site or on-call, and who is an expert described*
22 *in subsections (i)(2) and (i)(3), for the purpose of de-*
23 *veloping and strengthening effective prevention and*
24 *intervention strategies for students and school per-*

1 *sonnel experiencing domestic violence, dating violence,*
2 *sexual assault or stalking;*

3 *(4) to provide developmentally appropriate edu-*
4 *cational programming to students regarding domestic*
5 *violence, dating violence, sexual assault, and stalking,*
6 *and the impact of experiencing domestic violence, dat-*
7 *ing violence, sexual assault, and stalking on children*
8 *and youth by adapting existing curricula activities to*
9 *the relevant student population;*

10 *(5) to work with existing mentoring programs*
11 *and develop strong mentoring programs for students,*
12 *including student athletes, to help them understand*
13 *and recognize violence and violent behavior, how to*
14 *prevent it and how to appropriately address their*
15 *feelings; and*

16 *(6) to conduct evaluations to assess the impact of*
17 *programs and policies assisted under this section in*
18 *order to enhance the development of the programs.*

19 *(c) AWARD BASIS.—The Director shall award grants*
20 *and contracts under this section on a competitive basis.*

21 *(d) POLICY DISSEMINATION.—The Director shall dis-*
22 *seminate to middle and high schools any existing Depart-*
23 *ment of Justice, Department of Health and Human Serv-*
24 *ices, and Department of Education policy guidance and*
25 *curricula regarding the prevention of domestic violence,*

1 *dating violence, sexual assault, and stalking, and the im-*
2 *pact of the violence on children and youth.*

3 (e) *NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE*
4 *INFORMATION.—In order to ensure the safety of adult,*
5 *youth, and minor victims of domestic violence, dating vio-*
6 *lence, sexual assault, or stalking and their families, grantees*
7 *and subgrantees shall protect the confidentiality and pri-*
8 *vacv of persons receiving services. Grantees and subgrantees*
9 *pursuant to this section shall not disclose any personally*
10 *identifying information or individual information collected*
11 *in connection with services requested, utilized, or denied*
12 *through grantees' and subgrantees' programs. Grantees and*
13 *subgrantees shall not reveal individual client information*
14 *without the informed, written, reasonably time-limited con-*
15 *sent of the person (or in the case of unemancipated minor,*
16 *the minor and the parent or guardian) about whom infor-*
17 *mation is sought, whether for this program or any other*
18 *Tribal, Federal, State or Territorial grant program. If re-*
19 *lease of such information is compelled by statutory or court*
20 *mandate, grantees and subgrantees shall make reasonable*
21 *attempts to provide notice to victims affected by the disclo-*
22 *sure of information. If such personally identifying informa-*
23 *tion is or will be revealed, grantees and subgrantees shall*
24 *take steps necessary to protect the privacy and safety of the*
25 *persons affected by the release of the information. Grantees*

1 *may share non-personally identifying data in the aggregate*
2 *regarding services to their clients and non-personally iden-*
3 *tifying demographic information in order to comply with*
4 *Tribal, Federal, State or Territorial reporting, evaluation,*
5 *or data collection requirements. Grantees and subgrantees*
6 *may share court-generated information contained in secure,*
7 *governmental registries for protection order enforcement*
8 *purposes.*

9 (f) *GRANT TERM AND ALLOCATION.—*

10 (1) *TERM.—The Director shall make the grants*
11 *under this section for a period of 3 fiscal years.*

12 (2) *ALLOCATION.—Not more than 15 percent of*
13 *the funds available to a grantee in a given year shall*
14 *be used for the purposes described in subsection*
15 *(b)(4)(D), (b),(5), and (b)(6).*

16 (g) *DISTRIBUTION.—*

17 (1) *IN GENERAL.—Not less than 5 percent of*
18 *funds appropriated under subsection (l) in any year*
19 *shall be available for grants to tribal schools, schools*
20 *on tribal lands or schools whose student population is*
21 *more than 25 percent native American.*

22 (2) *ADMINISTRATION.—The Director shall not*
23 *use more than 5 percent of funds appropriated under*
24 *subsection (l) in any year for administration, moni-*

1 *toring and evaluation of grants made available under*
2 *this section.*

3 (3) *TRAINING, TECHNICAL ASSISTANCE, AND*
4 *DATA COLLECTION.—Not less than 5 percent of funds*
5 *appropriated under subsection (l) in any year shall*
6 *be available to provide training, technical assistance,*
7 *and data collection for programs funded under this*
8 *section.*

9 (h) *APPLICATION.—To be eligible to be awarded a*
10 *grant or contract under this section for any fiscal year, a*
11 *middle or secondary school, in consultation with an expert*
12 *as described in subsections (i)(2) and (i)(3), shall submit*
13 *an application to the Director at such time and in such*
14 *manner as the Director shall prescribe.*

15 (i) *ELIGIBLE ENTITIES.—To be eligible to receive a*
16 *grant under this section, an entity shall be a partnership*
17 *that—*

18 (1) *shall include a public, charter, tribal, or na-*
19 *tionally accredited private middle or high school, a*
20 *school administered by the Department of Defense*
21 *under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of*
22 *schools, or a school district;*

23 (2) *shall include a domestic violence victim serv-*
24 *ice provider that has a history of working on domestic*

1 *violence and the impact that domestic violence and*
2 *dating violence have on children and youth;*

3 *(3) shall include a sexual assault victim service*
4 *provider, such as a rape crisis center, program serv-*
5 *ing tribal victims of sexual assault, or coalition or*
6 *other nonprofit nongovernmental organization car-*
7 *rying out a community-based sexual assault program,*
8 *that has a history of effective work concerning sexual*
9 *assault and the impact that sexual assault has on*
10 *children and youth; and*

11 *(4) may include a law enforcement agency, the*
12 *State, Tribal, Territorial or local court, nonprofit*
13 *nongovernmental organizations and service providers*
14 *addressing sexual harassment, bullying or gang-re-*
15 *lated violence in schools, and any other such agencies*
16 *or nonprofit nongovernmental organizations with the*
17 *capacity to provide effective assistance to the adult,*
18 *youth, and minor victims served by the partnership.*

19 *(j) PRIORITY.—In awarding grants under this section,*
20 *the Director shall give priority to entities that have sub-*
21 *mitted applications in partnership with relevant courts or*
22 *law enforcement agencies.*

23 *(k) REPORTING AND DISSEMINATION OF INFORMA-*
24 *TION.—*

1 (1) *REPORTING.*—*Each of the entities that are*
2 *members of the applicant partnership described in*
3 *subsection (i), that receive a grant under this section*
4 *shall jointly prepare and submit to the Director every*
5 *18 months a report detailing the activities that the*
6 *entities have undertaken under the grant and such*
7 *additional information as the Director shall require.*

8 (2) *DISSEMINATION OF INFORMATION.*—*Within 9*
9 *months of the completion of the first full grant cycle,*
10 *the Director shall publicly disseminate, including*
11 *through electronic means, model policies and proce-*
12 *dures developed and implemented in middle and high*
13 *schools by the grantees, including information on the*
14 *impact the policies have had on their respective*
15 *schools and communities.*

16 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

17 (1) *IN GENERAL.*—*There is authorized to be ap-*
18 *propriated to carry out this section, \$5,000,000 for*
19 *each of fiscal years 2006 through 2010.*

20 (2) *AVAILABILITY.*—*Funds appropriated under*
21 *paragraph (1) shall remain available until expended.*

1 **TITLE VIII—STRENGTHENING**
 2 **AMERICA’S FAMILIES BY PRE-**
 3 **VENTING VIOLENCE IN THE**
 4 **HOME**

5 **SEC. 801. PREVENTING VIOLENCE IN THE HOME.**

6 *The Violence Against Women Act of 1994 is amended*
 7 *by adding after subtitle L (as added by section 701) the*
 8 *following:*

9 **“Subtitle M—Strengthening Amer-**
 10 **ica’s Families by Preventing Vio-**
 11 **lence in the Home**

12 **“SEC. 41301. PURPOSE.**

13 *“The purpose of this subtitle is to—*

14 *“(1) prevent crimes involving domestic violence,*
 15 *dating violence, sexual assault, and stalking, includ-*
 16 *ing when committed against children and youth;*

17 *“(2) increase the resources and services available*
 18 *to prevent domestic violence, dating violence, sexual*
 19 *assault, and stalking, including when committed*
 20 *against children and youth;*

21 *“(3) reduce the impact of exposure to violence in*
 22 *the lives of children and youth so that the*
 23 *intergenerational cycle of violence is interrupted;*

24 *“(4) develop and implement education and serv-*
 25 *ices programs to prevent children in vulnerable fami-*

1 *lies from becoming victims or perpetrators of domestic*
2 *violence, dating violence, sexual assault, or stalking;*

3 “(5) *promote programs to ensure that children*
4 *and youth receive the assistance they need to end the*
5 *cycle of violence and develop mutually respectful, non-*
6 *violent relationships; and*

7 “(6) *encourage collaboration among community-*
8 *based organizations and governmental agencies serv-*
9 *ing children and youth, providers of health and men-*
10 *tal health services and providers of domestic violence,*
11 *dating violence, sexual assault, and stalking victim*
12 *services to prevent violence.*

13 **“SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EX-**
14 **POSED TO VIOLENCE.**

15 “(a) *GRANTS AUTHORIZED.—*

16 “(1) *IN GENERAL.—The Attorney General, acting*
17 *through the Director of the Office on Violence Against*
18 *Women, and in consultation with the Secretary of*
19 *Health and Human Services, is authorized to award*
20 *grants on a competitive basis to eligible entities for*
21 *the purpose of mitigating the effects of domestic vio-*
22 *lence, dating violence, sexual assault, and stalking on*
23 *children exposed to such violence, and reducing the*
24 *risk of future victimization or perpetration of domes-*

1 *tic violence, dating violence, sexual assault, and stalk-*
2 *ing.*

3 “(2) *TERM.—The Director shall make grants*
4 *under this section for a period of 3 fiscal years.*

5 “(3) *AWARD BASIS.—The Director shall award*
6 *grants—*

7 “(A) *considering the needs of racial and*
8 *ethnic and other underserved populations, as de-*
9 *fin ed in section 2000B of the Omnibus Crime*
10 *Control and Safe Streets Act of 1968;*

11 “(B) *awarding not less than 10 percent of*
12 *such amounts for the funding of tribal projects*
13 *from the amounts made available under this sec-*
14 *tion for a fiscal year;*

15 “(C) *awarding up to 8 percent for the fund-*
16 *ing of training, technical assistance, and data*
17 *collection programs from the amounts made*
18 *available under this section for a fiscal year; and*

19 “(D) *awarding not less than 66 percent to*
20 *programs described in subsection (c)(1) from the*
21 *amounts made available under this section for a*
22 *fiscal year.*

23 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
24 *authorized to be appropriated to carry out this section*
25 *\$15,000,000 for each of fiscal years 2006 through 2010.*

1 “(c) *USE OF FUNDS.*—*The funds appropriated under*
2 *this section shall be used for—*

3 “(1) *programs that provide services for children*
4 *exposed to domestic violence, dating violence, sexual*
5 *assault, or stalking, which may include direct coun-*
6 *seling, advocacy, or mentoring, and must include sup-*
7 *port for the nonabusing parent or the child’s care-*
8 *taker;*

9 “(2) *training and coordination for programs*
10 *that serve children and youth (such as Head Start,*
11 *child care, and after-school programs) on how to safe-*
12 *ly and confidentially identify children and families*
13 *experiencing domestic violence and properly refer*
14 *them to programs that can provide direct services to*
15 *the family and children, and coordination with other*
16 *domestic violence or other programs serving children*
17 *exposed to domestic violence, dating violence, sexual*
18 *assault, or stalking that can provide the training and*
19 *direct services referenced in this subsection; or*

20 “(3) *advocacy within the systems that serve chil-*
21 *dren to improve the system’s understanding of and re-*
22 *sponse to children who have been exposed to domestic*
23 *violence and the needs of the nonabusing parent.*

24 “(d) *ELIGIBLE ENTITIES.*—*To be eligible to receive a*
25 *grant under this section, an entity shall be—*

1 “(1) a victim service provider, tribal nonprofit
2 organization or community-based organization that
3 has a documented history of effective work concerning
4 children or youth exposed to domestic violence, dating
5 violence, sexual assault, or stalking, including pro-
6 grams that provide culturally specific services, Head
7 Start, child care, after school programs, and health
8 and mental health providers; or

9 “(2) a State, territorial, tribal, or local unit of
10 government agency that is partnered with an organi-
11 zation described in paragraph (1).

12 “(e) *GRANTEE REQUIREMENTS*.—Under this section,
13 an entity shall—

14 “(1) prepare and submit to the Director an ap-
15 plication at such time, in such manner, and con-
16 taining such information as the Director may re-
17 quire; and

18 “(2) at a minimum, describe in the application
19 the policies and procedures that the entity has or will
20 adopt to—

21 “(A) enhance or ensure the safety and secu-
22 rity of children who have been exposed to vio-
23 lence and their nonabusing parent, enhance or
24 ensure the safety and security of children and
25 their nonabusing parent in homes already expe-

1 *riencing domestic violence, dating violence, sex-*
2 *ual assault, or stalking; and*

3 *“(B) ensure linguistically, culturally, and*
4 *community relevant services for racial and eth-*
5 *nic and other underserved populations.*

6 *“(f) REPORTS.—An entity receiving a grant under this*
7 *section shall prepare and submit to the Director every 18*
8 *months a report detailing the activities undertaken with*
9 *grant funds, providing additional information as the Direc-*
10 *tor shall require.*

11 **“SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN,**
12 **AND YOUTH TO PREVENT DOMESTIC VIO-**
13 **LENCE, DATING VIOLENCE, SEXUAL ASSAULT,**
14 **AND STALKING.**

15 *“(a) GRANTS AUTHORIZED.—*

16 *“(1) IN GENERAL.—The Attorney General, acting*
17 *through the Director of the Office on Violence Against*
18 *Women, and in collaboration with the Secretary of*
19 *Health and Human Services, shall award grants on*
20 *a competitive basis to eligible entities for the purpose*
21 *of developing or enhancing programs related to build-*
22 *ing alliances among men, women, and youth to pre-*
23 *vent domestic violence, dating violence, sexual assault,*
24 *and stalking by helping them to develop mutually re-*
25 *spectful, nonviolent relationships.*

1 “(2) *TERM.*—*The Director shall make grants*
2 *under this section for a period of 3 fiscal years.*

3 “(3) *AWARD BASIS.*—*The Director shall award*
4 *grants—*

5 “(A) *considering the needs of racial and*
6 *ethnic and other underserved populations (as de-*
7 *finied in section 2000B of the Omnibus Crime*
8 *Control and Safe Streets Act of 1968);*

9 “(B) *with respect to gender-specific pro-*
10 *grams described under subsection (c)(1)(A), en-*
11 *surving reasonable distribution of funds to pro-*
12 *grams for boys and programs for girls;*

13 “(C) *awarding not less than 10 percent of*
14 *such amounts for the funding of tribal projects*
15 *from the amounts made available under this sec-*
16 *tion for a fiscal year; and*

17 “(D) *awarding up to 8 percent for the fund-*
18 *ing of training, technical assistance, and data*
19 *collection for grantees and non-grantees working*
20 *in this area and evaluation programs from the*
21 *amounts made available under this section for a*
22 *fiscal year.*

23 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
24 *authorized to be appropriated to carry out this section*
25 *\$10,000,000 for each of fiscal years 2006 through 2010.*

1 “(c) *USE OF FUNDS.*—

2 “(1) *PROGRAMS.*—*The funds appropriated under*
3 *this section shall be used by eligible entities for—*

4 “(A) *public education and community*
5 *based programs, including gender-specific pro-*
6 *grams in accordance with applicable laws—*

7 “(i) *to encourage children and youth to*
8 *pursue only mutually respectful, nonviolent*
9 *relationships and empower them to reduce*
10 *their risk of becoming victims or perpetra-*
11 *tors of domestic violence, dating violence,*
12 *sexual assault, or stalking; and*

13 “(ii) *that include at a minimum—*

14 “(I) *information on domestic vio-*
15 *lence, dating violence, sexual assault,*
16 *stalking, or child sexual abuse and how*
17 *they affect children and youth; and*

18 “(II) *strategies to help partici-*
19 *pants be as safe as possible; or*

20 “(B) *public education campaigns and com-*
21 *munity organizing to encourage men and boys to*
22 *work as allies with women and girls to prevent*
23 *domestic violence, dating violence, stalking, and*
24 *sexual assault conducted by entities that have ex-*
25 *perience in conducting public education cam-*

1 *paigns that address domestic violence, dating vi-*
2 *olence, sexual assault, or stalking.*

3 “(2) *MEDIA LIMITS.*—*No more than 25 percent*
4 *of funds received by a grantee under this section may*
5 *be used to create and distribute media materials.*

6 “(d) *ELIGIBLE ENTITIES.*—

7 “(1) *RELATIONSHIPS.*—*Eligible entities under*
8 *subsection (c)(1)(A) are—*

9 “(A) *nonprofit, nongovernmental domestic*
10 *violence, dating violence, sexual assault, or stalk-*
11 *ing victim service providers or coalitions;*

12 “(B) *community-based child or youth serv-*
13 *ices organizations with demonstrated experience*
14 *and expertise in addressing the needs and con-*
15 *cerns of young people;*

16 “(C) *a State, territorial, tribal, or unit of*
17 *local governmental entity that is partnered with*
18 *an organization described in subparagraph (A)*
19 *or (B); or*

20 “(D) *a program that provides culturally*
21 *specific services.*

22 “(2) *AWARENESS CAMPAIGN.*—*Eligible entities*
23 *under subsection (c)(1)(B) are—*

24 “(A) *nonprofit, nongovernmental organiza-*
25 *tions or coalitions that have a documented his-*

1 *tory of creating and administering effective pub-*
2 *lic education campaigns addressing the preven-*
3 *tion of domestic violence, dating violence, sexual*
4 *assault or stalking; or*

5 *“(B) a State, territorial, tribal, or unit of*
6 *local governmental entity that is partnered with*
7 *an organization described in subparagraph (A).*

8 *“(e) GRANTEE REQUIREMENTS.—Under this section,*
9 *an entity shall—*

10 *“(1) prepare and submit to the Director an ap-*
11 *plication at such time, in such manner, and con-*
12 *taining such information as the Director may re-*
13 *quire; and*

14 *“(2) for a grant under subsection (c)(1)(A), de-*
15 *scribe in the application the policies and procedures*
16 *that the entity has or will adopt to—*

17 *“(A) enhance or ensure the safety and secu-*
18 *rity of children and youth already experiencing*
19 *domestic violence, dating violence, sexual assault,*
20 *or stalking in their lives;*

21 *“(B) provide, where appropriate, linguis-*
22 *tically, culturally, and community relevant serv-*
23 *ices for racial and ethnic and other underserved*
24 *populations;*

1 “(C) inform participants about laws, serv-
 2 ices, and resources in the community, and make
 3 referrals as appropriate; and

4 “(D) ensure that State and local domestic
 5 violence, dating violence, sexual assault, and
 6 stalking victim service providers and coalitions
 7 are aware of the efforts of organizations receiving
 8 grants under this section.

9 “(f) *REPORTS*.—An entity receiving a grant under this
 10 section shall prepare and submit to the Director every 18
 11 months a report detailing the activities undertaken with
 12 grant funds, including an evaluation of funded programs
 13 and providing additional information as the Director shall
 14 require.

15 **“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT**
 16 **PROGRAMS FOR HOME VISITATION**
 17 **PROJECTS.**

18 “(a) *GRANTS AUTHORIZED*.—

19 “(1) *IN GENERAL*.—The Attorney General, acting
 20 through the Director of the Office on Violence Against
 21 Women, shall award grants on a competitive basis to
 22 home visitation programs, in collaboration with law
 23 enforcement, victim service providers, for the purposes
 24 of developing and implementing model policies and
 25 procedures to train home visitation service providers

1 on addressing domestic violence, dating violence, sex-
2 ual assault, and stalking in families experiencing vio-
3 lence, or at risk of violence, to reduce the impact of
4 that violence on children, maintain safety, improve
5 parenting skills, and break intergenerational cycles of
6 violence.

7 “(2) *TERM.*—The Director shall make the grants
8 under this section for a period of 2 fiscal years.

9 “(3) *AWARD BASIS.*—The Director shall—

10 “(A) consider the needs of underserved pop-
11 ulations;

12 “(B) award not less than 7 percent of such
13 amounts for the funding of tribal projects from
14 the amounts made available under this section
15 for a fiscal year; and

16 “(C) award up to 8 percent for the funding
17 of technical assistance programs from the
18 amounts made available under this section for a
19 fiscal year.

20 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
21 authorized to be appropriated to carry out this section
22 \$5,000,000 for each of fiscal years 2006 through 2010.

23 “(c) *ELIGIBLE ENTITIES.*—To be eligible to receive a
24 grant under this section, an entity shall be a national, Fed-
25 eral, State, local, territorial, or tribal—

1 “(1) home visitation program that provides serv-
2 ices to pregnant women and to young children and
3 their parent or primary caregiver that are provided
4 in the permanent or temporary residence or in other
5 familiar surroundings of the individual or family re-
6 ceiving such services; or

7 “(2) victim services organization or agency in
8 collaboration with an organization or organizations
9 listed in paragraph (1).

10 “(d) *GRANTEE REQUIREMENTS*.—Under this section,
11 an entity shall—

12 “(1) prepare and submit to the Director an ap-
13 plication at such time, in such manner, and con-
14 taining such information as the Director may re-
15 quire; and

16 “(2) describe in the application the policies and
17 procedures that the entity has or will adopt to—

18 “(A) enhance or ensure the safety and secu-
19 rity of children and their nonabusing parent in
20 homes already experiencing domestic violence,
21 dating violence, sexual assault, or stalking;

22 “(B) ensure linguistically, culturally, and
23 community relevant services for racial ethnic
24 and other underserved communities;

1 “(C) ensure the adequate training by do-
2 mestic violence, dating violence, sexual assault or
3 stalking victim service providers of home visita-
4 tion grantee program staff to—

5 “(i) safely screen for or recognize (or
6 both) domestic violence, dating violence, sex-
7 ual assault, and stalking;

8 “(ii) understand the impact of domes-
9 tic violence or sexual assault on children
10 and protective actions taken by a non-
11 abusing parent or caretaker in response to
12 violence against anyone in the household;
13 and

14 “(iii) link new parents with existing
15 community resources in communities where
16 resources exist; and

17 “(D) ensure that relevant State and local
18 domestic violence, dating violence, sexual assault,
19 and stalking victim service providers and coal-
20 itions are aware of the efforts of organizations re-
21 ceiving grants under this section, and are in-
22 cluded as training partners, where possible.”.

1 ***TITLE IX—PROTECTION FOR IM-***
2 ***MIGRANT VICTIMS OF VIO-***
3 ***LENCE***

4 ***SEC. 900. SHORT TITLE; REFERENCES TO VAWA-2000; REGU-***
5 ***LATIONS.***

6 (a) *SHORT TITLE.*—*This title may be cited as “Immi-*
7 *grant Victims of Violence Protection Act of 2005”.*

8 (b) *REFERENCES TO VAWA-2000.*—*In this title, the*
9 *term “VAWA-2000” means the Violence Against Women*
10 *Act of 2000 (division B of Public Law 106–386).*

11 (c) *REGULATIONS.*—*Not later than 180 days after the*
12 *date of the enactment of this Act, the Attorney General, the*
13 *Secretary of Homeland Security, and Secretary of State*
14 *shall promulgate regulations to implement the provisions*
15 *contained in the Battered Immigrant Women Protection*
16 *Act of 2000 (title V of VAWA-2000) and the amendments*
17 *made by (and the provisions of) this title. In applying such*
18 *regulations, in the case of petitions, applications, or certifi-*
19 *cations filed on or before the effective date of publication*
20 *of such regulations for relief covered by such regulations,*
21 *there shall be no requirement to submit an additional peti-*
22 *tion, application, or certification and any priority or simi-*
23 *lar date with respect to such a petition or application shall*
24 *relate back to the date of the filing of the petition or appli-*
25 *cation.*

1 ***Subtitle A—Victims of Crime***

2 ***SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.***

3 *(a) TREATMENT OF SPOUSE AND CHILDREN OF VIC-*
4 *TIMS OF TRAFFICKING.—Clause (ii) of section*
5 *101(a)(15)(T) of the Immigration and Nationality Act (8*
6 *U.S.C. 1101(a)(15)(T)) is amended to read as follows:*

7 *“(ii) if accompanying, or following to join,*
8 *the alien described in clause (i)—*

9 *“(I) in the case of an alien so described*
10 *who is under 21 years of age, the spouse,*
11 *children, unmarried siblings under 18 years*
12 *of age on the date on which such alien ap-*
13 *plied for status under such clause, and par-*
14 *ents of such alien; or*

15 *“(II) in the case of an alien described*
16 *in clause (i) who is 21 years of age or older,*
17 *the spouse and children of such alien;”.*

18 *(b) DURATION OF U AND T VISAS.—*

19 *(1) U VISAS.—Section 214(p) of such Act (8*
20 *U.S.C. 1184(p)) is amended by adding at the end the*
21 *following new paragraph:*

22 *“(6) DURATION OF STATUS.—The authorized pe-*
23 *riod of status of an alien as a nonimmigrant under*
24 *section 101(a)(15)(U) shall be 4 years, but—*

1 “(A) shall be extended on a year-by-year
 2 basis upon certification from a Federal, State or
 3 local law enforcement official, prosecutor, judge,
 4 or other Federal, State or local authority inves-
 5 tigating or prosecuting criminal activity de-
 6 scribed in section 101(a)(15)(U)(iii) that the
 7 alien’s ongoing presence in the United States is
 8 required to assist in the investigation or prosecu-
 9 tion of such criminal activity; and

10 “(B) shall be extended if the alien files an
 11 application for adjustment of status under sec-
 12 tion 245(m), until final adjudication of such ap-
 13 plication.”.

14 (2) *T VISAS*.—Section 214(o) of such Act (8
 15 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of
 16 the *Trafficking Victims Protection Reauthorization*
 17 *Act of 2003* (Public Law 108–193), is amended by
 18 adding at the end the following:

19 “(7) The authorized period of status of an alien as a
 20 nonimmigrant status under section 101(a)(15)(T) shall be
 21 4 years, but—

22 “(A) shall be extended on a year-by-year basis
 23 upon certification from a Federal, State or local law
 24 enforcement official, prosecutor, judge, or other Fed-
 25 eral, State or local authority investigating or pros-

1 *ecuting criminal activity relating to human traf-*
 2 *ficking that the alien’s ongoing presence in the United*
 3 *States is required to assist in the investigation or*
 4 *prosecution of such criminal activity; and*

5 *“(B) shall be extended if the alien files an appli-*
 6 *cation for adjustment of status under section 245(l),*
 7 *until final adjudication of such application.”.*

8 *(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS*
 9 *TO U AND T NONIMMIGRANT STATUS.—*

10 *(1) IN GENERAL.—Section 248 of such Act (8*
 11 *U.S.C. 1258) is amended—*

12 *(A) by striking “The Attorney General” and*
 13 *inserting “(a) The Secretary of Homeland Secu-*
 14 *rity”;*

15 *(B) by inserting “(subject to subsection*
 16 *(b))” after “except”; and*

17 *(C) by adding at the end the following new*
 18 *subsection:*

19 *“(b) The limitation based on inadmissibility under*
 20 *section 212(a)(9)(B) and the exceptions specified in num-*
 21 *bered paragraphs of subsection (a) shall not apply to a*
 22 *change of nonimmigrant classification to that of a non-*
 23 *immigrant under subparagraph (T) or (U) of section*
 24 *101(a)(15), other than from such classification under sub-*
 25 *paragraph (C) or (D) of such section.”.*

1 (2) *CONFORMING AMENDMENT.—Section*
 2 *214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is*
 3 *amended by striking “248(2)” and inserting*
 4 *“248(a)(2)”.*

5 *(d) CERTIFICATION PROCESS FOR VICTIMS OF TRAF-*
 6 *FICKING.—*

7 (1) *VICTIM ASSISTANCE IN INVESTIGATION OR*
 8 *PROSECUTION.—Section 107(b)(1)(E) of the Traf-*
 9 *ficking Victims Protection Act of 2000 (division A of*
 10 *Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is*
 11 *amended—*

12 (A) *in clause (i)(I), by striking “investiga-*
 13 *tion and prosecution” and inserting “investiga-*
 14 *tion or prosecution, by the United States or a*
 15 *State or local government”; and*

16 (B) *in clause (iii)—*

17 (i) *by striking “INVESTIGATION AND*
 18 *PROSECUTION” and “investigation and*
 19 *prosecution” and inserting “INVESTIGATION*
 20 *OR PROSECUTION” and “investigation or*
 21 *prosecution”, respectively;*

22 (ii) *in subclause (II), by striking*
 23 *“and” at the end;*

24 (iii) *in subclause (III), by striking the*
 25 *period and inserting “; or”; and*

1 (iv) by adding at the end the following
2 new subclause:

3 “(IV) responding to and cooper-
4 ating with requests for evidence and
5 information.”.

6 (2) CLARIFYING ROLES OF ATTORNEY GENERAL
7 AND SECRETARY OF HOMELAND SECURITY.—

8 (A) Section 107 of the Trafficking Victims
9 Protection Act of 2000 (division A of Public Law
10 106–386; 22 U.S.C. 7105) is amended—

11 (i) in subsections (b)(1)(E)(i)(II)(bb),
12 (b)(1)(E)(ii), (e)(5), and (g), by striking
13 “Attorney General” and inserting “Sec-
14 retary of Homeland Security” each place it
15 appears; and

16 (ii) in subsection (c), by inserting “,
17 Secretary of Homeland Security,” after
18 “Attorney General”.

19 (B) Section 101(a)(15)(T) of the Immigra-
20 tion and Nationality Act (8 U.S.C.
21 1101(a)(15)(T)) is amended by striking “Attor-
22 ney General” and inserting “Secretary of Home-
23 land Security” each place it appears.

1 (C) Section 212(d)(13) of the Immigration
2 and Nationality Act (8 U.S.C. 1182(d)(13)) is
3 amended—

4 (i) in subparagraph (A), by striking
5 “Attorney General” and inserting “Sec-
6 retary of Homeland Security”;

7 (ii) in subparagraph (B), by striking
8 “Attorney General” the first place it ap-
9 pears and inserting “Secretary of Home-
10 land Security”; and

11 (iii) in subparagraph (B), by striking
12 “Attorney General, in the Attorney Gen-
13 eral’s discretion” and inserting “Secretary,
14 in the Secretary’s discretion”.

15 (D) Section 101(i) of the Immigration and
16 Nationality Act (8 U.S.C. 1101(i)) is amended—

17 (i) in paragraph (1), by striking “At-
18 torney General” and inserting “Secretary of
19 Homeland Security, the Attorney General,”;
20 and

21 (ii) in paragraph (2), by striking “At-
22 torney General” and inserting “Secretary of
23 Homeland Security”.

24 (E) Section 245(l) of the Immigration and
25 Nationality Act (8 U.S.C. 1255(l)) is amended—

1 (i) by striking “Attorney General” and
2 inserting “Secretary of Homeland Security”
3 the first place it appears in paragraphs (1)
4 and (2) and in paragraph (5);

5 (ii) by striking “Attorney General”
6 and inserting “Secretary” the second place
7 it appears in paragraphs (1) and (2); and

8 (iii) in paragraph (2), by striking “At-
9 torney General’s” and inserting “Sec-
10 retary’s”.

11 (3) *REQUEST BY STATE AND LOCAL LAW EN-*
12 *FORCEMENT OFFICIALS.*—Section 107(c)(3) of the
13 *Trafficking Victims Protection Act of 2000 (division*
14 *A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is*
15 *amended by adding at the end the following: “State*
16 *or local law enforcement officials may request that*
17 *such Federal law enforcement officials permit the con-*
18 *tinued presence of trafficking victims. If such a re-*
19 *quest contains a certification that a trafficking victim*
20 *is a victim of a severe form of trafficking, such Fed-*
21 *eral law enforcement officials may permit the contin-*
22 *ued presence of the trafficking victim in accordance*
23 *with this paragraph.”.*

24 (e) *EFFECTIVE DATES.*—

1 (1) *IN GENERAL.*—*The amendments made by*
2 *subsections (a), (b)(1), (c), and (d)(3) shall take effect*
3 *on the date of the enactment of this Act.*

4 (2) *TRANSITION FOR DURATION OF T VISAS.*—*In*
5 *the case of an alien who is classified as a non-*
6 *immigrant under section 101(a)(15)(T) of the Immi-*
7 *gration and Nationality Act (8 U.S.C.*
8 *1101(a)(15)(T)) before the the date of implementation*
9 *of the amendment made by subsection (b)(2) and*
10 *whose period of authorized stay was less than 4 years,*
11 *the authorized period of status of the alien as such a*
12 *nonimmigrant shall be extended to be 4 years and*
13 *shall be further extended on a year-by-year basis as*
14 *provided in section 214(o)(7) of such Act, as added by*
15 *such amendment.*

16 (3) *CERTIFICATION PROCESS.*—(A) *The amend-*
17 *ments made by subsection (d)(1) shall be effective as*
18 *if included in the enactment of VAWA–2000.*

19 (B) *The amendments made by subsection (d)(2)*
20 *shall be effective as of the applicable date of transfer*
21 *of authority from the Attorney General to the Sec-*
22 *retary of Homeland Security under the Homeland Se-*
23 *curity Act of 2002 (Public Law 107–296).*

1 **SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER**
2 **HARDSHIP WAIVERS FOR CONDITIONAL PER-**
3 **MANENT RESIDENCE.**

4 (a) *IN GENERAL.*—Section 216(c)(4) of the Immigra-
5 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
6 ed by adding at the end the following: “An application for
7 relief under this paragraph may be based on one or more
8 grounds specified in subparagraphs (A) through (D) and
9 may be amended at any time to change the ground or
10 grounds for such relief without the application being resub-
11 mitted.”.

12 (b) *APPEALS.*—Such section is further amended by
13 adding at the end the following: “Such an application may
14 not be considered if there is a final removal order in effect
15 with respect to the alien.”.

16 (c) *CONFORMING AMENDMENT.*—Section
17 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))
18 is amended by inserting before the period at the end the
19 following: “or qualifies for a waiver under section
20 216(c)(4)”.

21 (d) *EFFECTIVE DATES.*—

22 (1) *The amendment made by subsection (a) shall*
23 *apply to applications for relief pending or filed on or*
24 *after April 10, 2003.*

1 (2) *The amendment made by subsection (b) shall*
 2 *apply to applications for relief filed on or after the*
 3 *date of the enactment of this Act.*

4 **SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**
 5 **FICKING.**

6 (a) *REDUCTION IN REQUIRED PERIOD OF PRESENCE*
 7 *AUTHORIZED.—*

8 (1) *IN GENERAL.—Section 245(l) of the Immi-*
 9 *gration and Nationality Act (8 U.S.C. 1255(l)) is*
 10 *amended—*

11 (A) *in paragraph (1)(A), by inserting “sub-*
 12 *ject to paragraph (6),” after “(A)”;*

13 (B) *in paragraph (1)(A), by inserting after*
 14 *“since” the following: “the earlier of (i) the date*
 15 *the alien was granted continued presence under*
 16 *section 107(c)(3) of the Trafficking Victims Pro-*
 17 *tection Act of 2000, or (ii)”;* and

18 (C) *by adding at the end the following new*
 19 *paragraph:*

20 *“(6) The Secretary of Homeland Security may waive*
 21 *or reduce the period of physical presence required under*
 22 *paragraph (1)(A) for an alien’s adjustment of status under*
 23 *this subsection if a Federal, State, or local law enforcement*
 24 *official investigating or prosecuting trafficking described in*
 25 *section 101(a)(15)(T)(i) in relation to the alien or the*

1 *alien’s spouse, child, parent, or sibling certifies that the offi-*
2 *cial has no objection to such waiver or reduction.”.*

3 (2) *CONFORMING AMENDMENT.—Section 107(c)*
4 *of the Trafficking Victims Protection Act of 2000 (di-*
5 *vision A of Public Law 106–386; 22 U.S.C. 7105(c))*
6 *is amended by adding at the end the following new*
7 *paragraph:*

8 “(5) *CERTIFICATION OF NO OBJECTION FOR*
9 *WAIVER OR REDUCTION OF PERIOD OF REQUIRED*
10 *PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—*
11 *In order for an alien to have the required period of*
12 *physical presence under paragraph (1)(A) of section*
13 *245(l) of the Immigration and Nationality Act*
14 *waived or reduced under paragraph (6) of such sec-*
15 *tion, a Federal, State, and local law enforcement offi-*
16 *cial investigating or prosecuting trafficking described*
17 *in section 101(a)(15)(T)(i) in relation to the alien or*
18 *the alien’s spouse, child, parent, or sibling may pro-*
19 *vide for a certification of having no objection to such*
20 *waiver or reduction.”.*

21 (b) *TREATMENT OF GOOD MORAL CHARACTER.—Sec-*
22 *tion 245(l) of the Immigration and Nationality Act (8*
23 *U.S.C. 1255(l)), as amended by subsection (a)(1), is amend-*
24 *ed—*

1 (1) in paragraph (1)(B), by inserting “subject to
2 paragraph (7),” after “(B)”; and

3 (2) by adding at the end the following new para-
4 graph:

5 “(7) For purposes of paragraph (1)(B), the Secretary
6 of Homeland Security, in the Secretary’s sole unreviewable
7 discretion, may waive consideration of a disqualification
8 from good moral character described in section 101(f) with
9 respect to an alien if there is a connection between the dis-
10 qualification and the trafficking with respect to the alien
11 described in section 101(a)(15)(T)(i).”.

12 (c) ANNUAL REPORT ON TRAINING OF LAW ENFORCE-
13 MENT.—

14 (1) IN GENERAL.—Section 107(g) of the Traf-
15 ficking Victims Protection Act of 2000 (division A of
16 Public Law 106–386; 22 U.S.C. 7105(g)) is amended
17 by adding at the end the following: “Each such report
18 shall also include statistics regarding the number of
19 law enforcement officials who have been trained in the
20 identification and protection of trafficking victims
21 and certification for assistance as nonimmigrants
22 under section 101(a)(15)(T) of such Act.”.

23 (2) EFFECTIVE DATE.—The amendment made by
24 paragraph (1) shall apply to annual reports begin-
25 ning with the report for fiscal year 2006.

1 ***Subtitle B—VAWA Petitioners***

2 ***SEC. 911. DEFINITION OF VAWA PETITIONER.***

3 (a) *IN GENERAL.*—Section 101(a) of the Immigration
4 and Nationality Act (8 U.S.C. 1101(a)) is amended by add-
5 ing at the end the following new paragraph:

6 “(51) The term ‘VAWA petitioner’ means an alien
7 whose application or petition for classification or relief
8 under any of the following provisions (whether as a prin-
9 cipal or as a derivative) has been filed and has not been
10 denied after exhaustion of administrative appeals:

11 “(A) Clause (iii), (iv), or (vii) of section
12 204(a)(1)(A).

13 “(B) Clause (ii) or (iii) of section 204(a)(1)(B).

14 “(C) Subparagraph (C) or (D) of section
15 216(c)(4).

16 “(D) The first section of Public Law 89–732
17 (commonly known as the Cuban Adjustment Act) as
18 a child or spouse who has been battered or subjected
19 to extreme cruelty.

20 “(E) Section 902(d)(1)(B) of the Haitian Ref-
21 ugee Immigration Fairness Act of 1998 (division A of
22 section 101(h) of Public Law 105–277).

23 “(F) Section 202(d)(1) of the Nicaraguan Ad-
24 justment and Central American Relief Act (8 U.S.C.
25 1255 note; Public Law 105–100).

1 “(G) Section 309(c)(5) of the *Illegal Immigra-*
2 *tion Reform and Immigrant Responsibility Act of*
3 *1996 (division C of Public Law 104–208; 8 U.S.C.*
4 *1101 note).*”.

5 (b) *CONFORMING AMENDMENTS.*—

6 (1) Section 212(a)(6)(A)(ii)(I) of such Act (8
7 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking
8 “qualifies for immigrant status under subparagraph
9 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
10 204(a)(1)” and inserting “is a VAWA petitioner”.

11 (2) Section 212(a)(9)(C)(ii) of such Act (8
12 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking “to
13 whom the Attorney General has granted classification
14 under clause (iii), (iv), or (v) of section 204(a)(1)(A),
15 or classification under clause (ii), (iii), or (iv) of sec-
16 tion 204(a)(1)(B)” and inserting “is a VAWA peti-
17 tioner”.

18 (3) Subsections (h)(1)(C) and (g)(1)(C) of section
19 212 (8 U.S.C. 1182) is amended by striking “qualifies
20 for classification under clause (iii) or (iv) of section
21 204(a)(1)(A) or classification under clause (ii) or
22 (iii) of section 204(a)(1)(B)” and inserting “is a
23 VAWA petitioner”.

24 (4) Section 212(i)(1) of such Act (8 U.S.C.
25 1182(i)(1)) is amended by striking “an alien granted

1 *classification under clause (iii) or (iv) of section*
2 *204(a)(1)(A) or clause (ii) or (iii) of section*
3 *204(a)(1)(B)” and inserting “a VAWA petitioner”.*

4 (5) *Section 237(a)(1)(H)(ii) of such Act (8*
5 *U.S.C. 1227(a)(1)(H)(ii)) is amended by striking “is*
6 *an alien who qualifies for classification under clause*
7 *(iii) or (iv) of section 204(a)(1)(A) or clause (ii) or*
8 *(iii) of section 204(a)(1)(B)” and inserting “is a*
9 *VAWA petitioner”.*

10 (6) *Section 240A(b)(4)(B) of such Act (8 U.S.C.*
11 *1229b(b)(4)(B)) is amended by striking “they were*
12 *applications filed under section 204(a)(1) (A)(iii),*
13 *(A)(iv), (B)(ii), or (B)(iii)” and inserting “the appli-*
14 *cants were VAWA petitioners”.*

15 (7) *Section 245(a) of such Act (8 U.S.C.*
16 *1255(a)) is amended by striking “under subpara-*
17 *graph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section*
18 *204(a)(1) or” and inserting “as a VAWA petitioner”.*

19 (8) *Section 245(c) of such Act (8 U.S.C. 1255(c))*
20 *is amended by striking “under subparagraph (A)(iii),*
21 *(A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of*
22 *section 204(a)(1)” and inserting “as a VAWA peti-*
23 *tioner”.*

24 (9) *For additional conforming amendments to*
25 *sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the*

1 *Immigration and Nationality Act, see sections*
2 *832(b)(2) and 817(a) of this Act.*

3 **SEC. 912. SELF-PETITIONING FOR CHILDREN.**

4 (a) *SELF-PETITIONING BY CHILDREN OF PARENT-*
5 *ABUSERS UPON DEATH OR OTHER TERMINATION OF PAR-*
6 *ENT-CHILD RELATIONSHIP.—*

7 (1) *CITIZEN PARENTS.—Section 204(a)(1)(A)(iv)*
8 *of the Immigration and Nationality Act (8 U.S.C.*
9 *1154(a)(1)(A)(iv)) is amended—*

10 (A) *by striking “or who” and inserting*
11 *“who”; and*

12 (B) *by inserting after “domestic violence,”*
13 *the following: “or who was a child of a United*
14 *States citizen parent who within the past 2*
15 *years (or, if later, two years after the date the*
16 *child attains 18 years of age) died or otherwise*
17 *terminated the parent-child relationship (as de-*
18 *fined under section 101(b)),”.*

19 (2) *LAWFUL PERMANENT RESIDENT PARENTS.—*

20 (A) *IN GENERAL.—Section 204(a)(1)(B)(iii)*
21 *of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is*
22 *amended—*

23 (i) *by striking “or who” and inserting*
24 *“who”; and*

(ii) by inserting after “domestic violence,” the following: “or who was a child of a lawful permanent 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.

1 (B) *TRANSITION IN CASE OF CITIZEN PAR-*
2 *ENTS WHO DIED BEFORE ENACTMENT.—In ap-*
3 *plying the amendments made by paragraphs (1)*
4 *and (2)(A) in the case of an alien whose citizen*
5 *parent or lawful permanent resident parent died*
6 *or whose parent-child relationship with such*
7 *parent terminated during the period beginning*
8 *on October 28, 1998, and ending on the date of*
9 *the enactment of this Act, the following rules*
10 *apply:*

11 (i) *The reference to “within the past 2*
12 *years” in section 204(a)(1)(A)(iv) or*
13 *204(a)(1)(B)(iii), respectively, of the Immi-*
14 *gration and Nationality Act in the matter*
15 *inserted by such paragraph is deemed to be*
16 *a reference to such period.*

17 (ii) *The petition must be filed under*
18 *such section within 2 years after the date of*
19 *the enactment of this Act (or, if later, 2*
20 *years after the alien’s 18th birthday).*

21 (iii) *The determination of eligibility*
22 *for benefits as a child under such section*
23 *(including under section 204(a)(1)(D) of the*
24 *Immigration and Nationality Act by reason*
25 *of a petition authorized under such section)*

1 *shall be determined as of the date of the*
 2 *death of the citizen parent or lawful perma-*
 3 *nent resident parent or the termination of*
 4 *the parent-child relationship.*

5 (b) *PROTECTING VICTIMS OF CHILD ABUSE FROM*
 6 *AGING OUT.*—

7 (1) *CLARIFICATION REGARDING CONTINUATION*
 8 *OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF*
 9 *CITIZENS.*—*Section 204(a)(1)(D)(i)(I) of the Immi-*
 10 *gration and Nationality Act (8 U.S.C.*
 11 *1154(a)(1)(D)(i)(I)) is amended—*

12 (A) *by striking “clause (iv) of section*
 13 *204(a)(1)(A)” and inserting “subparagraph*
 14 *(A)(iv)” each place it appears; and*

15 (B) *by striking “a petitioner for preference*
 16 *status under paragraph (1), (2), or (3) of section*
 17 *203(a), whichever paragraph is applicable” and*
 18 *inserting “to continue to be treated as an imme-*
 19 *diat relative under section 201(b)(2)(A)(i), or a*
 20 *petitioner for preference status under section*
 21 *203(a)(3) if subsequently married”.*

22 (2) *CLARIFICATION REGARDING APPLICATION TO*
 23 *CHILDREN OF LAWFUL PERMANENT RESIDENTS.*—*Sec-*
 24 *tion 204(a)(1)(D) of such Act (8 U.S.C.*
 25 *1154(a)(1)(D)) is amended—*

1 (A) in clause (i)(I)—

2 (i) by inserting after the first sentence
3 the following new sentence: “Any child who
4 attains 21 years of age who has filed a peti-
5 tion under subparagraph (B)(iii) that was
6 filed or approved before the date on which
7 the child attained 21 year of age shall be
8 considered (if the child has not been admit-
9 ted or approved for lawful permanent resi-
10 dence by the date the child attained 21
11 years of age) a petitioner for preference sta-
12 tus under section 203(a)(2)(A), with the
13 same priority date assigned to the self-peti-
14 tion filed under such subparagraph.”; and

15 (ii) in the last sentence, by inserting
16 “in either such case” after “shall be re-
17 quired to be filed”;

18 (B) in clause (i)(III), by striking “para-
19 graph (1), (2), or (3) of section 203(a)” and in-
20 serting “section 203(a)(2)(A)”; and

21 (C) in clause (ii), by striking “(A)(iii),
22 (A)(iv),”.

23 (3) *EFFECTIVE DATE.*—The amendments made
24 by this subsection shall apply to applications filed be-

1 *fore, on, or after the date of the enactment of VAWA—*
2 *2000.*

3 (c) *CLARIFICATION OF NO SEPARATE ADJUSTMENT*
4 *APPLICATION FOR DERIVATIVE CHILDREN.—*

5 (1) *IN GENERAL.—*Section 245(a) of the *Immigra-*
6 *tion and Nationality Act (8 U.S.C. 1255(a)) is*
7 *amended by adding at the end the following: “In the*
8 *case of a petition under clause (ii), (iii), or (iv) of*
9 *section 204(a)(1)(A) that includes an individual as a*
10 *derivative child of a principal alien, no adjustment*
11 *application other than the adjustment application of*
12 *the principal alien shall be required for adjustment of*
13 *status of the individual under this subsection or sub-*
14 *section (c).”.*

15 (2) *EFFECTIVE DATE.—*The amendment made by
16 *paragraph (1) shall take effect on the date of the en-*
17 *actment of this Act and shall apply to applications*
18 *filed before, on, or after such date.*

19 (d) *LATE PETITION PERMITTED FOR ADULTS ABUSED*
20 *AS CHILDREN.—*

21 (1) *IN GENERAL.—*Section 204(a)(1)(D) of the
22 *Immigration and Nationality Act (8 U.S.C.*
23 *1154(a)(1)(D)), is amended by adding at the end the*
24 *following new clause:*

1 “(iv) In the case of an alien who qualified to petition
 2 under subparagraph (A)(iv) or (B)(iii) as of the date the
 3 individual attained 21 years of age, the alien may file a
 4 petition under such respective subparagraph notwith-
 5 standing that the alien has attained such age or been mar-
 6 ried so long as the petition is filed before the date the indi-
 7 vidual attains 25 years of age. In the case of such a petition,
 8 the alien shall remain eligible for adjustment of status as
 9 a child notwithstanding that the alien has attained 21
 10 years of age or has married, or both.”.

11 (2) *EFFECTIVE DATE.*—The amendment made by
 12 paragraph (1) shall take effect on the date of the en-
 13 actment of this Act and shall apply to individuals
 14 who attain 21 years of age on or after the date of the
 15 enactment of VAWA–2000.

16 **SEC. 913. SELF-PETITIONING PARENTS.**

17 (a) *IN GENERAL.*—Section 204(a)(1)(A) of the Immi-
 18 gration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is
 19 amended by adding at the end the following new clause:

20 “(vii) An alien who—

21 “(I) is the parent of a citizen of the United
 22 States or was a parent of a citizen of the United
 23 States who within the past 2 years lost or renounced
 24 citizenship status related to battering or extreme cru-

1 *elty by the United States citizen son or daughter or*
 2 *who within the past two years died;*

3 *“(II) is a person of good moral character;*

4 *“(III) is eligible to be classified as an immediate*
 5 *relative under section 201(b)(2)(A)(i) by virtue of the*
 6 *alien’s relationship to the son or daughter referred to*
 7 *in subclause (I); and*

8 *“(IV) resides, or has resided in the past, with the*
 9 *citizen daughter or son;*

10 *may file a petition with the Secretary of Homeland Secu-*
 11 *rity under this subparagraph for classification of the alien*
 12 *under such section if the alien demonstrates that the alien*
 13 *has been battered by or has been the subject of extreme cru-*
 14 *elty perpetrated by the alien’s citizen son or daughter.”.*

15 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 16 *section (a) shall take effect on the date of the enactment*
 17 *of this Act.*

18 **SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICA-**
 19 **TIONS.**

20 *(a) IN GENERAL.—Section 204(a)(1) of the Immigra-*
 21 *tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-*
 22 *ed—*

23 *(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb),*
 24 *by striking “an incident of domestic violence” and in-*

serting “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 RE-

LIEF.

(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:

1 “(d)(1) *In the case of an alien in the United States*
2 *for whom a petition as a VAWA petitioner has been filed,*
3 *if the petition sets forth a prima facie case for approval,*
4 *the Secretary of Homeland Security, in the Secretary’s sole*
5 *unreviewable discretion, may grant the alien deferred ac-*
6 *tion until the petition is approved or the petition is denied*
7 *after exhaustion of administrative appeals. In the case of*
8 *the approval of such petition, such deferred action may be*
9 *extended until a final determination is made on an appli-*
10 *cation for adjustment of status.*

11 “(2) *In the case of an alien in the United States for*
12 *whom an application for nonimmigrant status (whether as*
13 *a principal or derivative child) under subparagraph (T)*
14 *or (U) of section 101(a)(15) has been filed, if the applica-*
15 *tion sets forth a prima facie case for approval, the Secretary*
16 *of Homeland Security, in the Secretary’s sole unreviewable*
17 *discretion, may grant the alien deferred action until the*
18 *application is approved or the application is denied after*
19 *exhaustion of administrative appeals.*

20 “(3) *During a period in which an alien is provided*
21 *deferred action under this subsection, the alien shall not be*
22 *removed or deported. ”.*

23 (2) *LIMITATION ON DETENTION.—Section 236 of*
24 *such Act (8 U.S.C. 1226) is amended by adding at*
25 *the end the following new subsection:*

1 “(f) *LIMITATION ON DETENTION OF CERTAIN VICTIMS*
 2 *OF VIOLENCE.*—(1) *An alien for whom a petition as a*
 3 *VAWA petitioner has been approved or for whom an appli-*
 4 *cation for nonimmigrant status (whether as a principal or*
 5 *derivative child) under subparagraph (T) or (U) of section*
 6 *101(a)(15) has been approved, subject to paragraph (2), the*
 7 *alien shall not be detained if the only basis for detention*
 8 *is a ground for which—*

9 “(A) *a waiver is provided under section 212(h),*
 10 *212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V);*
 11 *or*

12 “(B) *there is an exception under section*
 13 *204(a)(1)(C).*

14 “(2) *Paragraph (1) shall not apply in the case of de-*
 15 *tention that is required under subsection (c) or section*
 16 *236A.”.*

17 (3) *EMPLOYMENT AUTHORIZATION.*—

18 (A) *FOR VAWA PETITIONERS.*—*Section*
 19 *204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is*
 20 *amended by adding at the end the following:*

21 “(K)(i) *In the case of an alien for whom a petition*
 22 *as a VAWA petitioner is approved, the alien is eligible for*
 23 *work authorization and shall be provided an ‘employment*
 24 *authorized’ endorsement or other appropriate work per-*
 25 *mit.”.*

1 (B) *FOR ALIENS WITH APPROVED T*
 2 *VISAS.—Section 214(o) of such Act (8 U.S.C.*
 3 *1184(o)), as amended by section 901(b)(2), is*
 4 *amended by adding at the end the following new*
 5 *paragraph:*

6 “(8) *In the case of an alien for whom an application*
 7 *for nonimmigrant status (whether as a principal or deriva-*
 8 *tive) under section 101(a)(15)(T) has been approved, the*
 9 *alien is eligible for work authorization and shall be pro-*
 10 *vided an ‘employment authorized’ endorsement or other ap-*
 11 *propriate work permit.’”.*

12 (4) *PROCESSING OF APPLICATIONS.—Section*
 13 *204(a)(1)(K) of the Immigration and Nationality Act*
 14 *(8 U.S.C. 1154(a)(1)(K)), as added by paragraph*
 15 *(3)(A), is amended by adding at the end the fol-*
 16 *lowing:*

17 “(ii) *A petition as a VAWA petitioner shall be proc-*
 18 *essed without regard to whether a proceeding to remove or*
 19 *deport such alien is brought or pending.’”.*

20 (5) *EFFECTIVE DATE.—The amendments made*
 21 *by this subsection shall take effect on the date of the*
 22 *enactment of this Act and shall apply to petitions*
 23 *and applications filed before, on, or after such date.*

24 (b) *APPLICANTS FOR CANCELLATION OF REMOVAL OR*
 25 *SUSPENSION OF DEPORTATION.—*

1 (1) *IN GENERAL.*—Section 240A(b)(2) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1229b(b)(2)) is amended by adding at the end the fol-
4 lowing new subparagraph:

5 “(E) *RELIEF WHILE APPLICATION PEND-*
6 *ING.*—In the case of an alien who has applied
7 for relief under this paragraph and whose appli-
8 cation sets forth a *prima facie* case for such re-
9 lief or who has filed an application for relief
10 under section 244(a)(3) (as in effect on March
11 31, 1997) that sets forth a *prima facie* case for
12 such relief—

13 “(i) the alien shall not be removed or
14 deported until the application has been ap-
15 proved or, in the case it is denied, until all
16 opportunities for appeal of the denial have
17 been exhausted; and

18 “(ii) such an application shall be proc-
19 essed without regard to whether a pro-
20 ceeding to remove or deport such alien is
21 brought or pending.”.

22 (2) *EFFECTIVE DATE.*—The amendment made by
23 paragraph (1) shall take effect on the date of the en-
24 actment of this Act and shall apply to applications
25 filed before, on, or after such date.

1 **SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF**
 2 **MANNER OF ENTRY.**

3 (a) *FIANCEES*.—

4 (1) *SELF-PETITIONING*.—Section
 5 204(a)(1)(A)(iii) of the *Immigration and Nationality*
 6 *Act* (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

7 (A) in subclause (I)(bb), by inserting after
 8 “during the marriage” the following: “or rela-
 9 tionship intended by the alien to be legally a
 10 marriage or to conclude in a valid marriage”;

11 (B) in subclause (II)(aa)—

12 (i) by striking “or” at the end of
 13 subitem (BB);

14 (ii) by inserting “or” at the end of
 15 subitem (CC); and

16 (iii) by adding at the end the following
 17 new subitem:

18 “(DD) who entered the United States as an alien
 19 described in section 101(a)(15)(K) with the intent to
 20 enter into a valid marriage and the alien (or child
 21 of the alien) was battered or subject to extreme cruelty
 22 in the United States by the United States citizen who
 23 filed the petition to accord status under such sec-
 24 tion;”;

25 (C) in subclause (II)(cc), by striking “or
 26 who” and inserting “, who” and by inserting be-

fore the semicolon at the end the following: “, or
who is described in subitem (aa)(DD)”;

(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 DE-
PART.*—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 ac-
cord 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 ad-
mitted before, on, or after such date.

(b) *SPOUSES WHO ARE CONDITIONAL PERMANENT
RESIDENTS.*—

(1) *IN GENERAL.*—Section 245(d) of the *Immi-
gration and Nationality Act* (8 U.S.C. 1255(d)) is
amended—

(A) by inserting “(1)” after “(d)”;

1 (B) by adding at the end the following new
2 paragraph:

3 “(2) Paragraph (1) shall not apply to an alien who
4 seeks adjustment of status on the basis of an approved peti-
5 tion for classification as a VAWA petitioner.”.

6 (2) *CONFORMING APPLICATION IN CANCELLATION*
7 *OF REMOVAL.*—Section 240A(b)(2)(A)(i) of such Act
8 (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

9 (A) by striking “or” at the end of subclause
10 (II);

11 (B) by adding “or” at the end of subclause
12 (III); and

13 (C) by adding at the end the following new
14 subclause:

15 “(IV) the alien entered the United
16 States as an alien described in section
17 101(a)(15)(K) with the intent to enter into
18 a valid marriage and the alien (or the child
19 of the alien who is described in such sec-
20 tion) was battered or subject to extreme cru-
21 elty in the United States by the United
22 States citizen who filed the petition to ac-
23 cord status under such section;”.

24 (3) *EXCEPTION TO RESTRICTION ON ADJUST-*
25 *MENT OF STATUS.*—The second sentence of section

1 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as des-
 2 ignated by paragraph (1)(A), is amended by inserting
 3 “who is not described in section
 4 204(a)(1)(A)(iii)(II)(aa)(DD)” after “alien described
 5 in section 101(a)(15)(K)”.

6 (4) *APPLICATION UNDER SUSPENSION OF DEPOR-*
 7 *TATION.*—Section 244(a)(3) of such Act (as in effect
 8 on March 31, 1997) shall be applied (as if in effect
 9 on such date) as if the phrase “is described in section
 10 240A(b)(2)(A)(i)(IV) or” were inserted before “has
 11 been battered” the first place it appears.

12 (5) *EFFECTIVE DATE.*—The amendments made
 13 by this subsection, and the provisions of paragraph
 14 (4), shall take effect on the date of the enactment of
 15 this Act and shall apply to applications for adjust-
 16 ment of status, for cancellation of removal, or for sus-
 17 pension of deportation filed before, on, or after such
 18 date.

19 (c) *INFORMATION ON CERTAIN CONVICTIONS AND LIM-*
 20 *TATION ON PETITIONS FOR K NONIMMIGRANT PETI-*
 21 *TIONERS.*—Section 214(d) of the Immigration and Nation-
 22 ality Act (8 U.S.C. 1184(d)) is amended—

23 (1) by striking “(d)” and inserting “(d)(1)”;

24 (2) by inserting after the second sentence the fol-
 25 lowing: “Such information shall include information

1 on any criminal convictions of the petitioner for do-
2 mestic violence, sexual assault, or child abuse.”; and

3 (3) by adding at the end the following:

4 “(2)(A) Subject to subparagraph (B), a consular offi-
5 cer may not approve a petition under paragraph (1) unless
6 the officer has verified that—

7 “(i) the petitioner has not, previous to the pend-
8 ing petition, petitioned under paragraph (1) with re-
9 spect to more than 2 applying aliens; and

10 “(ii) if the petitioner has had such a petition
11 previously approved, 2 years have elapsed since the
12 filing of such previously approved petition.

13 “(B) The Secretary of Homeland Security may, in the
14 discretion of the Secretary, waive the limitation in sub-
15 paragraph (A), if justification exists for such a waiver.

16 “(3) For purposes of this subsection—

17 “(A) the term ‘child abuse’ means a felony or
18 misdemeanor crime, as defined by Federal or State
19 law, committed by an offender who is a stranger to
20 the victim, or committed by an offender who is known
21 by, or related by blood or marriage to, the victim,
22 against a victim who has not attained the lesser of—

23 “(i) 18 years of age; or

1 “(ii) except in the case of sexual abuse, the
2 age specified by the child protection law of the
3 State in which the child resides; and

4 “(B) the terms ‘domestic violence’ and ‘sexual as-
5 sault’ have the meaning given such terms in section
6 2003 of title I of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”.

8 (d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS
9 UNDER ADJUSTMENT PROVISIONS.—

10 (1) IN GENERAL.—Section 209(b)(3) of the Im-
11 migration and Nationality Act (8 U.S.C. 1159(b)(3))
12 is amended—

13 (A) by inserting “(A)” after “(3)”; and

14 (B) by adding at the end the following:

15 “(B) was the spouse of a refugee within the
16 meaning of section 101(a)(42)(A) at the time the asy-
17 lum application was granted and who was battered
18 or was the subject of extreme cruelty perpetrated by
19 such refugee or whose child was battered or subjected
20 to extreme cruelty by such refugee (without the active
21 participation of such spouse in the battery or cru-
22 elty), or

23 “(C) was the child of a refugee within the mean-
24 ing of section 101(a)(42)(A) at the time of the filing
25 of the asylum application and who was battered or

1 *was the subject of extreme cruelty perpetrated by such*
 2 *refugee,”.*

3 (2) *EFFECTIVE DATE.*—*The amendments made*
 4 *by paragraph (1) shall take effect on the date of the*
 5 *enactment of this Act and—*

6 (A) *section 209(b)(3)(B) of the Immigration*
 7 *and Nationality Act, as added by paragraph*
 8 *(1)(B), shall apply to spouses of refugees for*
 9 *whom an asylum application is granted before,*
 10 *on, or after such date; and*

11 (B) *section 209(b)(3)(C) of such Act, as so*
 12 *added, shall apply with respect to the child of a*
 13 *refugee for whom an asylum application is filed*
 14 *before, on, or after such date.*

15 (e) *VISA WAIVER ENTRANTS.*—

16 (1) *IN GENERAL.*—*Section 217(b)(2) of such Act*
 17 *(8 U.S.C. 1187(b)(2)) is amended by inserting after*
 18 *“asylum,” the following: “as a VAWA petitioner, or*
 19 *for relief under subparagraph (T) or (U) of section*
 20 *101(a)(15), under section 240A(b)(2), or under section*
 21 *244(a)(3) (as in effect on March 31, 1997),”.*

22 (2) *EFFECTIVE DATE.*—*The amendment made by*
 23 *paragraph (1) shall take effect on the date of the en-*
 24 *actment of this Act and shall apply to waivers pro-*
 25 *vided under section 217(b)(2) of the Immigration and*

1 *Nationality Act before, on, or after such date as if it*
 2 *had been included in such waivers.*

3 (f) *EXCEPTION FROM FOREIGN RESIDENCE REQUIRE-*
 4 *MENT FOR EDUCATIONAL VISITORS.—*

5 (1) *IN GENERAL.—*Section 212(e) of such Act (8
 6 U.S.C. 1182(e)) is amended, in the matter before the
 7 first proviso, by inserting “unless the alien is a
 8 VAWA petitioner or an applicant for nonimmigrant
 9 status under subparagraph (T) or (U) of section
 10 101(a)(15)” after “for an aggregate of a least two
 11 years following departure from the United States”.

12 (2) *EFFECTIVE DATE.—*The amendment made by
 13 paragraph (1) shall take effect on the date of the en-
 14 actment of this Act and shall apply to aliens regard-
 15 less of whether the foreign residence requirement
 16 under section 212(e) of the Immigration and Nation-
 17 ality Act arises out of an admission or acquisition of
 18 status under section 101(a)(15)(J) of such Act before,
 19 on, or after the date of the enactment of this Act.

20 **SEC. 917. ELIMINATING ABUSERS’ CONTROL OVER APPLICA-**
 21 **TIONS FOR ADJUSTMENTS OF STATUS.**

22 (a) *APPLICATION OF MOTIONS TO REOPEN FOR ALL*
 23 *VAWA PETITIONERS.—*Section 240(c)(7)(C)(iv) of the Im-
 24 migration and Nationality Act (8 U.S.C.
 25 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1) of

1 *the REAL ID Act of 2005 (division B of Public Law 109–*
 2 *13), is amended—*

3 *(1) in subclause (I), by striking “under clause*
 4 *(iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii)*
 5 *of section 204(a)(1)(B)” and inserting “as a VAWA*
 6 *petitioner”; and*

7 *(2) in subclause (II), by inserting “or adjust-*
 8 *ment of status” after “cancellation of removal”.*

9 *(b) APPLICATION OF VAWA DEPORTATION PROTEC-*
 10 *TIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETI-*
 11 *TIONERS.—Section 1506(c)(2) of the Violence Against*
 12 *Women Act of 2000 (8 U.S.C. 1229a note) is amended—*

13 *(1) in subparagraph (A)—*

14 *(A) by amending clause (i) to read as fol-*
 15 *lows:*

16 *“(i) if the basis of the motion is to*
 17 *apply for relief as a VAWA petitioner (as*
 18 *defined in section 101(a)(51) of the Immigra-*
 19 *tion and Nationality Act (8 U.S.C.*
 20 *1101(a)(51)) or under section 244(a)(3) of*
 21 *such Act (8 U.S.C. 1254(a)(3)); and”; and*

22 *(B) in clause (ii), by inserting “or adjust-*
 23 *ment of status” after “suspension of deporta-*
 24 *tion”; and*

1 (2) in subparagraph (B)(ii), by striking “for re-
 2 relief” and all that follows through “1101 note))” and
 3 inserting “for relief described in subparagraph
 4 (A)(i)”.

5 (c) *APPLICATION OF VAWA-RELATED RELIEF UNDER*
 6 *SECTION 202 OF NACARA.*—Section 202(d)(1) of the Nica-
 7 raguan Adjustment and Central American Relief Act (8
 8 U.S.C. 1255 note; Public Law 105–100) is amended—

9 (1) in subparagraph (B)(ii), by inserting “, or
 10 was eligible for adjustment,” after “whose status is
 11 adjusted”; and

12 (2) in subparagraph (E), by inserting after
 13 “April 1, 2000” the following: “, or, in the case of an
 14 alien who qualifies under subparagraph (B)(ii), ap-
 15 plies for such adjustment during the 18-month period
 16 beginning on the date of enactment of the Violence
 17 Against Women Act of 2005” .

18 (d) *PETITIONING RIGHTS OF CERTAIN FORMER*
 19 *SPOUSES UNDER CUBAN ADJUSTMENT.*—The first section
 20 of Public Law 89–732 (8 U.S.C. 1255 note) is amended by
 21 adding at the end the following: “An alien who was the
 22 spouse of any Cuban alien described in this section and has
 23 resided with such spouse shall continue to be treated as such
 24 a spouse for 2 years after the date on which the Cuban alien
 25 dies (or, if later, 2 years after the date of enactment of Vio-

1 *lence Against Women Act of 2005), or for 2 years after the*
 2 *date of termination of the marriage (or, if later, 2 years*
 3 *after the date of enactment of Violence Against Women Act*
 4 *of 2005) if the alien demonstrates a connection between the*
 5 *termination of the marriage and the battering or extreme*
 6 *cruelty by the Cuban alien.”.*

7 (e) *SELF-PETITIONING RIGHTS OF HRIFA APPLI-*
 8 *CANTS.—Section 902(d)(1)(B) of the Haitian Refugee Im-*
 9 *migration Fairness Act of 1998 (division A of section*
 10 *101(h) of Public Law 105–277; 112 Stat. 2681–538; 8*
 11 *U.S.C. 1255 note), as amended by section 1511(a) of*
 12 *VAWA–2000, is amended—*

13 (1) *in clause (i), by striking “whose status is ad-*
 14 *justed to that of an alien lawfully admitted for per-*
 15 *manent residence” and inserting “who is or was eligi-*
 16 *ble for classification”; and*

17 (2) *in clause (ii), by striking “whose status is*
 18 *adjusted to that of an alien lawfully admitted for per-*
 19 *manent residence” and inserting “who is or was eligi-*
 20 *ble for classification”.*

21 (f) *SELF-PETITIONING RIGHTS UNDER SECTION 203*
 22 *OF NACARA.—Section 309 of the Illegal Immigration and*
 23 *Reform and Immigrant Responsibility Act of 1996 (divi-*
 24 *sion C of Public Law 104–208; 8 U.S.C. 1101 note), as*
 25 *amended by section 203(a) of the Nicaraguan Adjustment*

1 *and Central American Relief Act (8 U.S.C. 1255 note; Pub-*
2 *lic Law 105–100), is amended—*

3 *(1) in subsection (c)(5)(C)(i)(VII)(aa), as*
4 *amended by section 1510(b) of VAWA–2000—*

5 *(A) by striking “or” at the end of subitem*
6 *(BB);*

7 *(B) by striking “and” at the end of subitem*
8 *(CC) and inserting “or”; and*

9 *(C) by adding at the end the following new*
10 *subitem:*

11 *“(DD) at the time at which*
12 *the spouse or child files an appli-*
13 *cation for suspension of deporta-*
14 *tion or cancellation of removal;*
15 *and”; and*

16 *(2) in subsection (g)—*

17 *(A) by inserting “(1)” before “Notwith-*
18 *standing”;*

19 *(B) by inserting “subject to paragraph (2),”*
20 *after “section 101(a) of the Immigration and*
21 *Nationality Act)),”; and*

22 *(C) by adding at the end the following new*
23 *paragraph:*

24 *“(2) There shall be no limitation on a motion to reopen*
25 *removal or deportation proceedings in the case of an alien*

1 *who is described in subclause (VI) or (VII) of subsection*
2 *(c)(5)(C)(i). Motions to reopen removal or deportation pro-*
3 *ceedings in the case of such an alien shall be handled under*
4 *the procedures that apply to aliens seeking relief under sec-*
5 *tion 204(a)(1)(A)(iii) of the Immigration and Nationality*
6 *Act.”.*

7 *(g) LIMITATION ON PETITIONING FOR ABUSER.—Sec-*
8 *tion 204(a)(1) of the Immigration and Nationality Act (8*
9 *U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is*
10 *amended by adding at the end the following new subpara-*
11 *graph:*

12 *“(L) Notwithstanding the previous provisions of this*
13 *paragraph, an individual who was a VAWA petitioner or*
14 *who had the status of a nonimmigrant under subparagraph*
15 *(T) or (U) of section 101(a)(15) may not file a petition*
16 *for classification under this section or section 214 to classify*
17 *any person who committed the battery or extreme cruelty*
18 *or trafficking against the individual (or the individual’s*
19 *child) which established the individual’s (or individual’s*
20 *child’s) eligibility as a VAWA petitioner or for such non-*
21 *immigrant status.”.*

22 *(h) EFFECTIVE DATE.—Except as otherwise provided*
23 *in this section, the amendments made by this section shall*
24 *take effect on the date of the enactment of this Act.*

1 **SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DE-**
2 **RIVATIVES OF TRAFFICKING VICTIMS.**

3 (a) *IN GENERAL.*—Section 240A(b)(4) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1229b(b)(4)) is amend-
5 ed—

6 (1) in the heading, by striking “CHILDREN OF
7 BATTERED ALIENS” and inserting “BATTERED
8 ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIV-
9 ATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS,”;

10 (2) in subparagraph (A)—

11 (A) by striking “or” at the end of clause (i);

12 (B) by striking the period at the end of
13 clause (ii) and inserting a semicolon; and

14 (C) by adding at the end the following new
15 clauses:

16 “(iii) VAWA petitioner whose petition
17 was approved based on having been battered
18 or subjected to extreme cruelty by a United
19 States citizen spouse, parent, or son or
20 daughter and who is admissible and eligible
21 for an immigrant visa;

22 “(iv) VAWA petitioner whose petition
23 was approved based on having been battered
24 or subjected to extreme cruelty by a lawful
25 permanent resident spouse or parent, who is
26 admissible and would be eligible for an im-

1 migrant visa but for the fact that an immi-
2 grant visa is not immediately available to
3 the alien, and who filed a petition for clas-
4 sification under section 204(a)(1)(B), if at
5 least 3 years has elapsed since the peti-
6 tioner's priority date; or

7 “(v) an alien whom the Secretary of
8 State determines would, but for an applica-
9 tion or approval, meet the conditions for
10 approval as a nonimmigrant described in
11 section 101(a)(15)(T)(ii).”; and

12 (3) in subparagraph (B)—

13 (A) in the first sentence, by striking “The
14 grant of parole” and inserting “(i) The grant of
15 parole under subparagraph (A)(i) or (A)(ii)”;

16 (B) in the second sentence, by striking “cov-
17 ered under this paragraph” and inserting “cov-
18 ered under such subparagraphs”;

19 (C) in the last sentence, by inserting “of
20 subparagraph (A)” after “clause (i) or (ii)”;

21 (D) by adding at the end the following new
22 clauses:

23 “(ii) The grant of parole under subpara-
24 graph (A)(iii) or (A)(iv) shall extend from the
25 date of approval of the applicable petition to the

1 *time the application for adjustment of status*
2 *filed by aliens covered under such subparagraphs*
3 *has been finally adjudicated. Applications for*
4 *adjustment of status filed by aliens covered*
5 *under such subparagraphs shall be treated as if*
6 *they were applications filed under section*
7 *204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for*
8 *purposes of section 245 (a) and (c).*

9 *“(iii) The grant of parole under subpara-*
10 *graph (A)(v) shall extend from the date of the de-*
11 *termination of the Secretary of State described*
12 *in such subparagraph to the time the application*
13 *for status under section 101(a)(15)(T)(ii) has*
14 *been finally adjudicated. Failure by such an*
15 *alien to exercise due diligence in filing a visa pe-*
16 *tition on the alien’s behalf may result in revoca-*
17 *tion of parole.”.*

18 *(b) CONFORMING REFERENCE.—Section 212(d)(5) of*
19 *such Act (8 U.S.C. 1182(d)(5)) is amended by adding at*
20 *the end the following new subparagraph:*

21 *“(C) Parole is provided for certain battered aliens,*
22 *children of battered aliens, and parents of battered alien*
23 *children under section 240A(b)(4).”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on the date of the enactment of this*
 3 *Act.*

4 **SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE,**
 5 **SEXUAL ASSAULT AND TRAFFICKING FROM**
 6 **SANCTIONS FOR FAILURE TO DEPART VOLUN-**
 7 **TARILY.**

8 (a) *IN GENERAL.*—*Section 240B(d) of the Immigra-*
 9 *tion and Nationality Act (8 U.S.C. 1229c(d)) is amended—*

10 (1) *by striking “If” and inserting “(1) Subject*
 11 *to paragraph (2), if”; and*

12 (2) *by adding at the end the following new para-*
 13 *graph:*

14 “(2) *The ineligibility for relief under paragraph (1)*
 15 *shall not apply to an alien who is a VAWA petitioner, who*
 16 *is seeking status as a nonimmigrant under subparagraph*
 17 *(T) or (U) of section 101(a)(15), or who is an applicant*
 18 *for relief under section 240A(b)(2) or under section*
 19 *244(a)(3) (as in effect on March 31, 1997), if there is a*
 20 *connection between the failure to voluntarily depart and the*
 21 *battery or extreme cruelty, trafficking, or criminal activity,*
 22 *referred to in the respective provision.”.*

23 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 24 *section (a) shall apply as if included in the enactment of*
 25 *the Immigration Reform and Immigrant Responsibility Act*

1 of 1996 (division C of Public Law 104–208) and shall
2 apply to failures to depart voluntarily occurring before, on,
3 or after the date of the enactment of this Act.

4 **SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION**
5 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

6 (a) *IN GENERAL.*—Section 319(a) of the Immigration
7 and Nationality Act (8 U.S.C. 1430(a)) is amended by in-
8 serting after “extreme cruelty by a United States citizen
9 spouse or parent” the following: “, regardless of whether the
10 lawful permanent resident status was obtained on the basis
11 of such battery or cruelty”.

12 (b) *USE OF CREDIBLE EVIDENCE.*—Such section is
13 further amended by adding at the end the following: “The
14 provisions of section 204(a)(1)(J) shall apply in acting on
15 an application under this subsection in the same manner
16 as they apply in acting on petitions referred to in such sec-
17 tion.”

18 (c) *EFFECTIVE DATE.*—The amendments made by this
19 section shall take effect on the date of the enactment of this
20 Act and shall apply to applications for naturalization filed
21 before, on, or after the date of the enactment of this Act.

1 **SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF**
 2 **ADMISSIBILITY OR DEPORTABILITY BASED**
 3 **ON PROTECTED INFORMATION.**

4 (a) *APPLICATION OF RESTRICTIONS ON ADDITIONAL*
 5 *DEPARTMENTS.*—Section 384 of the *Illegal Immigration*
 6 *Reform and Immigrant Responsibility Act of 1996* (divi-
 7 *sion C of Public Law 104–208; 8 U.S.C. 1367)* is amend-
 8 *ed—*

9 (1) *in subsection (a), as amended by section*
 10 *1513(d) of VAWA–2000—*

11 (A) *in the matter before paragraph (1), by*
 12 *striking “(including any bureau or agency of*
 13 *such Department)” and inserting “, or the Sec-*
 14 *retary of Homeland Security, the Secretary of*
 15 *State, the Secretary of Health and Human Serv-*
 16 *ices, or the Secretary of Labor or any other offi-*
 17 *cial or employee of the Department of Homeland*
 18 *Security, the Department of State, the Depart-*
 19 *ment of Health and Human Services, or the De-*
 20 *partment of Labor (including any bureau or*
 21 *agency of any such Department)”;* and

22 (B) *in paragraph (2), by striking “of the*
 23 *Department,” and inserting “of any such De-*
 24 *partment,”;* and

25 (2) *in subsection (b)—*

1 (A) in paragraphs (1), by striking “The At-
2 torney General may provide, in the Attorney
3 General’s discretion” and inserting “The Attor-
4 ney General, Secretary of Homeland Security,
5 Secretary of State, Secretary of Health and
6 Human Services, and Secretary of Labor may
7 provide, in each’s discretion”;

8 (B) in paragraph (2), by striking “The At-
9 torney General may provide in the discretion of
10 the Attorney General” and inserting “The Attor-
11 ney General, Secretary of Homeland Security,
12 Secretary of State, Secretary of Health and
13 Human Services, and the Secretary of Labor
14 may provide, in each’s discretion”; and

15 (C) in paragraph (5), by striking “is au-
16 thorized to disclose” and inserting “, Secretary
17 of Homeland Security, Secretary of State, Sec-
18 retary of Health and Human Services, and Sec-
19 retary of Labor, or Attorney General may dis-
20 close”.

21 (b) *INCREASING SCOPE OF ALIENS AND INFORMATION*

22 *PROTECTED*.—Subsection (a) of such section is amended—

23 (1) in paragraph (1)—

24 (A) in the matter before subparagraph (A),
25 by striking “furnished solely by” and inserting

1 *“furnished by or derived from information pro-*
2 *vided solely by”;*

3 *(B) by striking “or” at the end of subpara-*
4 *graph (D);*

5 *(C) by adding “or” at the end of subpara-*
6 *graph (E); and*

7 *(D) by inserting after subparagraph (E) the*
8 *following new subparagraph:*

9 *“(F) in the case of an alien applying for*
10 *continued presence as a victim of trafficking*
11 *under section 107(b)(1)(E)(i)(II)(bb) of the Traf-*
12 *ficking Protection Act of 2000 or status under*
13 *section 101(a)(15)(T) of the Immigration and*
14 *Nationality Act, the trafficker or perpetrator,”;*
15 *and*

16 *(2) in paragraph (2)—*

17 *(A) by striking “under clause (iii) or (iv) of*
18 *section 204(a)(1)(A), clause (ii) or (iii) of sec-*
19 *tion 204(a)(1)(B)” and inserting “as a VAWA*
20 *petitioner (as defined in section 101(a)(51) of the*
21 *Immigration and Nationality Act), or under”;*
22 *and*

23 *(B) by striking “or section 244(a)(3) of such*
24 *Act as an alien (or the parent of a child) who*
25 *has been battered or subjected to extreme cru-*

1 *elty.” and inserting the following: “, section*
 2 *101(a)(15)(T), section 214(c)(15), or section*
 3 *240A(b)(2) of such Act, or section 244(a)(3) of*
 4 *such Act (as in effect on March 31, 1997), or for*
 5 *continued presence as a victim of trafficking*
 6 *under section 107(b)(1)(E)(i)(II)(bb) of the Traf-*
 7 *ficking Protection Act of 2000, or any derivative*
 8 *of the alien;”.*

9 (c) *PROVIDING FOR CONGRESSIONAL REVIEW.—Sub-*
 10 *section (b) of such section is amended by adding at the end*
 11 *the following new paragraph:*

12 *“(6) Subsection (a) shall not apply to prevent*
 13 *the Attorney General and the Secretary of Homeland*
 14 *Security from disclosing to the chairmen and ranking*
 15 *members of the Judiciary Committees of the House of*
 16 *Representatives and of the Senate in the exercise of*
 17 *Congressional oversight authority information on*
 18 *closed cases under this section in a manner that pro-*
 19 *tects the confidentiality of such information and that*
 20 *omits personally identifying information (including*
 21 *locational information about individuals).”.*

22 (d) *APPLICATION TO JUVENILE SPECIAL IMMI-*
 23 *GRANTS.—Subsection (a) of such section, as amended by*
 24 *subsection (b)(2)(B), is amended—*

25 *(1) by striking “or” at the end of paragraph (1);*

1 (2) by adding “or” at the end of paragraph (2);
2 and

3 (3) by inserting after paragraph (2) the fol-
4 lowing new paragraph:

5 “(3) in the case of an alien described in section
6 101(a)(27)(J) of the Immigration and Nationality
7 Act who has been abused, neglected, or abandoned,
8 contact the alleged abuser (or family member of the
9 alleged abuser) at any stage of applying for special
10 immigrant juvenile status, including after a request
11 for the consent of the Secretary of Homeland Security
12 under clause (iii)(I) of such section.”.

13 (e) *IMPROVED ENFORCEMENT*.—Subsection (c) of such
14 section is amended by adding at the end the following: “The
15 Office of Professional Responsibility in the Department of
16 Justice shall be responsible for carrying out enforcement
17 under the previous sentence.”.

18 (f) *CERTIFICATION OF COMPLIANCE IN REMOVAL PRO-*
19 *CEEDINGS*.—

20 (1) *IN GENERAL*.—Section 239 of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1229) is amended
22 by adding at the end the following new subsection:

23 “(e) *CERTIFICATION OF COMPLIANCE WITH RESTRIC-*
24 *TIONS ON DISCLOSURE*.—Removal proceedings shall not be

1 *initiated against an alien unless there is a certification of*
2 *either of the following:*

3 “(1) No enforcement action was taken leading to
4 such proceedings against the alien—

5 “(A) at a domestic violence shelter, a vic-
6 tims services organization or program (as de-
7 scribed in section 2003(8) of the Omnibus Crime
8 Control and Safe Streets Act of 1968), a rape
9 crisis center, a family justice center, or a super-
10 vised visitation center; or

11 “(B) at a courthouse (or in connection with
12 the appearance of the alien at a courthouse) if
13 the alien is appearing in connection with a pro-
14 tection order case, child custody case, or other
15 civil or criminal case relating to domestic vio-
16 lence, sexual assault, trafficking, or stalking in
17 which the alien has been battered or subject to
18 extreme cruelty or if the alien is described in
19 subparagraph (T) or (U) of section 101(a)(15).

20 “(2) Such an enforcement action was taken, but
21 the provisions of section 384(a)(1) of the Illegal Im-
22 migration Reform and Immigrant Responsibility Act
23 of 1996 have been complied with.”.

24 (2) COMPLIANCE.—Section 384(c) of the Illegal
25 Immigration Reform and Immigrant Responsibility

1 *Act of 1996 (division C of Public Law 104–208; 8*
 2 *U.S.C. 1367(c)) is amended by inserting “or who*
 3 *knowingly makes a false certification under section*
 4 *239(e) of the Immigration and Nationality Act” after*
 5 *“in violation of this section”.*

6 *(g) EFFECTIVE DATE.—The amendments made by this*
 7 *section shall take effect on the date of the enactment of this*
 8 *Act and shall apply to violations or disclosures made on*
 9 *or after such date.*

10 **SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT**
 11 **LEGAL RIGHTS AND RESOURCES FOR IMMI-**
 12 **GRANT VICTIMS OF DOMESTIC VIOLENCE.**

13 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
 14 *rity, in consultation with the Attorney General and the Sec-*
 15 *retary of State, shall develop consistent and accurate mate-*
 16 *rials, including an information pamphlet described in sub-*
 17 *section (b), on legal rights and resources for immigrant vic-*
 18 *tims of domestic violence for dissemination to applicants*
 19 *for K nonimmigrant visas. In preparing such materials,*
 20 *the Secretary shall consult with non-governmental organi-*
 21 *zations with expertise on the legal rights of immigrant vic-*
 22 *tims of battery, extreme cruelty, sexual assault and other*
 23 *crimes.*

1 (b) *INFORMATION PAMPHLET.*—*The information pam-*
2 *phlet developed under subsection (a) shall include informa-*
3 *tion on the following:*

4 (1) *The K nonimmigrant visa application proc-*
5 *ess and the marriage-based immigration process, in-*
6 *cluding conditional residence and adjustment of sta-*
7 *tus.*

8 (2) *The illegality of domestic violence, sexual as-*
9 *sault, and child abuse in the United States and the*
10 *dynamics of domestic violence.*

11 (3) *Domestic violence and sexual assault services*
12 *in the United States, including the National Domestic*
13 *Violence Hotline and the National Sexual Assault*
14 *Hotline.*

15 (4) *The legal rights of immigrant victims of*
16 *abuse and other crimes in immigration, criminal jus-*
17 *tice, family law, and other matters.*

18 (5) *The obligations of parents to provide child*
19 *support for children.*

20 (6) *Marriage fraud under United States immi-*
21 *gration laws and the penalties for committing such*
22 *fraud.*

23 (7) *A warning concerning the potential use of K*
24 *nonimmigrant visas by individuals who have a his-*

1 *tory of committing domestic violence, sexual assault,*
2 *or child abuse.*

3 (c) *SUMMARIES.—The Secretary of Homeland Secu-*
4 *urity, in consultation with the Attorney General and the Sec-*
5 *retary of State, shall develop summaries of the pamphlet*
6 *developed under subsection (a) that shall be used by con-*
7 *sular officers when reviewing the pamphlet in interviews*
8 *under section (e)(2).*

9 (d) *TRANSLATION.—*

10 (1) *IN GENERAL.—In order to best serve the lan-*
11 *guage groups having the greatest concentration of K*
12 *nonimmigrant visa applicants, the information pam-*
13 *phlet under subsection (b) shall, subject to paragraph*
14 *(2), be translated by the Secretary of State into the*
15 *following languages: Russian, Spanish, Tagalog, Viet-*
16 *namese, Chinese, Ukrainian, Thai, Korean, Polish,*
17 *Japanese, French, Arabic, Portuguese, and Hindi.*

18 (2) *REVISION.—Every two years, the Secretary*
19 *of Homeland Security, in consultation with the Attor-*
20 *ney General and the Secretary of State, shall deter-*
21 *mine the specific languages into which the informa-*
22 *tion pamphlet is translated based on the languages*
23 *spoken by the greatest concentrations of K non-*
24 *immigrant visa applicants.*

1 (e) *AVAILABILITY AND DISTRIBUTION.*—*The informa-*
2 *tion pamphlet developed under subsection (a) shall be made*
3 *available and distributed as follows:*

4 (1) *MAILINGS TO K NONIMMIGRANT VISA APPLI-*
5 *CANTS.*—

6 (A) *The pamphlet shall be mailed by the*
7 *Secretary of State to each applicant for a K*
8 *nonimmigrant visa at the same time that the in-*
9 *struction packet regarding the visa application*
10 *process is mailed to such applicant. The pam-*
11 *phlet so mailed shall be in the primary language*
12 *of the applicant, or in English if no translation*
13 *into the applicant's primary language is avail-*
14 *able.*

15 (B) *In addition, in the case of an applicant*
16 *for a nonimmigrant visa under section*
17 *101(a)(15)(K)(i) of the Immigration and Na-*
18 *tionality Act (8 U.S.C. 1101(a)(15)(K)(i)) the*
19 *Secretary of Homeland Security shall provide to*
20 *the Secretary of State, for inclusion in the mail-*
21 *ing under subparagraph (A), a copy of the peti-*
22 *tion submitted by the petitioner for such appli-*
23 *cant under section 214(d) of such Act (8 U.S.C.*
24 *1184(d)).*

1 (C) *The Secretary of Homeland Security*
2 *shall provide to the Secretary of State any*
3 *criminal background information the Secretary*
4 *of Homeland Security possesses with respect to a*
5 *petitioner under such section 214(d). The Sec-*
6 *retary of State, in turn, shall share any such*
7 *criminal background information that is in the*
8 *public record with the nonimmigrant visa appli-*
9 *cant who is the beneficiary of the petition. The*
10 *visa applicant shall be informed that such crimi-*
11 *nal background information is based on avail-*
12 *able records and may not be complete. The Sec-*
13 *retary of State also shall provide for the disclo-*
14 *sure of such criminal background information to*
15 *the visa applicant at the consular interview in*
16 *the primary language of the visa applicant.*
17 *Nothing in this subparagraph shall be construed*
18 *to authorize the Secretary of Homeland Security*
19 *to conduct any new or additional criminal back-*
20 *ground check that is not otherwise conducted in*
21 *the course of adjudicating such petitions.*

22 (2) *CONSULAR INTERVIEWS.*—*The pamphlet shall*
23 *be distributed directly to K nonimmigrant visa appli-*
24 *cants at all consular interviews for such visas. The*
25 *consular officer conducting the visa interview shall re-*

1 *view the pamphlet and summary with the applicant*
 2 *orally in the applicant’s primary language, in addi-*
 3 *tion to distributing the pamphlet to the applicant in*
 4 *English.*

5 (3) *CONSULAR ACCESS.—The pamphlet shall be*
 6 *made available to the public at all consular posts.*
 7 *Summaries of the pamphlets under subsection (c)*
 8 *shall be made available to foreign service officers at*
 9 *all consular posts.*

10 (4) *POSTING ON STATE DEPARTMENT*
 11 *WEBSITE.—The pamphlet shall be posted on the*
 12 *website of the Department of State as well as on the*
 13 *websites of all consular posts processing K non-*
 14 *immigrant visa applications.*

15 (f) *K NONIMMIGRANT DEFINED.—For purposes of this*
 16 *section, the term “K nonimmigrant visa” means a non-*
 17 *immigrant visa under clause (i) or (ii) of section*
 18 *101(a)(15)(K) of the Immigration and Nationality Act (8*
 19 *U.S.C. 1101(a)(15)(K)).*

20 **SEC. 923. AUTHORIZATION OF APPROPRIATIONS.**

21 *There are authorized to be appropriated to the Sec-*
 22 *retary of Homeland Security such sums as may be nec-*
 23 *essary to provide for adjudication of petitions and adjust-*
 24 *ment applications of VAWA petitioners (as defined in sec-*
 25 *tion 101(a)(51) of the Immigration and Nationality Act,*

1 *as added by section 911(a)) and of aliens seeking status*
 2 *as nonimmigrants under subparagraph (T) or (U) of sec-*
 3 *tion 101(a)(15) of such Act.*

4 ***Subtitle C—Miscellaneous*** 5 ***Provisions***

6 ***SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY RE-*** 7 ***QUIREMENT FOR BATTERED ADOPTED CHIL-*** 8 ***DREN.***

9 *(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Im-*
 10 *migration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i))*
 11 *is amended by inserting after “at least two years” the fol-*
 12 *lowing: “or if the child has been battered or subject to ex-*
 13 *treme cruelty by the adopting parent or by a family mem-*
 14 *ber of the adopting parent residing in the same household”.*

15 *(b) CONFORMING NATURALIZATION AMENDMENT.—*
 16 *Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is*
 17 *amended by inserting before the period at the end the fol-*
 18 *lowing: “or the child is residing in the United States pursu-*
 19 *ant to a lawful admission for permanent residence and has*
 20 *been battered or subject to extreme cruelty by the citizen*
 21 *parent or by a family member of the citizen parent residing*
 22 *in the same household ”*

23 *(c) EFFECTIVE DATE.—The amendments made by this*
 24 *section shall take effect on the date of the enactment of this*

1 *Act and shall apply to applications pending or filed on or*
 2 *after such date.*

3 **SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISS-**
 4 **SIBILITY FOR VAWA PETITIONERS.**

5 *(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—*

6 *(1) IN GENERAL.—Section 212(i)(1) of such Act*
 7 *(8 U.S.C. 1182(i)(1)) is amended by inserting “(and,*
 8 *in the case of a VAWA petitioner who demonstrates*
 9 *a connection between the false claim of United States*
 10 *citizenship and the petitioner being subjected to bat-*
 11 *tery or extreme cruelty, clause (ii))” after “clause*
 12 *(i)”.*

13 *(2) CONFORMING REFERENCE.—Section*
 14 *212(a)(6)(C)(iii) of such Act (8 U.S.C.*
 15 *1182(a)(6)(C)(iii)) is amended by striking “clause*
 16 *(i)” and inserting “clauses (i) and (ii)”.*

17 *(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—*

18 *(1) IN GENERAL.—Section 212(a)(4) of such Act*
 19 *(8 U.S.C. 1182(a)(4)) is amended by adding at the*
 20 *end the following new subparagraph:*

21 *“(E) SPECIAL RULE FOR BATTERED*
 22 *ALIENS.—Subparagraphs (A) through (C) shall*
 23 *not apply to an alien who is a VAWA petitioner*
 24 *or is a qualified alien described in section 431(c)*

1 *of the Personal Responsibility and Work Oppor-*
 2 *tunity Reconciliation Act of 1996.”.*

3 (2) *CONFORMING AMENDMENT.—Section*
 4 *212(a)(4)(C)(i) of such Act (8 U.S.C.*
 5 *1182(a)(4)(C)(i)) is amended to read as follows:*

6 *“(i) the alien is described in subpara-*
 7 *graph (E); or”.*

8 (c) *EFFECTIVE DATE.—Except as provided in this sec-*
 9 *tion, the amendments made by this section shall take effect*
 10 *on the date of the enactment of this Act and shall apply*
 11 *regardless of whether the conviction was entered, crime, or*
 12 *disqualifying event occurred before, on, or after such date.*

13 **SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED**
 14 **SPOUSES OF CERTAIN NONIMMIGRANTS.**

15 (a) *IN GENERAL.—Section 214(c) of the Immigration*
 16 *and Nationality Act (8 U.S.C. 1184(c)), as amended by sec-*
 17 *tions 403(a) and 404(a) of the REAL ID Act of 2005 (divi-*
 18 *sion B of Public Law 109–13), is amended by adding at*
 19 *the end the following new paragraph:*

20 *“(15) In the case of an alien spouse admitted under*
 21 *subparagraph (A), (E)(iii), (G), or (H) of section*
 22 *101(a)(15) who is accompanying or following to join a*
 23 *principal alien admitted under subparagraph (A), (E)(iii),*
 24 *(G), or (H)(i) of such section, respectively, the Secretary*
 25 *of Homeland Security shall authorize the alien spouse to*

1 *engage in employment in the United States and provide*
 2 *the spouse with an ‘employment authorized’ endorsement or*
 3 *other appropriate work permit if the alien spouse dem-*
 4 *onstrates that during the marriage the alien spouse or a*
 5 *child of the alien spouse has been battered or has been the*
 6 *subject to extreme cruelty perpetrated by the spouse of the*
 7 *alien spouse. Requests for relief under this paragraph shall*
 8 *be handled under the procedures that apply to aliens seeking*
 9 *relief under section 204(a)(1)(A)(iii).’.*

10 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 11 *section (a) shall take effect on the date of the enactment*
 12 *of this Act and shall apply to aliens who obtained the status*
 13 *of an alien spouse before, on, or after such date.*

14 **SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDI-**
 15 **TIONAL PERMANENT RESIDENCE FOR IN-**
 16 **TENDED SPOUSES.**

17 *(a) IN GENERAL.—Section 216(c)(4) of the Immigra-*
 18 *tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-*
 19 *ed—*

20 *(1) by striking “or” at the end of subparagraph*
 21 *(B);*

22 *(2) by striking the period at the end of subpara-*
 23 *graph (C) and inserting “, or”; and*

24 *(3) by inserting after subparagraph (C) the fol-*
 25 *lowing new subparagraph:*

1 “(D) the alien meets the requirements under
 2 section 204(a)(1)(A)(iii)(II)(aa)(BB) and fol-
 3 lowing the marriage ceremony has been battered
 4 by or was subject to extreme cruelty perpetrated
 5 by his or her intended spouse and was not at
 6 fault in failing to meet the requirements of para-
 7 graph (1).”.

8 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 9 section (a) shall apply as if included in the enactment of
 10 VAWA–2000.

11 **SEC. 935. CANCELLATION OF REMOVAL.**

12 (a) *CLARIFYING APPLICATION OF DOMESTIC VIOLENCE*
 13 *WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.*—

14 (1) *IN GENERAL.*—Section 240A(b) of the *Immi-*
 15 *gration and Nationality Act* (8 U.S.C. 1229b(b)) is
 16 amended—

17 (A) in paragraph (1)(C)—

18 (i) by inserting “subject to paragraph
 19 (5),” after “(C)”; and

20 (ii) by striking “(except in a case de-
 21 scribed in section 237(a)(7) where the Attor-
 22 ney General exercises discretion to grant a
 23 waiver)”;

24 (B) in paragraph (2)(A), by amending
 25 clause (iv) to read as follows:

1 “(iv) subject to paragraph (5), the
2 alien is not inadmissible under paragraph
3 (2) or (3) of section 212(a), is not remov-
4 able under paragraph (2), (3)(D), or (4) of
5 section 237(a), and is not removable under
6 section 237(a)(1)(G) (except if there was a
7 connection between the marriage fraud de-
8 scribed in such section and the battery or
9 extreme cruelty described in clause (i));
10 and”;

11 (C) by adding at the end the following new
12 paragraph:

13 “(5) APPLICATION OF DOMESTIC VIOLENCE WAIV-
14 ER AUTHORITY.—The provisions of section 237(a)(7)
15 shall apply in the application of paragraphs (1)(C)
16 and (2)(A)(iv) (including waiving grounds of deport-
17 ability) in the same manner as they apply under sec-
18 tion 237(a). In addition, for purposes of such para-
19 graphs and in the case of an alien who has been bat-
20 tered or subjected to extreme cruelty and if there was
21 a connection between the inadmissibility or deport-
22 ability and such battery or cruelty with respect to the
23 activity involved, the Attorney General may waive, in
24 the sole unreviewable discretion of the Attorney Gen-
25 eral, any other ground of inadmissibility or deport-

ability 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—

1 (A) in subparagraph (A), by inserting “,
2 except that this limitation shall not apply so as
3 to prevent the filing of one motion to reopen de-
4 scribed in subparagraph (C)(iv)” before the pe-
5 riod at the end; and

6 (B) in subparagraph (C)—

7 (i) in the heading of clause (iv), by
8 striking “SPOUSES AND CHILDREN” and in-
9 serting “SPOUSES, CHILDREN, AND PAR-
10 ENTS”;

11 (ii) in the matter before subclause (I)
12 of clause (iv), by striking “The deadline
13 specified in subsection (b)(5)(C) for filing a
14 motion to reopen does not apply” and in-
15 serting “Any limitation under this section
16 on the deadlines for filing such motions
17 shall not apply”;

18 (iii) in clause (iv)(I), by inserting “or
19 section 244(a)(3) (as in effect on March 31,
20 1997)” after “section 240A(b)(2)”;

21 (iv) by striking “and” at the end of
22 clause (iv)(II);

23 (v) by striking the period at the end of
24 clause (iv)(III) and inserting “; and”; and

25 (vi) by adding at the end the following:

1 “(IV) if the alien is physically
2 present in the United States at the
3 time of filing the motion.

4 *The filing of a motion to reopen under this*
5 *clause shall stay the removal of the alien*
6 *pending final disposition of the motion in-*
7 *cluding exhaustion of all appeals if the mo-*
8 *tion establishes a prima facie case for the*
9 *relief applied for.”.*

10 (2) *EFFECTIVE DATE.*—*The amendments made*
11 *by paragraph (1) shall take effect on the date of the*
12 *enactment of this Act.*

13 (b) *DEPORTATION AND EXCLUSION PROCEEDINGS.*—

14 (1) *IN GENERAL.*—*Section 1506(c)(2) of VAWA—*
15 *2000 is amended—*

16 (A) *in the matter before clause (i) of sub-*
17 *paragraph (A), by striking “Notwithstanding*
18 *any limitation imposed by law on motions to re-*
19 *open or rescind deportation” inserting “Notwith-*
20 *standing any limitation on the number of mo-*
21 *tions, or the deadlines for filing motions (includ-*
22 *ing the deadline specified in section 242B(c)(3)*
23 *of the Immigration and Nationality Act before*
24 *the title III–A effective date), to reopen or re-*
25 *scind 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

1 *such Act (8 U.S.C. 1230(e)(1)) is amended by inserting*
 2 *“battery or extreme cruelty of the alien or any child or par-*
 3 *ent of the alien or” after “exceptional circumstances (such*
 4 *as”.*

5 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 6 *section (a) shall take effect on the date of the enactment*
 7 *of this Act and shall apply to a failure to appear that oc-*
 8 *curs before, on, or after such date.*

9 **SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPOR-**
 10 **TATION PARALLEL TO THE RELIEF AVAIL-**
 11 **ABLE IN VAWA-2000 CANCELLATION FOR**
 12 **BIGAMY.**

13 *Section 244(a)(3) of the Immigration and Nationality*
 14 *Act (as in effect before the title III–A effective date in sec-*
 15 *tion 309 of the Illegal Immigration Reform and Immigrant*
 16 *Responsibility Act of 1996) shall be applied as if “or by*
 17 *a United States citizen or lawful permanent resident whom*
 18 *the alien intended to marry, but whose marriage is not le-*
 19 *gitimate because of that United States citizen’s or perma-*
 20 *nent resident’s bigamy” were inserted after “by a spouse*
 21 *or parent who is a United States citizen or lawful perma-*
 22 *nent resident”.*

1 **SEC. 939. CORRECTION OF CROSS-REFERENCE TO CRED-**
 2 **IBLE EVIDENCE PROVISIONS.**

3 (a) *CUBAN ADJUSTMENT PROVISION.*—*The last sen-*
 4 *tence of the first section of Public Law 89–732 (November*
 5 *2, 1966; 8 U.S.C. 1255 note), as amended by section*
 6 *1509(a) of VAWA–2000, is amended by striking*
 7 *“204(a)(1)(H)” and inserting “204(a)(1)(J)”.*

8 (b) *NACARA.*—*Section 202(d)(3) of the Nicaraguan*
 9 *Adjustment and Central American Relief Act (8 U.S.C.*
 10 *1255 note; Public Law 105–100), as amended by section*
 11 *1510(a)(2) of VAWA–2000, is amended by striking*
 12 *“204(a)(1)(H)” and inserting “204(a)(1)(J)”.*

13 (c) *ILARAIRA.*—*Section 309(c)(5)(C)(iii) of the Ille-*
 14 *gal Immigration and Reform and Immigrant Responsi-*
 15 *bility Act of 1996 (division C of Public Law 104–208; 8*
 16 *U.S.C. 1101 note), as amended by section 1510(b)(2) of*
 17 *VAWA–2000, is amended by striking “204(a)(1)(H)” and*
 18 *inserting “204(a)(1)(J)”.*

19 (d) *HRIFA.*—*Section 902(d)(1)(B)(iii) of the Haitian*
 20 *Refugee Immigration Fairness Act of 1998 (division A of*
 21 *section 101(h) of Public Law 105–277; 112 Stat. 2681–*
 22 *538), as amended by section 1511(a) of VAWA–2000, is*
 23 *amended by striking “204(a)(1)(H)” and inserting*
 24 *“204(a)(1)(J)”.*

1 (e) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect as if included in the enactment of*
 3 *VAWA–2000.*

4 **SEC. 940. TECHNICAL CORRECTIONS.**

5 (a) *TECHNICAL CORRECTIONS TO REFERENCES IN AP-*
 6 *PLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD*
 7 *MORAL CHARACTER RULES.*—

8 (1) *PHYSICAL PRESENCE RULES.*—*Section*
 9 *240A(b)(2)(B) of the Immigration and Nationality*
 10 *Act (8 U.S.C. 1229b(b)(2)(B)) is amended—*

11 (A) *in the first sentence, by striking*
 12 *“(A)(i)(II)” and inserting “(A)(ii)”;* and

13 (B) *in the fourth sentence, by striking “sec-*
 14 *tion 240A(b)(2)(B)” and inserting “this sub-*
 15 *paragraph, subparagraph (A)(i),”.*

16 (2) *MORAL CHARACTER RULES.*—*Section*
 17 *240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C))*
 18 *is amended by striking “(A)(i)(III)” and inserting*
 19 *“(A)(iii)”.*

20 (3) *EFFECTIVE DATE.*—*The amendments made*
 21 *by this subsection shall be effective as if included in*
 22 *the enactment of section 1504(a) of VAWA (114 Stat.*
 23 *1522).*

24 (b) *CORRECTION OF CROSS-REFERENCE ERROR IN AP-*
 25 *PLYING GOOD MORAL CHARACTER.*—

1 (1) *IN GENERAL.*—Section 101(f)(3) of the *Immi-*
 2 *gration and Nationality Act* (8 U.S.C. 1101(f)(3)) is
 3 amended by striking “(9)(A)” and inserting
 4 “(10)(A)”.

5 (2) *EFFECTIVE DATE.*—The amendment made by
 6 paragraph (1) shall be effective as if included in the
 7 enactment of the *Illegal Immigration Reform and Im-*
 8 *migrant Responsibility Act of 1996* (Public Law 104–
 9 208).

10 (c) *PUNCTUATION CORRECTION.*—Effective as if in-
 11 cluded in the enactment of section 5(c)(2) of VAWA–2000,
 12 section 237(a)(1)(H)(ii) of the *Immigration and Nation-*
 13 *ality Act* (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by strik-
 14 ing the period at the end and inserting “; or”.

15 (d) *CORRECTION OF DESIGNATION AND INDENTA-*
 16 *TION.*—The last sentence of section 212(a)(9)(C)(ii) of the
 17 *Immigration and Nationality Act* (8 U.S.C.
 18 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA–
 19 2000, is amended—

20 (1) by striking “section 212(a)(9)(C)(i)” and in-
 21 serting “clause (i)”;

22 (2) by redesignating paragraphs (1) and (2),
 23 and subparagraphs (A) through (D) of paragraph (2),
 24 as subclauses (I) and (II), and items (aa) through
 25 (dd) of subclause (II), respectively; and

1 (3) *by moving the margins of each of such para-*
 2 *graphs and subparagraphs 6 ems to the right.*

3 (e) *ADDITIONAL TECHNICAL CORRECTIONS.—(1) Sec-*
 4 *tion 237(a)(7)(A)(i)(I) of such Act (8 U.S.C.*
 5 *1227(a)(7)(A)(i)(I)) is amended by striking “is self-defense”*
 6 *and inserting “in self-defense”.*

7 (2) *Section 245(l)(2)(B) of such Act (8 U.S.C.*
 8 *1255(l)(2)(B)) is amended by striking “(10(E))” and in-*
 9 *serting “(10)(E))”.*

10 **TITLE X—SAFETY ON TRIBAL** 11 **LANDS**

12 **SEC. 1001. PURPOSES.**

13 *The purposes of this title are—*

14 (1) *to decrease the incidence of domestic violence,*
 15 *dating violence, sexual assault, and stalking on Tribal*
 16 *lands;*

17 (2) *to strengthen the capacity of Indian tribes to*
 18 *exercise their sovereign authority to respond to domes-*
 19 *tic violence, dating violence, sexual assault, and stalk-*
 20 *ing on Tribal lands under their jurisdiction; and*

21 (3) *to ensure that perpetrators of domestic vio-*
 22 *lence, dating violence, sexual assault, and stalking on*
 23 *Tribal lands are held accountable for their criminal*
 24 *behavior.*

1 **SEC. 1002. CONSULTATION.**

2 (a) *IN GENERAL.*—*The Secretary of the Interior and*
3 *the Attorney General shall each conduct annual consulta-*
4 *tions with Indian tribal governments concerning the Fed-*
5 *eral administration of tribal funds and programs estab-*
6 *lished under the Violence Against Women Act of 1994 (title*
7 *IV of Public Law 103–322) and the Violence Against*
8 *Women Act of 2000 (division B of Public Law 106–386),*
9 *including consultation concerning—*

10 (1) *the timeliness of the Federal grant applica-*
11 *tion and award processes;*

12 (2) *the amounts awarded under each program*
13 *directly to tribal governments, tribal organizations,*
14 *and tribal nonprofit organizations;*

15 (3) *determinations not to award grant funds;*

16 (4) *grant awards made in violation of the eligi-*
17 *bility guidelines to a nontribal entity; and*

18 (5) *training, technical assistance, and data col-*
19 *lection grants for tribal grant programs or programs*
20 *addressing the safety of Indian women.*

21 (b) *RECOMMENDATIONS.*—*During consultations under*
22 *subsection (a), the Secretary and the Attorney General shall*
23 *solicit recommendations from Indian tribes concerning—*

24 (1) *administering tribal funds and programs;*

1 (2) *enhancing the safety of Indian women from*
2 *domestic violence, dating violence, sexual assault, and*
3 *stalking; and*

4 (3) *strengthening the Federal response to such*
5 *violent crimes.*

6 **SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON**
7 **TRIBAL LANDS.**

8 (a) *NATIONAL BASELINE STUDY.*—*The Attorney Gen-*
9 *eral, acting through the Director of the Office on Violence*
10 *Against Women, shall conduct a national baseline study to*
11 *examine violence against Indian women.*

12 (b) *SCOPE.*—

13 (1) *IN GENERAL.*—*The study shall examine vio-*
14 *lence committed against Indian women, including—*

15 (A) *domestic violence;*

16 (B) *dating violence;*

17 (C) *sexual assault;*

18 (D) *stalking; and*

19 (E) *murder.*

20 (2) *EVALUATION.*—*The study shall evaluate the*
21 *effectiveness of Federal, State, tribal, and local re-*
22 *sponses to the violations described in paragraph (1)*
23 *committed against Indian women.*

24 (c) *TASK FORCE.*—

1 (1) *IN GENERAL.*—*The Attorney General, acting*
2 *through the Director of the Office on Violence Against*
3 *Women, shall establish a task force to assist in the de-*
4 *velopment and implementation of the study under*
5 *subsection (a).*

6 (2) *MEMBERS.*—*The Director shall appoint to*
7 *the task force representatives from—*

8 (A) *national tribal domestic violence and*
9 *sexual assault nonprofit organizations;*

10 (B) *tribal governments; and*

11 (C) *the National Congress of American In-*
12 *dians.*

13 (d) *REPORT.*—*Not later than 2 years after the date*
14 *of enactment of this Act, the Attorney General shall submit*
15 *to Congress a report that describes the findings made in*
16 *the study.*

17 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated to carry out this section*
19 *\$1,000,000 for each of fiscal years 2006 and 2007, to re-*
20 *main available until expended.*

21 **SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.**

22 (a) *ACCESS TO FEDERAL CRIMINAL INFORMATION*
23 *DATABASES.*—*Section 534 of title 28, United States Code,*
24 *is amended—*

1 (1) *by redesignating subsections (d) and (e) as*
2 *subsection (e) and (f); and*

3 (2) *by inserting after subsection (c) the fol-*
4 *lowing:*

5 “(d) *INDIAN LAW ENFORCEMENT AGENCIES.—The At-*
6 *torney General shall permit Indian law enforcement agen-*
7 *cies, in cases of domestic violence, dating violence, sexual*
8 *assault, and stalking, to enter information into Federal*
9 *criminal information databases and to obtain information*
10 *from the databases, including information relating to—*

11 “(1) *identification records;*

12 “(2) *criminal history records;*

13 “(3) *protection orders; and*

14 “(4) *wanted person records.”.*

15 (b) *TRIBAL REGISTRY.—*

16 (1) *ESTABLISHMENT.—The Attorney General*
17 *shall contract with any interested Indian tribe, tribal*
18 *organization, or tribal nonprofit organization to de-*
19 *velop and maintain—*

20 (A) *a national tribal sex offender registry;*

21 *and*

22 (B) *a tribal protection order registry con-*
23 *taining civil and criminal orders of protection*
24 *issued by Indian tribes and participating juris-*
25 *dictions.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.*—

2 *There is authorized to be appropriated to carry out*
 3 *this section \$1,000,000 for each of fiscal years 2006*
 4 *through 2010, to remain available until expended.*

5 **SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE**
 6 **AGAINST WOMEN.**

7 *Part T of the Omnibus Crime Control and Safe Streets*
 8 *Act of 1968 is amended by adding after section 2015 (as*
 9 *added by section 604 of this Act) the following:*

10 **“SEC. 2016. TRIBAL DIVISION.**

11 *“(a) IN GENERAL.—The Director of the Office on Vio-*
 12 *lence Against Women shall designate one or more employees,*
 13 *each of whom shall have demonstrated expertise in tribal*
 14 *law and practice regarding domestic violence, dating vio-*
 15 *lence, sexual assault, and stalking against members of In-*
 16 *dian tribes, to be responsible for—*

17 *“(1) overseeing and managing the administra-*
 18 *tion of grants to and contracts with Indian tribes,*
 19 *tribal courts, tribal organizations, tribal nonprofit or-*
 20 *ganizations and the territories;*

21 *“(2) ensuring that, if a grant or a contract pur-*
 22 *suant to such a grant is made to an organization to*
 23 *perform services that benefit more than one Indian*
 24 *tribe, the approval of each Indian tribe to be benefited*

1 *shall be a prerequisite to the making of the grant or*
2 *letting of the contract;*

3 *“(3) assisting in the development of Federal pol-*
4 *icy, protocols, and guidelines on matters relating to*
5 *domestic violence, dating violence, sexual assault, and*
6 *stalking against members of Indian tribes;*

7 *“(4) advising the Director of the Office on Vio-*
8 *lence Against Women concerning policies, legislation,*
9 *implementation of laws, and other issues relating to*
10 *domestic violence, dating violence, sexual assault, and*
11 *stalking against members of Indian tribes;*

12 *“(5) representing the Office on Violence Against*
13 *Women in the annual consultations under section*
14 *1002 of the Violence Against Women Reauthorization*
15 *Act of 2005;*

16 *“(6) providing assistance to the Department of*
17 *Justice to develop policy and to enforce Federal law*
18 *relating to domestic violence, dating violence, sexual*
19 *assault, and stalking against members of Indian*
20 *tribes;*

21 *“(7) maintaining a liaison with the judicial*
22 *branches of Federal, State and tribal governments on*
23 *matters relating to domestic violence, dating violence,*
24 *sexual assault, and stalking against members of In-*
25 *dian tribes; and*

1 “(8) *ensuring that adequate tribal training, tech-*
2 *nical assistance, and data collection is made available*
3 *to Indian tribes, tribal courts, tribal organizations,*
4 *and tribal nonprofit organizations for all programs*
5 *relating to domestic violence, dating violence, sexual*
6 *assault, and stalking against members of Indian*
7 *tribes.*

8 “(b) *AUTHORITY.—*

9 “(1) *IN GENERAL.—The Director shall ensure*
10 *that a portion of the tribal set-aside funds from any*
11 *grant awarded under the Violence Against Women*
12 *Act of 1994 (title IV of Public Law 103–322) or the*
13 *Violence Against Women Act of 2000 (division B of*
14 *Public Law 106–386) is used to enhance the capacity*
15 *of Indian tribes to address the safety of members of*
16 *Indian tribes.*

17 “(2) *ACCOUNTABILITY.—The Director shall en-*
18 *sure that some portion of the tribal set-aside funds*
19 *from any grant made under this part is used to hold*
20 *offenders accountable through—*

21 “(A) *enhancement to the response of Indian*
22 *tribes to crimes of domestic violence, dating vio-*
23 *lence, sexual assault, and stalking against In-*
24 *dian women, including legal services for victims*
25 *and Indian-specific offender programs;*

1 “(B) development and maintenance of tribal
2 domestic violence shelters or programs for bat-
3 tered members of Indian tribes, including sexual
4 assault services, that are based upon the unique
5 circumstances of the members of Indian tribes to
6 be served;

7 “(C) development of tribal educational
8 awareness programs and materials;

9 “(D) support for customary tribal activities
10 to strengthen the intolerance of an Indian tribe
11 to violence against members of Indian tribes;
12 and

13 “(E) development, implementation, and
14 maintenance of tribal electronic databases for
15 tribal protection order registries.

16 **“SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS**
17 **PROGRAM.**

18 “(a) *ESTABLISHMENT.*—

19 “(1) *IN GENERAL.*—Of the amounts set aside for
20 Indian tribes and tribal organizations in a program
21 referred to in paragraph (2), the Attorney General,
22 through the Director of the Office of Violence Against
23 Women (referred to in this section as the “Director”),
24 shall take such setasides and combine them to estab-
25 lish the Safety for Indian Women Formula Grants

1 *Program, a single formula grant program to enhance*
2 *the response of Indian tribal governments to address*
3 *domestic violence, sexual assault, dating violence, and*
4 *stalking. Grants made under this program shall be*
5 *administered by the Tribal Division of the Office on*
6 *Violence Against Women.*

7 “(2) *PROGRAMS COVERED.—The programs cov-*
8 *ered by paragraph (1) are the programs carried out*
9 *under the following provisions:*

10 “(A) *Section 2007 (42 U.S.C. 3796gg–1),*
11 *Grants to Combat Violent Crimes Against*
12 *Women.*

13 “(B) *Section 2101 (42 U.S.C. 3796hh),*
14 *Grants to Encourage Arrest Policies.*

15 “(C) *Section 1201 of the Violence Against*
16 *Women Act of 2000 (42 U.S.C. 3796gg–6), Legal*
17 *Assistance for Victims.*

18 “(D) *Section 1301 of the Violence Against*
19 *Women Act of 2000 (42 U.S.C. 10420), Safe Ha-*
20 *vens for Children Pilot Program.*

21 “(E) *Section 40295 of the Violence Against*
22 *Women Act of 1994 (42 U.S.C. 13971), Rural*
23 *Domestic Violence and Child Abuser Enforce-*
24 *ment Assistance.*

1 “(F) *Section 41002 of the Violence Against*
2 *Women Act of 1994, Grants for Court Training*
3 *and Improvements.*

4 “(G) *Section 2014(b), Sexual Assault Serv-*
5 *ices Program, Grants to States, Territories and*
6 *Indian Tribes.*

7 “(H) *Title VII, section 41201, Grants for*
8 *Training and Collaboration on the Intersection*
9 *Between Domestic Violence and Child Maltreat-*
10 *ment. Section 41202, Services to Advocate For*
11 *and Respond to Teens.*

12 “(I) *Section 704, Grants to Combat Domes-*
13 *tic Violence, Dating Violence, Sexual Assault,*
14 *and Stalking In Middle And High Schools.*

15 “(b) *PURPOSE OF PROGRAM AND GRANTS.—*

16 “(1) *GENERAL PROGRAM PURPOSE.—The pur-*
17 *pose of the program required by this section is to as-*
18 *sist Indian tribal governments to develop and enhance*
19 *effective governmental strategies to curtail violent*
20 *crimes against and increase the safety of members of*
21 *Indian tribes consistent with tribal law and custom,*
22 *specifically the following:*

23 “(A) *To increase tribal capacity to respond*
24 *to domestic violence, dating violence, sexual as-*

1 *sault, and stalking crimes against members of*
2 *Indian tribes.*

3 “(B) *To strengthen tribal justice interven-*
4 *tions including tribal law enforcement, prosecu-*
5 *tion, courts, probation, correctional facilities;*
6 *and enhance services to members of Indian tribes*
7 *victimized by domestic violence, dating violence,*
8 *sexual assault, and stalking.*

9 “(2) *PURPOSES FOR WHICH GRANTS MAY BE*
10 *USED.—The Director may make grants to Indian*
11 *tribes for the purpose of enhancing participating*
12 *tribes’ capacity to address the safety of members of*
13 *Indian tribes. Each participating tribe shall exercise*
14 *its right of self-determination and self-governance in*
15 *allocating and using funds made available under the*
16 *program. Each participating tribe may use funds*
17 *under the program to support its specific tribally*
18 *based response to increasing the safety of members of*
19 *Indian tribes. Grants under the program shall sup-*
20 *port the governmental efforts identified by the Indian*
21 *tribe required according to its distinctive ways of life*
22 *to increase the safety of members of Indian tribes*
23 *from crimes of sexual assault, domestic violence, dat-*
24 *ing violence, stalking, kidnapping, and murder.*

1 “(c) *DISBURSEMENT.*—Not later than 120 days after
2 the receipt of an application under this section, the Attor-
3 ney General, through the Director, shall—

4 “(1) *disburse the appropriate sums provided for*
5 *under this section; or*

6 “(2) *inform the Indian tribe why the application*
7 *does not conform to the terms of the application re-*
8 *quirements.*

9 “(d) *REQUIRED PROCEDURES.*—

10 “(1) *DEADLINE TO PROVIDE NOTICE.*—No later
11 than 60 days after receiving an appropriation of
12 funds supporting the program required by this sec-
13 tion, Director shall—

14 “(A) *publish in the Federal Register notifi-*
15 *cation of—*

16 “(i) *the availability of those funds to*
17 *Indian tribes;*

18 “(ii) *the total amount of funds avail-*
19 *able; and*

20 “(iii) *the process by which tribes may*
21 *participate in the program; and*

22 “(B) *mail each Indian tribe a notification*
23 *of the matters required by subparagraph (A), to-*
24 *gether with instructions on the process, copies of*

1 *application forms, and a notification of the*
2 *deadline for submission of an application.*

3 “(2) *DEADLINE TO MAKE FUNDS AVAILABLE.*—
4 *No later than 180 days after receiving an appropria-*
5 *tion referred to in paragraph (1), the Director shall*
6 *distribute and make accessible those funds to Indian*
7 *tribes opting to participate in the program.*

8 “(3) *FORMULA.*—*The Director shall distribute*
9 *those funds according to the following formula:*

10 “(A) *60 percent of the available funds shall*
11 *be allocated equally to all Indian tribes who ex-*
12 *ercise the option to access the funds.*

13 “(B) *The remaining 40 percent shall be al-*
14 *located to the same Indian tribes on a per capita*
15 *basis, according to the population residing in the*
16 *respective Indian tribe’s service area.*

17 “(4) *SET-ASIDE.*—*No later than 120 days after*
18 *receiving an appropriation referred to in paragraph*
19 *(1), the Director shall set aside not less than 5 percent*
20 *and up to 7 percent of the total amount of those funds*
21 *for the purpose of entering into a cooperative agree-*
22 *ment or contract with one or more tribal organiza-*
23 *tions with demonstrated expertise in providing train-*
24 *ing and technical assistance to Indian tribes in ad-*
25 *dresssing domestic violence, dating violence, sexual as-*

1 *sault, and stalking against members of Indian tribes,*
2 *tribal law, and customary practices. At least one of the*
3 *cooperative agreements or contracts shall be entered*
4 *into with a single tribal organization to provide com-*
5 *prehensive technical assistance to participating tribal*
6 *governments. Such training and technical assistance*
7 *shall be specifically designed to address the unique*
8 *legal unique legal status, distinct cultural ways of*
9 *life, and geographic circumstances of the Indian*
10 *tribes receiving funds under the program.*

11 “(e) *RECIPIENT REQUIREMENTS.*—

12 “(1) *IN GENERAL.*—*Indian tribes may receive*
13 *funds under the program required by this section as*
14 *individual tribes or as a consortium of tribes.*

15 “(2) *SUBGRANTS AND OTHER ARRANGEMENTS.*—
16 *Participating tribes may make subgrants or enter*
17 *into contracts or cooperative agreements with the*
18 *funds under the program to enhance the safety of, and*
19 *end domestic violence, dating violence, sexual assault,*
20 *and stalking against, members of Indian tribes.*

21 “(3) *SET ASIDE.*—*Participating tribes must set*
22 *aside no less than 50 percent of their total allocation*
23 *under this section for tribally specific domestic vio-*
24 *lence, dating violence, sexual assault, or stalking vic-*
25 *tim services and advocacy for members of Indian*

1 *tribes. The services supported with funds under the*
2 *program must be designed to address the unique cir-*
3 *cumstances of the individuals to be served, including*
4 *the customary practices and linguistic needs of the in-*
5 *dividuals within the tribal community to be served.*
6 *Tribes shall give preference to tribal organizations or*
7 *tribal nonprofit organizations providing advocacy*
8 *services to members of Indian tribes within the com-*
9 *munity to be served such as a safety center or shelter*
10 *program for members of Indian tribes. In the case*
11 *where the above organizations do not exist within the*
12 *participating tribe, the participation and support*
13 *from members of Indian tribes in the community to*
14 *be served is sufficient to meet this requirement.*

15 “(f) *ADMINISTRATION REQUIREMENTS.—*

16 “(1) *APPLICATION.—To reduce the administra-*
17 *tive burden for Indian tribes, the Director shall pre-*
18 *pare an expedited application process for Indian*
19 *tribes participating in the program required by this*
20 *section. The expedited process shall facilitate partici-*
21 *pating tribes’ submission of information—*

22 “(A) *outlining project activities;*

23 “(B) *describing how the project activities*
24 *will enhance the Indian tribe’s response to do-*
25 *mestic violence, dating violence, sexual assault,*

1 *and stalking against members of Indian tribes;*
2 *and*

3 “(C) *identifying the tribal partner pro-*
4 *viding advocacy and related services for members*
5 *of Indian tribes who are victims of crimes of do-*
6 *mestic violence, dating violence, sexual assault,*
7 *and stalking.*

8 “(2) *REPORTING AND EVALUATION.—The Direc-*
9 *tor shall alleviate administrative burdens upon par-*
10 *ticipating Indian tribes by—*

11 “(A) *developing a reporting and evaluation*
12 *process relevant to the distinct governance of In-*
13 *dian tribes;*

14 “(B) *requiring only essential data to be col-*
15 *lected; and*

16 “(C) *limiting reporting to an annual basis.*

17 “(3) *GRANT PERIOD.—The Director shall award*
18 *grants for a two-year period, with a possible exten-*
19 *sion of another two years to implement projects under*
20 *the grant.*

21 “(g) *PRESUMPTION THAT MATCHING FUNDS NOT RE-*
22 *QUIRED.—*

23 “(1) *IN GENERAL.—Given the unique political*
24 *relationship between the United States and Indian*
25 *tribes differentiates tribes from other entities that deal*

1 *with or are affected by, the Federal Government, the*
2 *Director shall not require an Indian tribe to match*
3 *funds under this section, except as provided in para-*
4 *graph (2).*

5 “(2) *EXCEPTION.—If the Director determines*
6 *that an Indian tribe has adequate resources to comply*
7 *with a matching requirement that would otherwise*
8 *apply but for the operation of paragraph (1), the Di-*
9 *rector may waive the operation of paragraph (1) for*
10 *that tribe.*

11 “(h) *EVALUATION.—The Director shall award a con-*
12 *tract or cooperative agreement to evaluate programs under*
13 *this section to an entity with the demonstrated expertise*
14 *in domestic violence, dating violence, sexual assault, and*
15 *stalking and knowledge and experience in—*

16 “(1) *the development and delivery of services to*
17 *members of Indian tribes who are victimized;*

18 “(2) *the development and implementation of*
19 *tribal governmental responses to such crimes; and*

20 “(3) *the traditional and customary practices of*
21 *Indian tribes to such crimes.”.*

1 **SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF**
2 **PROSECUTION OF SEXUAL ASSAULT AND DO-**
3 **MESTIC VIOLENCE ON TRIBAL LANDS.**

4 (a) *IN GENERAL.*—Not later than 1 year after the date
5 of enactment of this section, the Comptroller General of the
6 United States shall submit to the Congress a report on the
7 prosecution of sexual assault and domestic violence com-
8 mitted against adult American Indians and Alaska Na-
9 tives.

10 (b) *CONTENTS OF REPORT.*—The report required by
11 subsection (a) shall include the following:

12 (1) *An assessment of the effectiveness of prosecu-*
13 *tion of such cases by the United States district attor-*
14 *neys of such cases.*

15 (2) *For each district containing Indian country,*
16 *a summary of the number of sexual assault and do-*
17 *mestic violence related cases within Federal criminal*
18 *jurisdiction and charged according to the following*
19 *provisions of title 18, United States Code: Sections*
20 *1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2),*
21 *and 922(g)(8).*

22 (3) *A summary of the number of—*

23 (A) *reports received;*

24 (B) *investigations conducted;*

25 (C) *declinations and basis for declination;*

1 (D) prosecutions, including original charge
2 and final disposition;

3 (E) sentences imposed upon conviction; and

4 (F) male victims, female victims, Indian
5 defendants, and non-Indian defendants.

6 (4) The priority assigned by the district to the
7 prosecution of such cases and the percentage of such
8 cases prosecuted to total cases prosecuted.

9 (5) Any recommendations by the Comptroller
10 General for improved Federal prosecution of such
11 cases.

12 (c) YEARS COVERED.—The report required by this sec-
13 tion shall cover the years 2000 through 2005.

Union Calendar No. 129

109TH CONGRESS
1ST Session

H. R. 3402

[Report No. 109–233]

A BILL

To authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

SEPTEMBER 22, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed